

CHAPTER 389

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

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

C.13:1E-99.20a Definitions.

1. As used in this act:

"Commissioner" means the Commissioner of Environmental Protection.

"Department" means the Department of Environmental Protection.

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

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

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

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

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

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

C.13:1E-99.20b Scrap tire collection, hauler license.

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

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

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

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

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

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

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

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

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

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

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

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

C.13:1E-99.20c Scrap tire management system.

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

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

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

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

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

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

C.13:1E-99.20d Valid permit needed for scrap tire storage, collection, disposal site, exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) convenience centers operated by municipalities, counties, authorities, or other political subdivisions.

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

i. A scrap tire storage, collection, or disposal site that holds a valid permit issued prior to the effective date of this act shall be exempt from the new requirements established by this act, provided that the site does not undergo a substantial modification or expansion of operations after the effective date. This exemption shall remain in effect unless the site's permit is revoked, suspended, or materially amended or unless the site is found to pose a significant threat to public health, safety, or the environment.

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

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

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

C.13:1E-99.20e Violations, penalties.

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

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

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

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

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

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

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

Such relief may include, singly or in combination:

(1) a temporary or permanent injunction; or

(2) an assessment of the violator for the reasonable costs of any inspection that led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection.

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

e. A person who violates this act, or any rule or regulation adopted pursuant thereto, shall be liable for a penalty of not more than \$7,500 per day, to be collected in a civil action commenced by the commissioner. A person who violates an administrative order issued pursuant to subsection b. of this section, or a court order issued pursuant to subsection c. of this section, or who fails to pay an administrative assessment in full pursuant to subsection d. of this section is subject upon order of a court to a civil penalty not to exceed \$50,000 per day of each violation. Any penalty imposed pursuant to this subsection may be collected, with costs, in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this act.

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

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

7. This act shall take effect immediately.

Approved January 20, 2026.