

[Third Reprint]

SENATE, No. 4877

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED NOVEMBER 17, 2025

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

SYNOPSIS

Modifies provisions concerning licenses for persons who transport, broker, or process solid waste or soil and fill recyclable materials.

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 12, 2026.



(Sponsorship Updated As Of: 1/12/2026)

1 AN ACT concerning certain solid waste and soil and fill recyclable
2 material licensure requirements, and amending P.L.1983, c.392
3 and P.L.2019, c.397.

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

7
8 1. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to read
9 as follows:

10 2. As used in the provisions of P.L.1983, c.392 (C.13:1E-126 et
11 seq.) and P.L.1991, c.269 (C.13:1E-128.1 et al.):

12 a. "Applicant" means any business concern that (1) has filed a
13 disclosure statement with the Attorney General and is seeking a
14 license, provided that the business concern has furnished the
15 department and the Attorney General with any information required
16 pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.), or (2) has been
17 issued a soil and fill recycling registration pursuant to section 1 of
18 P.L.2019, c.397 (C.13:1E-127.1), has filed a disclosure statement with
19 the Attorney General, and is seeking a soil and fill recycling license.

20 b. "Application" means the forms and accompanying documents
21 filed in connection with an applicant's or permittee's request for a
22 license or a soil and fill recycling license.

23 c. "Business concern" means any corporation, association, firm,
24 partnership, sole proprietorship, trust, limited liability company, or
25 other form of commercial organization.

26 d. "Department" means the Department of Environmental
27 Protection.

28 e. "Disclosure statement" means a statement submitted to the
29 Attorney General by an applicant or a permittee, which statement shall
30 include:

31 (1) The full name, business address, telephone number, email
32 address, and social security number of the applicant or the permittee,
33 as the case may be, and of any officers, directors, partners, or key
34 employees thereof and all persons holding any equity in or debt
35 liability of the applicant or permittee, or, if the applicant or permittee
36 is a publicly traded corporation, all persons holding more than five
37 percent of the equity in or the debt liability of the applicant or
38 permittee, except that (a) where the equity in or debt liability of the
39 applicant or permittee is held by an institutional investor, the applicant
40 or permittee need only supply the name, business address and the basis
41 upon which the institutional investor qualifies as an institutional
42 investor, and (b) where the debt liability is held by a chartered lending
43 institution, the applicant or permittee need only supply the name and
44 business address of the lending institution;

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:

¹Senate SEN committee amendments adopted December 1, 2025.

²Senate floor amendments adopted December 18, 2025.

³Assembly floor amendments adopted January 12, 2026.

1 (2) The full name, business address, telephone number, email
2 address, and social security number of all officers, directors, or
3 partners of any business concern disclosed in the disclosure statement
4 and the names and addresses of all persons holding any equity in or the
5 debt liability of any business concern so disclosed, except that (a)
6 where the business concern is a publicly traded corporation, the
7 applicant or permittee need only supply the name and business address
8 of the publicly traded corporation and copies of its annual filings with
9 the Securities and Exchange Commission, or its foreign equivalent, (b)
10 where the equity in or debt liability of that business concern is held by
11 an institutional investor, the applicant or permittee need only supply
12 the name, business address and the basis upon which the institutional
13 investor qualifies as an institutional investor, and (c) where the debt
14 liability is held by a chartered lending institution, the applicant or
15 permittee need only supply the name and business address of the
16 lending institution;

17 (3) The full name and business address of any business concern
18 which collects, transports, treats, stores, brokers, transfers or disposes
19 of solid waste or hazardous waste, or that engages in soil and fill
20 recycling services, in which the applicant or the permittee holds an
21 equity interest;

22 (4) A description of the experience and credentials in, including
23 any past or present licenses for, the collection, transportation,
24 treatment, storage, brokering, transfer or disposal of solid waste or
25 hazardous waste, or the provision of soil and fill recycling services,
26 possessed by the applicant or the permittee, as the case may be, and by
27 the key employees, officers, directors, or partners thereof;

28 (5) A listing and explanation of any notices of violation or
29 prosecution, administrative orders or license revocations issued by this
30 State or any other state or federal authority, in the 10 years
31 immediately preceding the filing of the application or disclosure
32 statement, whichever is later, which are pending or have resulted in a
33 finding or a settlement of a violation of any law or rule and regulation
34 relating to the collection, transportation, treatment, storage, brokering,
35 transfer or disposal of solid waste or hazardous waste, or the provision
36 of soil and fill recycling services, by the applicant or the permittee, as
37 the case may be, or by any key employee, officer, director, or partner
38 thereof;

39 (6) A listing and explanation of any judgment of liability or
40 conviction which was rendered, pursuant to the laws of this State, or
41 any other state or federal statute or local ordinance, against the
42 applicant or the permittee, as the case may be, or against any key
43 employee, officer, director, or partner thereof, except for any violation
44 of Title 39 of the Revised Statutes other than a violation of the
45 provisions of P.L.1983, c.102 (C.39:5B-18 et seq.), P.L.1983, c.401
46 (C.39:5B-25 et seq.) or P.L.1985, c.415 (C.39:5B-30 et seq.);

47 (7) A listing of all labor unions and trade and business associations
48 in which the applicant or the permittee was a member or with which

1 the applicant or the permittee had a collective bargaining agreement
2 during the 10 years preceding the date of the filing of the application
3 or disclosure statement, whichever is later;

4 (8) A listing of any agencies outside of New Jersey which had
5 regulatory responsibility over the applicant or the permittee, as the
6 case may be, in connection with the collection, transportation,
7 treatment, storage, brokering, transfer or disposal of solid waste or
8 hazardous waste or in connection with the provision of soil and fill
9 recycling services;

10 (9) The full name and business address of any individual or
11 business concern that leases real property or equipment used for the
12 collection, transportation, treatment, processing, storage, brokering,
13 transfer, or disposal of solid waste or hazardous waste, or the provision
14 of soil and fill recycling services, to the applicant, permittee, or
15 licensee;

16 (10) A listing and explanation of any civil litigation pending
17 between the applicant, permittee, licensee, key employee, officer,
18 director, or partner thereof and any other person engaged in the
19 collection, transportation, treatment, processing, storage, brokering,
20 transfer, or disposal of solid waste or hazardous waste or in the
21 provision of soil and fill recycling services, related to the provision of
22 solid waste, hazardous waste or soil and fill recycling services; and

23 (11) Any other information the Attorney General may require that
24 relates to the competency, reliability or integrity of the applicant or the
25 permittee.

26 The provisions of paragraphs (1) through (11) of this subsection to
27 the contrary notwithstanding, if an applicant or a permittee is a
28 secondary business activity corporation, "disclosure statement" means
29 a statement submitted to the Attorney General by an applicant or a
30 permittee, which statement shall include:

31 (a) The full name, primary business activity, office or position
32 held, business address, home address, telephone number, email
33 address, date of birth and federal employer identification number of
34 the applicant or the permittee, as the case may be, and of all officers,
35 directors, partners, or key employees of the business concern; and of
36 all persons holding more than five percent of the equity in or debt
37 liability of that business concern, except that where the debt liability is
38 held by a chartered lending institution, the applicant or permittee need
39 only supply the name and business address of the lending institution.
40 The Attorney General or the department may request the social
41 security number of any individual identified pursuant to this
42 paragraph;

43 (b) The full name, business address and federal employer
44 identification number of any business concern in any state, territory or
45 district of the United States, which (i) engages in soil and fill recycling
46 services, or (ii) collects, transports, treats, stores, processes, recycles,
47 brokers, transfers or disposes of solid waste or hazardous waste on a
48 commercial basis, in which the applicant or the permittee holds an

1 equity interest, and the type, amount and dates of the equity held in
2 such business concern;

3 (c) A listing of every license, registration, permit, certificate of
4 public convenience and necessity, uniform tariff approval or
5 equivalent operating authorization held by the applicant or permittee
6 within the last five years under any name for the collection,
7 transportation, treatment, storage, brokering, recycling, processing,
8 transfer or disposal of solid waste or hazardous waste, or the provision
9 of soil and fill recycling services, on a commercial basis in any state,
10 territory or district of the United States, and the name of every agency
11 issuing such operating authorization;

12 (d) If the applicant or the permittee is a subsidiary of a parent
13 corporation, or is the parent corporation of one or more subsidiaries, or
14 is part of a group of companies in common ownership, as the case may
15 be, a chart, or, if impractical or burdensome, a list showing the names,
16 federal employer identification numbers and relationships of all parent,
17 sister, subsidiary and affiliate corporations, or members of the group,
18 and the equity interest by percentage for each subsidiary company;

19 (e) A listing and explanation of any notices of violation or
20 prosecution, administrative orders or license revocations issued by this
21 State or any other state or federal authority to the applicant or
22 permittee in the 10 years immediately preceding the filing of the
23 application or disclosure statement, whichever is later, which are
24 pending or have resulted in a finding or a settlement of a violation of
25 any law or rule or regulation relating to the collection, transportation,
26 treatment, storage, brokering, recycling, processing, transfer or
27 disposal of solid waste or hazardous waste, or the provision of soil and
28 fill recycling services, by the applicant or permittee;

29 (f) A listing and explanation of any judgment, decree or order,
30 whether by consent or not, issued against the applicant or permittee in
31 the 10 years immediately preceding the filing of the application, and of
32 any pending civil complaints against the applicant or permittee
33 pertaining to a violation or alleged violation of federal or state antitrust
34 laws, trade regulations or securities regulations;

35 (g) A listing and explanation of any conviction issued against the
36 applicant or permittee for a felony resulting in a plea of nolo
37 contendere, or any conviction in the 10 years immediately preceding
38 the filing of the application, and of any pending indictment,
39 accusation, complaint or information for any felony issued to the
40 applicant or the permittee pursuant to any state or federal statute; and

41 (h) A completed personal history disclosure form shall be
42 submitted to the Attorney General by every person required to be
43 listed in this disclosure statement, except for those individuals who are
44 exempt from the personal history disclosure requirements pursuant to
45 paragraph (5) of subsection a. of section 3 of P.L.1983, c.392
46 (C.13:1E-128).

47 f. "Key employee" means any individual employed or otherwise
48 engaged by the applicant, the permittee or the licensee in a supervisory

1 capacity or empowered to make discretionary decisions with respect to
2 the solid waste, hazardous waste, or soil and fill recycling operations
3 of the business concern; any family member of an officer, director,
4 partner, or key employee, which family member is employed or
5 otherwise engaged by the applicant or permittee; **¶**or any broker,
6 consultant or sales person employed or otherwise engaged by, or who
7 do business with, the applicant, permittee, or licensee, with respect to
8 the solid waste, hazardous waste, or soil and fill recycling operations
9 of the business concern;**¶** but shall not include (1) employees, who are
10 not family members, exclusively engaged in the physical or
11 mechanical collection, transportation, treatment, storage, transfer or
12 disposal of solid waste or hazardous waste, or the provision of soil and
13 fill recycling services; or (2) a sales person employed by a publicly
14 traded corporation or a direct or indirect subsidiary of a publicly traded
15 corporation.

16 g. “License” means the approval of any registration statement or
17 engineering design pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or
18 P.L.1981, c.279 (C.13:1E-49 et seq.), for the collection, transportation,
19 treatment, storage, processing, brokering, transfer or disposal of solid
20 waste or hazardous waste in this State.

21 A “license” shall not include any registration statement or
22 engineering design approved for:

23 (1) Any State department, division, agency, commission or
24 authority, or county, municipality or agency thereof;

25 (2) Any person solely for the collection, transportation, treatment,
26 storage, processing, brokering, transfer, or disposal of solid waste or
27 hazardous waste generated by that person, provided that the
28 department may adopt regulations to limit the scope of this exemption
29 based on volume or other standards;

30 (3) Any person for the operation of a hazardous waste facility, if at
31 least 75 percent of the total design capacity of that facility is utilized to
32 treat, store or dispose of hazardous waste generated by that person;

33 (4) Any person for the operation of a hazardous waste facility
34 which is considered as such solely as the result of the reclamation,
35 recycling or refining of hazardous wastes which are or contain any of
36 the following precious metals: gold, silver, osmium, platinum,
37 palladium, iridium, rhodium, ruthenium, or copper;

38 (5) Any person solely for the transportation of hazardous wastes
39 which are or contain precious metals to a hazardous waste facility
40 described in paragraph (4) of this subsection for the purposes of
41 reclamation.

42 A “license” shall include any registration statement approved for
43 any person who transports any other hazardous waste in addition to
44 hazardous wastes which are or contain precious metals;

45 (6) Any person solely for the collection, transportation, treatment,
46 storage or disposal of granular activated carbon used in the adsorption
47 of hazardous waste; or

1 (7) Any regulated medical waste generator for the treatment or
2 disposal of regulated medical waste at any noncommercial incinerator
3 or noncommercial facility in this State that accepts regulated medical
4 waste for disposal.

5 h. "Licensee" means any business concern which has completed
6 the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and
7 whose application for the issuance or renewal of a license has been
8 approved by the department pursuant to section 8 of P.L.1983, c.392
9 (C.13:1E-133).

10 i. "Permittee" means and shall include:

11 (1) Any business concern which has filed a disclosure statement
12 with the department and the Attorney General and to which a valid
13 registration statement or engineering design approval for the
14 collection, transportation, treatment, storage, transfer or disposal of
15 solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1
16 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the
17 department prior to June 14, 1984;

18 (2) Any business concern which has filed a disclosure statement
19 with the department and the Attorney General and to which a
20 temporary license has been approved, issued or renewed by the
21 department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135),
22 but which has not otherwise completed the requirements of section 3
23 of P.L.1983, c.392 (C.13:1E-128) and whose application for a license
24 has not been approved by the department pursuant to section 8 of
25 P.L.1983, c.392 (C.13:1E-133), provided that the temporary license
26 remains valid, and provided further that the business concern has
27 furnished the department and the Attorney General with any
28 information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et
29 al.);

30 (3) Any business concern which has filed a disclosure statement
31 with the department and the Attorney General and to which a valid
32 registration statement or engineering design approval for the
33 collection, transportation, treatment, storage, transfer or disposal of
34 solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1
35 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the
36 department between February 20, 1985 and January 23, 1986,
37 inclusive, provided that the registration statement or engineering
38 design approval remains valid, and provided further that the business
39 concern has furnished the department and the Attorney General with
40 any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1
41 et al.); or

42 (4) Any business concern to which a temporary approval of
43 registration has been given by the department at any time after January
44 23, 1986 pursuant to statute or rule and regulation, provided that such
45 temporary approval of registration, statute, or rule and regulation
46 remains valid, and provided further that the business concern has
47 furnished the department and the Attorney General with any
48 information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et

1 al.) and filed a disclosure statement with the department and the
2 Attorney General.

3 j. "Person" means any individual or business concern.

4 k. "Secondary business activity corporation" means any business
5 concern which has derived less than five percent of its annual gross
6 revenues in each of the three years immediately preceding the one in
7 which the application for a license or a soil and fill recycling license is
8 being made from the collection, transportation, treatment, storage,
9 processing, brokering, transfer or disposal of solid waste or hazardous
10 waste, or the provision of soil and fill recycling services, whether
11 directly or through other business concerns partially or wholly owned
12 or controlled by the applicant or the permittee, as the case may be, and
13 which (1) has one or more classes of security registered pursuant to
14 section 12 of the "Securities Exchange Act of 1934," as amended (15
15 U.S.C. s.78l), or (2) is an issuer subject to subsection (d) of section 15
16 of the "Securities Exchange Act of 1934," as amended (15 U.S.C.
17 s.78o).

18 l. "Institutional investor" means a retirement fund administered
19 by a public agency for the exclusive benefit of federal, state, or local
20 public employees; government or government-owned entity;
21 investment company registered under the "Investment Company Act
22 of 1940" (15 U.S.C. s.80a-1 et seq.); collective investment trust
23 organized by banks under Part Nine of the Rules of the Comptroller of
24 the Currency; closed end investment trust; chartered or licensed life
25 insurance company or property and casualty insurance company;
26 banking or other chartered or licensed lending institution; partnerships,
27 funds or trusts managed by or directed in conjunction with an
28 investment adviser registered under the "Investment Advisers Act of
29 1940" (15 U.S.C. s.80b-1 et seq.) or an institutional investment
30 manager required to make filings under subsection (f) of section 13 of
31 the "Securities Exchange Act of 1934," as amended (15 U.S.C.
32 s.78m); institutional buyer, as defined pursuant to section 2 of the
33 "Uniform Securities Law (1997)," P.L.1967, c.93 (C.49:3-49); small
34 business investment company licensed by the United States Small
35 Business Administration under subsection (c) of section 301 of the
36 "Small Business Investment Act of 1958," as amended (15 U.S.C.
37 s.681); private equity or venture capital entity having or managing
38 aggregate capital commitments in excess of \$25,000,000; and other
39 persons as the Attorney General may determine for reasons consistent
40 with the policies of P.L.1983, c.392 (C.13:1E-126 et seq.).

41 m. "Publicly traded corporation" means a corporation or other
42 legal entity, except a natural person, which:

43 (1) has one or more classes of security registered pursuant to
44 section 12 of the "Securities Exchange Act of 1934," as amended (15
45 U.S.C. s.78l);

46 (2) is an issuer subject to subsection (d) of section 15 of the
47 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78o); or

(3) has one or more classes of securities traded in an open market in any foreign jurisdiction, provided that the Attorney General determines that the foreign exchange provides openness, integrity and oversight in its operations sufficient to meet the intent of P.L.1983, c.392 (C.13:1E-126 et seq.), or that the securities traded on the foreign exchange are regulated pursuant to a statute of a foreign jurisdiction that is substantially similar, both in form and effect, to section 12 or subsection (d) of section 15 of the “Securities Exchange Act of 1934,” as amended.

n. “Broker” means a person who for direct or indirect compensation arranges agreements between a business concern and its customers for the collection, transportation, treatment, storage, processing, transfer^{3,3} or disposal of solid waste or hazardous waste, or the provision of soil and fill recycling services. “Broker” does not include a person who² on the person’s own behalf,² retains the services of a licensed business concern to provide for the collection, transportation, treatment, storage, processing, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and fill recycling services, at a property¹ owned by, or under the control of, the person¹. ³“Broker” also does not include an entity whose subcontractor carries out the collection, transportation, treatment, storage, processing, transfer, or disposal of solid waste or hazardous waste, or provides soil and fill recycling services within New Jersey or from New Jersey to an out-of-state facility, so long as the subcontractor that carries out such services is licensed.³

o. “Consultant” means a person who performs functions for a business concern engaged in the collection, transportation, treatment, storage, processing, brokering, transfer or disposal of solid waste or hazardous waste, or the provision of soil and fill recycling services, provided that “consultant” shall not include a person who performs functions for a business concern and holds a professional license from the State in order to perform those functions.

p. “Family member” means spouse, domestic partner, partner in a civil union, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption.

q. “Soil and fill recyclable materials” means non-putrescible aggregate substitute, including, but not limited to, broken or crushed brick, block, concrete, or other similar manufactured materials; soil **[**or soil that may contain aggregate substitute or other debris or material,¹ or soil that may contain aggregate substitute or other debris or material,¹ generated from land clearing, excavation, demolition, or redevelopment activities that **[**would otherwise be managed as solid waste,¹ meets the definition of solid waste due to containing aggregate substitute, other debris or material, or chemical

1 contamination,】 would otherwise be managed as solid waste,¹ and that
 2 may be returned to the economic mainstream in the form of raw
 3 materials for further processing or for use as fill material. “Soil and
 4 fill recyclable materials” shall not include: (1) Class A recyclable
 5 material, as defined by regulation adopted pursuant to section 4 of
 6 P.L.1989, c.268 (C.13:1E-99.43); (2) Class B recyclable material, as
 7 defined by regulation adopted pursuant to section 4 of P.L.1989, c.268
 8 (C.13:1E-99.43), that is shipped to a Class B recycling center
 9 approved by the department for receipt, storage, processing, or transfer
 10 in accordance with subsection b. of section 41 of P.L.1987, c.102
 11 (C.13:1E-99.34); (3) beneficial use material for which the generator
 12 has obtained prior approval from the department to transport to an
 13 approved and designated destination pursuant to regulations adopted
 14 pursuant to subsection a. of section 6 of P.L.1970, c.39 (C.13:1E-6);
 15 **【and】** (4) virgin quarry products including, but not limited to, rock,
 16 stone, gravel, sand, clay and other mined products; and (5) alternative
 17 fill ¹【material】 , as defined in N.J.A.C. 7:26E-1.8, that is¹ approved
 18 for use at a site under the direction and oversight of a licensed site
 19 remediation professional.

20 r. “Sales person” means a person or persons that makes or
 21 arranges for sales for a business concern, for the collection,
 22 transportation, treatment, storage, processing, transfer or disposal of
 23 solid waste or hazardous waste or the provision of soil and fill
 24 recycling services.

25 s. “Soil and fill recycling license” means an approval to operate a
 26 business concern engaged in soil and fill recycling services issued
 27 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

28 t. “Soil and fill recycling services” means the services provided
 29 by persons engaging in the business of the collection, transportation,
 30 processing, brokering, storage, **【purchase, sale】** ¹purchase, sale¹ or
 31 disposition, or any combination thereof, of soil and fill recyclable
 32 materials. “Soil and fill recycling services” shall not include: (1) the
 33 operation of a solar electric power generation facility at a properly
 34 closed sanitary landfill where soil and fill materials have been
 35 previously deposited for permanent disposal; (2) the intra-utility
 36 transportation or processing of soil and fill recyclable materials; (3)
 37 ¹【the excavation, transportation, placement, or processing of soil and
 38 fill recyclable materials under the oversight of a licensed site
 39 remediation professional; or】 remediation activities involving soil and
 40 fill recyclable materials ²conducted by a licensed site remediation
 41 professional or a certified subsurface evaluator² at sites where ²【a】
 42 that² licensed site remediation professional has been hired pursuant to
 43 ²【N.J.A.C.7:26C-1.1 et seq.】 the “Site Remediation Reform Act,”
 44 sections 1 through 29 of P.L.2009, c.60 (C.58:10C-1 et seq.), that
 45 certified subsurface evaluator has been hired pursuant to P.L.1986,
 46 c.102 (C.58:10A-21 et seq.), or the department or the United States
 47 Environmental Protection Agency is publicly administering remedial

1 activities at a site or is directly contracting for remedial activities at a
2 site^{2,1}(4) the transportation to or from, or the storage at, a single site of
3 less than 200 cubic yards of soil and fill recyclable materials ¹per day;
4 or (5) the generation of soil by an entity governed by the Board of
5 Public Utilities and its contractors, as well as contractors performing
6 work on a public works project ²【for any】² State transportation
7 agency ^{2,2} or any entity governed by the “Local Public Contracts
8 Law,” P.L.1971, c.198 (C.40A:11-1 et seq.), provided that the
9 removal, transportation, and disposal of the soil is in accordance with
10 the project’s plans and specifications¹ .

11 u. “Extension of a utility facility” means property that a public
12 utility does not own but in which a public utility has an easement,
13 franchise rights, or other legal rights to install, maintain, repair, and
14 operate its utility services, including, but not limited to, electric
15 transmission and distribution lines, water pipes, and gas pipeline rights
16 of way.

17 v. “Intra-utility transportation or processing” means the
18 transportation or processing of soil and fill recyclable materials where:

19 (1) a public utility, or a utility contractor, generates the soil and fill
20 recyclable materials at a utility facility or an extension of a utility
21 facility;

22 (2) the soil and fill recyclable materials are transported by a public
23 utility or utility contractor to a utility facility that accepts soil, fill, and
24 solid waste managed by the public utility or its utility contractor for
25 temporary storage, characterization, and other management prior to
26 final disposal or recycling;

27 (3) the processing of soil and fill recyclable materials at the
28 accepting utility facility is limited to the removal of residual
29 recyclables such as concrete, asphalt, and wood from soil, and the
30 solidification of wet soils using moisture absorbing additives where
31 required for transportation;

32 (4) the final disposal or recycling of the soil and fill recyclable
33 materials is undertaken in accordance with the provisions of the “Solid
34 Waste Management Act,” P.L.1970, c.39 (C.13:1E-1 et seq.), the
35 “New Jersey Statewide Mandatory Source Separation and Recycling
36 Act,” P.L.1987, c.102 (C.13:1E-99.11 et al.), P.L.1983, c.392
37 (C.13:1E-126 et seq.), and any other applicable State solid waste law;
38 and

39 (5) any soil and fill recyclable materials that meet the classification
40 requirements of hazardous waste are managed as hazardous waste in
41 accordance with the provisions of any applicable State or federal laws.

42 w. “Licensed site remediation professional” means the same as the
43 term is defined in section 23 of P.L.1993, c.139 (C.58:10B-1).

44 x. “Public utility” means ¹【the same as the term is defined in】 an
45 entity that is covered under the provisions of¹ R.S.48:2-13 ¹, and that
46 is regulated by the Board of Public Utilities pursuant to R.S.48:1-1 et

1 seq., except that “public utility” shall not include a solid waste
2 collection utility or a solid waste disposal utility¹ .

3 y. “Utility contractor” means an entity that is under agreement,
4 contract, or other engagement with a public utility to undertake utility-
5 related construction, excavation, maintenance, repair, transport, or
6 other work, provided that the entity is under the direction, supervision,
7 or oversight of the public utility.

8 z. “Utility facility” means property owned, leased, operated, or
9 otherwise under the control of a public utility.

10 (cf: P.L.2019, c.397, s.3)

11
12 2. Section 1 of P.L.2019, c.397 (C.13:1E-127.1) is amended to
13 read as follows:

14 1. a. No later than July 14, 2022, any business concern that is not
15 already a licensee pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.),
16 and that actively engages in, or otherwise provides, soil and fill
17 recycling services shall register with the department. The registration
18 shall include, but need not be limited to:

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

21 (2) the address of the business concern and the addresses of any
22 other locations where trucks or equipment used by the business
23 concern are kept;

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

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

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

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

38 d. No more than **[30]** ³**[45]** ³90³ days after the department
39 adopts, pursuant to the "Administrative Procedure Act," P.L.1968,
40 c.410 (C.52:14B-1 et seq.), rules and regulations implementing
41 P.L.2019, c.397 (C.13:1E-127.1 et al.), a registrant shall submit a valid
42 and administratively complete application for a soil and fill recycling
43 license with the Attorney General. Registrants may request a 90-day
44 extension to file a soil and fill recycling license application pursuant to
45 this section, and the Attorney General may grant the request upon a
46 showing of good cause.

47 e. A soil and fill recycling registration issued pursuant to this
48 section shall automatically expire and become invalid upon: (1) failure

1 by the registrant to submit a valid and administratively complete
2 application for a soil and fill recycling license within the required
3 timeframe; or (2) a final determination by the department or the
4 Attorney General regarding the registrant's application for a soil and
5 fill recycling license.

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

11 g. Any business concern that seeks to engage in soil and fill
12 recycling services after July 14, 2022 that has not submitted a
13 registration form pursuant to subsection a. of this section shall file an
14 application for a soil and fill recycling license with the Attorney
15 General.

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

19 (cf: P.L.2022, c.64, s.1)

20

21 3. This act shall take effect immediately.