

P.L. 2025, CHAPTER 389, *approved January 20, 2026*
Assembly, No. 5851 (*First Reprint*)

1 AN ACT concerning the transportation and disposal of scrap tires
2 and supplementing Title 13 of the Revised Statutes.

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

6
7 1. As used in this act:

8 "Commissioner" means the Commissioner of Environmental
9 Protection.

10 "Department" means the Department of Environmental Protection.

11 ¹"Generator" means any person, business, or public entity,
12 including, but not limited to, a municipality, county, authority, school
13 district, or other political subdivision of the State that generates scrap
14 tires through routine operations, maintenance activities, or public work
15 functions.¹

16 "Licensed scrap tire facility" means a recycling center within the
17 State authorized to accept, store, process, or transfer scrap tires,
18 pursuant to subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-
19 99.34), any other facility in the State authorized by the department to
20 accept scrap tires for reuse, or a recycling center outside of the State
21 authorized by the environmental regulatory agency with jurisdiction
22 over environmental permitting to accept scrap tires for the purpose of
23 recycling.

24 "Licensed scrap tire hauler" means a person who obtains a license
25 to engage in scrap tire collection pursuant to section 2 of this act.

26 "Recycling" means any process by which scrap tires are collected,
27 separated, or processed and returned to the economic mainstream in
28 the form of raw materials or products, including fuel.

29 "Scrap tire" means: (1) a tire that is no longer prudent or practical
30 for vehicular use; or (2) a tire that has not been used on a vehicle for
31 more than six months after the last date it was used on a vehicle.

32 "Scrap tire collection" means the pick-up and transportation of
33 scrap tires from their source to a licensed scrap tire facility, disposal
34 facility, storage facility, or other destination.

35
36 2. a. Commencing 180 days after the date of enactment of this
37 act, no person shall engage in scrap tire collection unless the person is
38 licensed by the department pursuant to the provisions of this act.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted December 18, 2025.

1 b. The department shall require an applicant for a scrap tire hauler
2 license to provide the following information:

3 (1) the applicant's name, business location, and mailing address;

4 (2) the geographical area to be serviced for the term of the license,
5 including a map and a list of zip codes in that area;

6 (3) identification of vehicles to be used in scrap tire collection,
7 including the vehicle identification number, license plate number,
8 vehicle make, model and year, and legal owner, and whether the
9 vehicle is owned or leased by the applicant; ¹~~and~~¹

10 (4) identification of the licensed scrap tire facilities to be served by
11 the applicant, including the facility name, facility license number,
12 location address, mailing address, and telephone number ¹; ~~and~~

13 (5) proof of general liability insurance, bonding, or other financial
14 responsibility, in a form and amount determined by the department to
15 be sufficient to establish a minimum level of operational
16 responsibility, but not to impose an undue burden on small or
17 independent scrap tire haulers¹.

18 c. The department shall issue a scrap tire hauler license to any
19 person who qualifies for the license pursuant to the provisions of this
20 section and who is in compliance with any licensing or permitting
21 requirements established pursuant to this act, P.L.1970, c.39 (C.13:1E-
22 1 et seq.), P.L.1983, c.392 (C.13:1E-126 et seq.) or any other
23 applicable law.

24 d. An application for a scrap tire hauler license or license renewal
25 shall be accompanied by an application fee established by the
26 department that shall cover all costs of processing the application and
27 issuing the license or license renewal. The department may also
28 establish an annual fee that shall be charged to a person who qualifies
29 for a license. The revenue from the annual fees shall be sufficient to
30 cover all costs of administering and enforcing the license program.

31 e. Each scrap tire hauler license issued by the department shall be
32 valid for a period not to exceed three years, unless a shorter period is
33 specified therein, or unless suspended or revoked. All licenses shall
34 expire as provided in rules and regulations adopted by the department.

35 f. The department may deny an application for a license or license
36 renewal. The department may prohibit any person whose application
37 for a license or license renewal is denied from re-applying for a license
38 for a period of not more than three years. The term during which
39 reapplication is prohibited shall be established as part of the
40 determination of the department in the proceedings concerning the
41 denial.

42 ¹g. The department shall administer the scrap tire hauler licensing
43 program in a manner intended to establish a baseline level of
44 accountability and transparency for scrap tire haulers and not as a
45 means of restricting market participation or creating unnecessary
46 barriers to entry.¹

1 3. a. No more than 180 days after the date of enactment of this
2 act, the department shall establish a scrap tire management system
3 that provides for the manifesting, tracking, collection, recycling,
4 and disposal of scrap tires. The scrap tire management system shall
5 require all scrap tires to be collected and transported from their
6 source only by a licensed scrap tire hauler and to be delivered to a
7 licensed scrap tire storage, collection, or disposal facility. The
8 system shall include an electronic manifest system, or otherwise
9 implement a digital tracking system, to facilitate real-time tracking
10 of tire shipments. The department may require tire haulers to
11 participate in the electronic manifest system after its establishment.

12 b. Each licensed scrap tire hauler shall maintain a
13 comprehensive manifest to track the movement of tires from the
14 point of generation to the final disposal site. The manifest shall
15 include, at a minimum, the origin and destination of each load, the
16 quantity of tires hauled, the date of transport, and the identifying
17 information of the receiving facility.

18 c. A licensed scrap tire hauler shall only transport tires to
19 facilities that are registered or otherwise approved by the
20 department for the disposal or recycling of tires. Any tire hauler
21 found delivering tires to a non-approved facility shall be subject to
22 the penalties enumerated in section 5 of this act, as well as the
23 suspension or revocation of their license.

24 d. The department shall maintain a list of approved tire disposal
25 locations, and tire haulers shall be required to verify the approval
26 status of any facility to which they transport tires.

27 e. Each licensed scrap tire hauler shall maintain financial
28 assurance in the amount of no less than \$150,000 per hauler to
29 ensure adequate funds are available for tire disposal and potential
30 environmental mitigation. The financial assurance shall be in a
31 form approved by the department, including but not limited to
32 insurance, bonds, or other financial instruments. The department
33 may assess the financial qualifications of a licensed scrap tire
34 hauler based on its financial statements and operational history, and
35 may determine an alternative amount of financial assurance that
36 meets the same level of protection.

37 f. A licensed scrap tire hauler shall not store tires at any location
38 unless the location meets all applicable safety, environmental, and
39 regulatory requirements established by the department. A licensed
40 scrap tire hauler who stores tires at an unauthorized location shall
41 be subject to the penalties established pursuant to section 5 of this
42 act, as well as the suspension or revocation of their license.

43

44 4. a. No person shall maintain a scrap tire storage, collection, or
45 disposal site unless they possess a valid permit therefor issued by the
46 department.

47 b. A scrap tire shall be disposed of only at a permitted scrap tire
48 storage, collection, or disposal site or a licensed scrap tire facility.

1 c. The department shall, through the rules and regulations adopted
2 pursuant to section 6 of this act:

3 (1) establish scrap tire storage, collection, and disposal site
4 permits, including permit criteria and an application process;

5 (2) establish standards for scrap tire storage, collection, and
6 disposal sites; and

7 (3) require permittees to maintain adequate financial assurance for
8 closure as a condition of approval, in an amount sufficient to ensure
9 proper cleanup and site restoration in the event of abandonment or
10 noncompliance.

11 d. An application for a scrap tire storage, collection, or disposal
12 site permit or permit renewal shall be accompanied by an application
13 fee established by the department that shall cover all costs of
14 processing the application and issuing the permit or permit renewal.
15 The department may also establish an annual fee that shall be charged
16 to a person who qualifies for a permit.

17 e. Each scrap tire storage, collection, or disposal site permit issued
18 by the department shall be valid for a period not to exceed five years,
19 unless a shorter period is specified therein, or unless suspended or
20 revoked. All permits shall expire as provided in rules and regulations
21 adopted by the department.

22 f. The department may deny an application for a permit or permit
23 renewal. The department may prohibit any person whose application
24 for a permit or permit renewal is denied from re-applying for a permit
25 for a period of not more than three years. The term during which
26 reapplication is prohibited shall be established as part of the
27 determination of the department in the proceedings concerning the
28 denial.

29 g. The following entities shall be exempt from the requirement to
30 obtain a scrap tire storage, collection, or disposal permit:

31 (1) a tire retreader who stores fewer than 500 tires;

32 (2) an automobile-related business removing tires in the ordinary
33 course of business, which stores fewer than 500 tires;

34 (3) a retail tire seller acting as a storage, collection, or disposal site,
35 which stores fewer than 500 tires¹; and

36 (4) convenience centers operated by municipalities, counties,
37 authorities, or other political subdivisions¹.

38 h. Notwithstanding the provisions of this section to the contrary, a
39 person may store up to 1,000 scrap tires without a scrap tire storage,
40 collection, or disposal permit if all tires are kept in secured, enclosed
41 storage containers designed to prevent the accumulation of water and
42 unauthorized access.

43 i. A scrap tire storage, collection, or disposal site that holds a valid
44 permit issued prior to the effective date of this act shall be exempt
45 from the new requirements established by this act, provided that the
46 site does not undergo a substantial modification or expansion of
47 operations after the effective date. This exemption shall remain in
48 effect unless the site's permit is revoked, suspended, or materially

1 amended, or unless the site is found to pose a significant threat to
2 public health, safety, or the environment.

3 ¹j. A person or facility that holds a valid and active permit or
4 approval issued by the department pursuant to P.L.1970, c.39
5 (C.13:1E-1 et seq.), P.L.1987, c.102 (C.13:1E-99.11 et seq.), or any
6 other State solid waste or recycling law or regulation, that expressly
7 authorizes the receipt, storage, transfer, processing, or disposal of
8 scrap tires, shall not be required to obtain a separate scrap tire storage,
9 collection, or disposal site approval under this act for those same
10 activities. The modification, renewal, or administrative amendment of
11 an existing solid waste or recycling permit or approval shall not be
12 construed to terminate or invalidate this exemption.

13 k. The department may require reporting of scrap tire quantities
14 through existing solid waste or recycling reporting mechanisms, but
15 shall not require duplicative approvals, manifesting systems, financial
16 assurance, or County Solid Waste Management Plan inclusion for
17 activities already regulated under an existing permit or approval.

18 l. Nothing in this act shall be construed to limit the number of
19 scrap tires that may be generated or accumulated by a generator in the
20 ordinary course of its operations, provided that such scrap tires are
21 managed, transported, and disposed of in accordance with the
22 provisions of this act.¹

23
24 5. a. Whenever the commissioner finds that a person has
25 violated any provision of this act, or any rule or regulation adopted
26 pursuant thereto, the commissioner may:

27 (1) issue an order requiring the person found to be in violation to
28 comply in accordance with subsection b. of this section;

29 (2) bring a civil action in accordance with subsection c. of this
30 section;

31 (3) levy a civil administrative penalty in accordance with
32 subsection d. of this section; or

33 (4) bring an action for a civil penalty in accordance with
34 subsection e. of this section.

35 b. Whenever the commissioner finds that a person has violated
36 this act, or any rule or regulation adopted pursuant thereto, the
37 commissioner may issue an order specifying the provision or
38 provisions of this act, or the rule or regulation adopted pursuant
39 thereto, of which the person is in violation, citing the action that
40 constituted the violation, ordering abatement of the violation, and
41 giving notice to the person of the person's right to a hearing on the
42 matters contained in the order. The ordered person shall have 20
43 calendar days from receipt of the order within which to deliver to
44 the commissioner a written request for a hearing. After the hearing
45 and upon finding that a violation has occurred, the commissioner
46 may issue a final order. If no hearing is requested, the order shall
47 become final after the expiration of the 20-day period. A request
48 for hearing shall not automatically stay the effect of the order.

1 c. The commissioner may institute an action or proceeding in the
2 Superior Court for injunctive and other relief to enforce the
3 provisions of this act, and to prohibit and prevent a violation of this
4 act, or of any rule or regulation adopted pursuant thereto, and the
5 court may proceed in the action in a summary manner. In any such
6 proceeding the court may grant temporary or interlocutory relief.

7 Such relief may include, singly or in combination:

8 (1) a temporary or permanent injunction;
9 (2) assessment of the violator for the reasonable costs of any
10 inspection that led to the establishment of the violation, and for the
11 reasonable costs of preparing and litigating the case under this
12 subsection.

13 d. The commissioner may assess a civil administrative penalty
14 of not more than \$7,500 for a first offense, not more than \$10,000
15 for a second offense and not more than \$25,000 for a third and
16 every subsequent offense. Each day that a violation continues shall
17 constitute an additional, separate, and distinct offense. No
18 assessment may be levied pursuant to this section until after the
19 violator has been notified by certified mail or personal service. The
20 notice shall include a reference to the section of the statute, rule,
21 regulation, or order violated, a concise statement of the facts
22 alleged to constitute a violation, a statement of the amount of the
23 civil administrative penalties to be imposed, and a statement of the
24 person's right to a hearing. The ordered person shall have 20
25 calendar days from receipt of the notice within which to deliver to
26 the commissioner a written request for a hearing. After the hearing
27 and upon finding that a violation has occurred, the commissioner
28 may issue a final order after assessing the amount of the fine
29 specified in the notice. If no hearing is requested, the notice shall
30 become a final order after the expiration of the 20-day period.
31 Payment of the assessment is due when a final order is issued or the
32 notice becomes a final order. The authority to levy a civil
33 administrative penalty is in addition to all other enforcement
34 provisions in this act, and the payment of any assessment shall not
35 be deemed to affect the availability of any other enforcement
36 provisions in connection with the violation for which the
37 assessment is levied. The commissioner may compromise any civil
38 administrative penalty assessed under this subsection in an amount
39 the commissioner determines appropriate.

40 e. A person who violates this act, or any rule or regulation
41 adopted pursuant thereto, shall be liable for a penalty of not more
42 than \$7,500 per day, to be collected in a civil action commenced by
43 the commissioner. A person who violates an administrative order
44 issued pursuant to subsection b. of this section, or a court order
45 issued pursuant to subsection c. of this section, or who fails to pay
46 an administrative assessment in full pursuant to subsection d. of this
47 section is subject upon order of a court to a civil penalty not to
48 exceed \$50,000 per day of each violation. Any penalty imposed

1 pursuant to this subsection may be collected, with costs, in a
2 summary proceeding pursuant to the "Penalty Enforcement Law of
3 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court
4 and the municipal court shall have jurisdiction to enforce the
5 provisions of the "Penalty Enforcement Law of 1999" in connection
6 with this act.

7 f. Pursuit of any of the remedies specified under this section
8 shall not preclude the seeking of any other remedy specified.

9
10 6. The department shall, in accordance with the "Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
12 and regulations as necessary to implement this act.

13
14 7. This act shall take effect immediately.

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17 _____
18
19 Directs DEP to establish scrap tire hauler license and scrap tire
20 storage, collection, and disposal site permit.