

ASSEMBLY, No. 4255

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 9, 2022

Sponsored by:

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District 27 (Essex and Morris)

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

Assemblyman JAMES J. KENNEDY

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District 17 (Middlesex and Somerset)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

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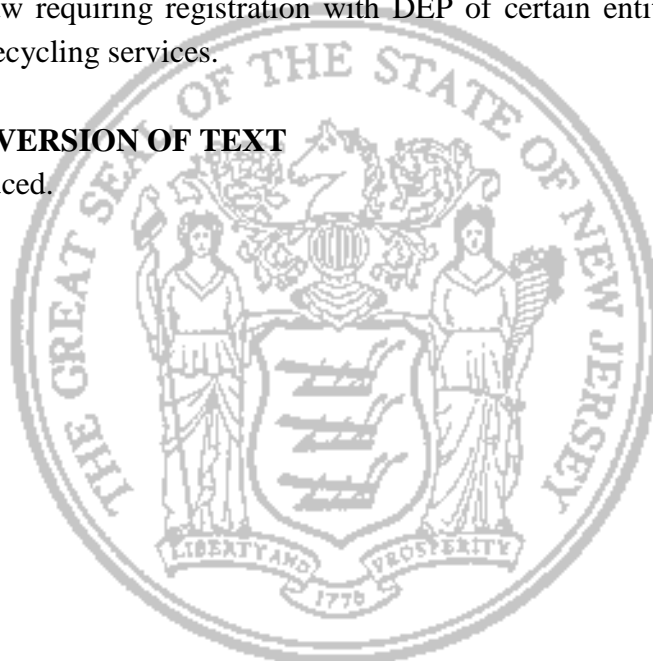
Assemblywoman Park and Senator Pou

SYNOPSIS

Revises law requiring registration with DEP of certain entities engaged in soil and fill recycling services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning certain soil and fill recycling services and
2 amending P.L.2019, c.397.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.2019, c.397 (C.13:1E-127.1) is amended to
8 read as follows:

9 1. a. No later than **90** days after the effective date of P.L.2019,
10 c.397 (C.13:1E-127.1 et al.) **July 14, 2022**, any business concern
11 that is not already a licensee pursuant to **[P.L.1991, c.269]**
12 P.L.1983, c.392 (C.13:1E-126 et seq.), and that actively engages in,
13 or otherwise provides, soil and fill recycling services shall register
14 with the department. The registration shall include, but need not be
15 limited to:

16 (1) the name of the business concern and its New Jersey
17 corporate filing number;

18 (2) the address of the business concern and the addresses of any
19 other locations where trucks or equipment used by the business
20 concern are kept;

21 (3) contact information for the business concern, including, but
22 not limited to, a valid phone number and email address; and

23 (4) a statement by the business concern that it is actively
24 engaged in soil and fill recycling services at the time of registration.

25 b. A business concern shall submit the information required
26 pursuant to subsection a. of this section on a registration form
27 prescribed by the department. The business concern shall certify to
28 the truth and accuracy of the information provided in the
29 registration form.

30 c. No more than 90 days after submission of a registration form
31 pursuant to this section, the department shall issue a soil and fill
32 recycling registration to the business concern. Issuance of a soil and
33 fill recycling registration pursuant to this section shall not preclude
34 the department or the Attorney General from subsequently denying
35 a soil and fill recycling license to the registrant.

36 d. No more than **[270]** 30 days after the **[effective date of]**
37 department adopts, pursuant to the “Administrative Procedure Act,”
38 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
39 implementing P.L.2019, c.397 (C.13:1E-127.1 et al.), a registrant
40 shall submit a valid and administratively complete application for a
41 soil and fill recycling license with the Attorney General.
42 Registrants may request a 90-day extension to file a soil and fill
43 recycling license application pursuant to this section, and the
44 Attorney General may grant the request upon a showing of good
45 cause.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 e. A soil and fill recycling registration issued pursuant to this
2 section shall automatically expire and become invalid upon: (1)
3 failure by the registrant to submit a valid and administratively
4 complete application for a soil and fill recycling license within the
5 required timeframe; or (2) a final determination by the department
6 or the Attorney General regarding the registrant's application for a
7 soil and fill recycling license.

8 f. A soil and fill recycling registration issued pursuant to this
9 section is non-transferable and shall temporarily authorize the
10 registrant to provide soil and fill recycling services pending the
11 approval or denial of the registrant's application for a soil and fill
12 recycling license.

13 g. Any business concern that seeks to engage in soil and fill
14 recycling services **later than 90 days after the effective date of this**
15 **act** after July 14, 2022 that has not submitted a registration form
16 pursuant to subsection a. of this section shall file an application for
17 a soil and fill recycling license with the Attorney General.

18 h. As used in this section, "registrant" means any person who
19 applies for and is issued a soil and fill recycling registration
20 pursuant to this section.

21 (cf: P.L.2019, c.397, s.1)

22
23 2. Section 13 of P.L.2019, c.397 (C.13:1E-135.1) is amended
24 to read as follows:

25 13. a. The department shall establish application and license fees,
26 annual fees, and any other fees the department determines necessary
27 to defray the costs of administration, for any license or soil and fill
28 recycling license issued pursuant to P.L.1983, c.392 (C.13:1E-126
29 et seq.), or the soil and fill recycling registration issued pursuant to
30 section 1 of P.L.2019, c.397 (C.13:1E-127.1). The fees shall be
31 used to pay costs related to consideration of license and soil and fill
32 recycling license applications, investigations, monitoring,
33 enforcement, and related activities, and to reimburse any State
34 agency for expenses incurred by the agency in the performance of
35 pre-licensing investigations, post-licensing compliance monitoring,
36 or any other related activities consistent with the provisions of
37 P.L.1983, c.392 (C.13:1E-126 et seq.). Annual fees shall be
38 assessed on licensees and the holders of soil and fill recycling
39 licenses based on a percentage their gross operating revenue from
40 intrastate operations during the preceding calendar year. Fees
41 collected under this section shall be deposited into a special
42 account, to be administered by the department, and shall be used
43 only for the costs associated with administering the provisions of
44 P.L.1983, c.392 (C.13:1E-126 et seq.).

45 b. The department **may** shall, pursuant to the "Administrative
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and no later
47 than one year after the effective date of P.L. , c. (C.)
48 (pending before the Legislature as this bill), adopt rules and

1 regulations to effectuate monitoring and enforcement of P.L.1983,
2 c.392 (C.13:1E-126 et seq.) and P.L.2019, c.397 (C.13:1E-127.1 et
3 al.).

4 c. The department shall prepare and submit, pursuant to section
5 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature an annual
6 report on the establishment and implementation of the fee schedule
7 adopted pursuant to this section.
8 (cf: P.L.2019, c.397, s.13)

9
10 3. This act shall take effect immediately.
11
12

13 STATEMENT
14

15 This bill would extend certain deadlines in P.L.2019, c.397
16 (C.13:1E-127.1 et al.), which, among other things, requires any
17 business concern that actively engages in, or otherwise provides,
18 soil and fill recycling services to register with the Department of
19 Environmental Protection (DEP) no later than April 20, 2020. The
20 bill would also make other clarifying changes to P.L.2019, c.397
21 (C.13:1E-127.1 et al.) and would require the DEP to adopt rules and
22 regulations to implement that law.

23 Specifically, the bill would extend the original April 20, 2020
24 registration date to July 14, 2022. The bill would also require any
25 person that registers with the DEP pursuant to P.L.2019, c.397
26 (C.13:1E-127.1 et al.) to apply to the Attorney General for a soil
27 and fill recycling license no later than 30 days after the DEP adopts
28 rules and regulations to implement the law, rather than by October
29 17, 2020, as in current law.

30 The bill would also clarify certain language in section 1 of
31 P.L.2019, c.397 (C.13:1E-127.1) regarding the Attorney General's
32 responsibility for issuing a soil and fill recycling license pursuant to
33 section 8 of P.L.1983, c.392 (C.13:1E-133). Finally, the bill would
34 require the DEP to adopt rules and regulations to implement
35 P.L.2019, c.397 (C.13:1E-127.1 et al.) no later than one year after
36 the bill's enactment.