

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

[Second Reprint]  
**SENATE, No. 1683**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2019

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Senate Bill No. 1683 (2R).

This bill, as amended, amends existing law to expand the requirement for background checks to a broader range of persons involved in the solid waste industry, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry.

Under the bill “soil and fill recycling services” means the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable material. “Soil and fill recyclable material” means non-putrescible aggregate substitute, including broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material. “Soil and fill recyclable material” would not include: (1) Class A recyclable material (i.e., metal, glass, paper, plastic containers, and corrugated cardboard); (2) Class B recyclable material, such as construction and demolition debris, that is shipped to a Class B recycling center approved by the Department of Environmental Protection (DEP); (3) beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination; and (4) virgin quarry products.

The bill requires any business concern that actively engages in, or otherwise provides soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. The bill establishes the information that must be provided in the registration form. No more than 90 days after submission of a

registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license with the Attorney General. A soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application. The bill would prohibit a business concern from engaging in soil and fill recycling services without a soil and fill recycling registration, soil and fill recycling license, or a prior approval issued by the department pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The registration program established in the bill is temporary in nature, and any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to file an application for a soil and fill recycling license.

The bill prohibits the issuance of an A901 approval to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in a solid waste or recycling industry (for example, those involved in vehicle leasing arrangements or property rental agreements with legitimate licensees).

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to provide each agency with more effective and efficient access to information on the solid waste and soil and fill recycling industries and their license and permit holders and license and permit applicants, and to facilitate appropriate sharing of such information among relevant government agencies in New Jersey and elsewhere. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation.

The bill also adds a penalty section to P.L.1983, c.392 (C.13:1E-126 et seq.) (the "A901" licensing law). The bill requires any person who collects, transports, treats, stores, brokers, transfers, or disposes of solid waste or hazardous waste, or who engages in soil and fill

recycling services, to furnish the appropriate license or registration upon the request of any law enforcement officer or any agent of the DEP, a local board of health, or a county health department. In addition, the bill permits the DEP, a local board of health, and a county health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill, P.L.1983, c.392 (C.13:1E-133), and any other applicable law, rule, or regulation.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 4267 as also amended and reported by the committee.

#### COMMITTEE AMENDMENTS

The committee amendments to the bill revise the definition of “key employee” to exclude from the term sales persons employed by publicly traded corporations or direct or indirect subsidiaries of publicly traded corporations.