

13:1E-51 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1E-51 et al

(Solid or hazardous waste—collection, storage disposal—authorize disclosure statement & investigatious of Attorney General)

LAWS OF: 1983

CHAPTER: 392

Bill No: A901

Sponsor(s): Lesniak

Date Introduced: May 13, 1982

Committee: Assembly: Agriculture and Environment

Senate: Energy and Environment

Amended during passage: Yes

Assembly Committee substitute. (5th OCR) enacted. Amendments denoted by asterisks

according to Governor's recommendations

Date of Passage: Assembly: October 18, 1982 Re-enacted 9-15-82

Senate: June 20, 1983 Re-enacted 12-12-82

Date of Approval: December 14, 1983

Following statements are attached if available:

Sponsor statement:

Yes

Attached: Assembly amendments, adopted 9-30-82 and 8-5-82 (with statements)

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

Yes

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

(OVER)

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See newspaper-clipping file in New Jersey Reference section under "NJ-Hazardous substances-illegal dumping-1983"

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ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 901

STATE OF NEW JERSEY

ADOPTED JULY 1, 1982

AN ACT concerning solid waste and hazardous waste, amending P. L. 1981, c. 279 and supplementing Title 13 of the Revised Statutes.

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

1 *1. (New section) The Legislature hereby finds and declares to
2 be the public policy of this State:

3 That the collection, transportation, treatment, storage, and dis-
4 posal of solid waste are critical components of the economic struc-
5 ture of this State and, when properly controlled and regulated,
6 make substantial contributions to the general welfare, health and
7 prosperity of the State and its inhabitants by minimizing the
8 serious health and environmental threats inherent in the manage-
9 ment of these wastes;

10 That the regulatory provisions of this act are designed to extend
11 strict State regulation to those persons involved in the operations
12 of these licensed activities so as to foster and justify the public
13 confidence and trust in the credibility and integrity of the conduct
14 of these activities;

15 That the solid and hazardous waste industries in New Jersey can
16 attain, maintain, and retain integrity, public confidence, and trust,
17 and promote the general public interest, only under a system of
18 control and regulation that precludes the participation therein of
19 persons with known criminal records, habits, or associations, and
20 excludes or removes from any position of authority or responsi-
21 bility any person known to be so deficient in reliability, expertise,
22 or competence with specific reference to the solid or hazardous

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly amendments adopted August 5, 1982.

**—Assembly amendments adopted September 30, 1982.

***—Assembly amendment adopted October 18, 1982.

****—Senate committee amendments adopted May 23, 1983.

*****—Assembly amendments adopted in accordance with Governor's recommendations September 15, 1983.

23 *waste industries that his participation would create or enhance the*
 24 *dangers of unsound, unfair, or illegal practices, methods, and ac-*
 25 *tivities in the conduct of the business of these industries;*

26 *That, notwithstanding the fact that the major percentage of oper-*
 27 *ators involved in these industries are respectable and responsible*
 28 *and that there exists in New Jersey a substantial waste industry*
 29 *capable of meeting the licensing standards, the solid and hazardous*
 30 *waste industries remain vulnerable to corrupting influences; and*

31 *Therefore, that it is vital to the interests of the State to prevent*
 32 *entry, direct or indirect, into the operations of the solid or hazard-*
 33 *ous waste industries of persons who have pursued economic gains*
 34 *in an occupational manner or context violative of the criminal code*
 35 *or civil public policies of the State, and it is to the end of excluding*
 36 *such persons that the regulatory and investigatory powers and*
 37 *duties provided in this supplementary act shall be exercised to the*
 38 *fullest extent consistent with law.**

1 ***[1.]*** *2.* (New section) As used in this act:

2 a. Applicant” means any person seeking a license.

3 b. “Application” means the forms and accompanying documents
 4 filed in connection with the applicant’s request for a license.

5 c. “Business concern” means any corporation, association, firm,
 6 partnership, trust or other form of commercial organization.

7 d. “Department” means the Department of Environmental Pro-
 8 tection.

9 e. “Disclosure statement” means a statement submitted to the
 10 department by an applicant, which statement shall include:

11 (1) The full name, business address and social security number
 12 of the applicant, or, if the applicant is a business concern, of any
 13 officers, directors, partners, or key employees thereof and all per-
 14 sons or business concerns holding ******[more than 5% of the]******
 15 *****any***** equity in or debt liability of that business concern,
 16 *****or, if the business concern is a publicly traded corporation, all*
 17 *persons or business concerns holding more than 5% of the*
 18 *equity in or debt liability of that business concern,**** except*
 18A *that******[,]****** where the debt liability is held by a ****[licensed]*****
 18B ***chartered*** lending institution, the applicant need only supply
 18C the name and business address of the lending institution;

19 (2) The full name, business address and social security number
 20 of all officers, directors, or partners of any business concern dis-
 21 closed in the statement and the names and addresses of all persons
 22 holding ******[more than 5% of the]****** *****any***** equity in or
 23 the debt liability of any business concern so disclosed, *****or, if the*
 24 *business concern is a publicly traded corporation, all persons or*

25 *business concerns holding more than 5% of the equity in or debt*
 25A *liability of that business concern,**** except that ****[.]*****
 25B *where the debt liability is held by a **[licensed]** **chartered***
 25C *lending institution, the applicant need only supply the name and*
 25D *business address of the lending institution;*

26 (3) The full name and business address of any company which
 27 collects, transports, treats, stores or disposes of solid waste or
 28 hazardous waste in which the applicant holds an equity interest;

29 (4) A description of the experience and credentials in, including
 30 any past or present licenses for, the collection, transportation,
 31 treatment, storage or disposal of solid waste or hazardous waste
 32 possessed by the applicant, or, if the applicant is a business con-
 33 cern, by the key employees, officers, directors, or partners thereof;

34 (5) A listing and explanation of any notices of violation or
 35 prosecution, administrative orders or license revocations issued
 36 by any State or federal authority, in the 10 years immediately
 37 preceding the filing of the application, which are pending or have
 38 resulted in a finding or a settlement of a violation of any law or
 39 rule and regulation relating to the collection, transportation, treat-
 40 ment, storage or disposal of solid waste or hazardous waste by the
 41 applicant, or if the applicant is a business concern, by any key
 42 employee, officer, director, or partner thereof;

43 (6) A listing and explanation of any judgment of liability or
 44 conviction which was rendered, pursuant to any State or federal
 45 statute or local ordinance, against the applicant, or, if the appli-
 46 cant is a business concern, against any key employee, officer, direc-
 47 tor, or partner thereof, except for any violation of Title 39 of the
 48 Revised Statutes;

49 (7) A listing of all labor unions and trade and business associa-
 50 tions in which the applicant was a member or with which the ap-
 51 plicant had a collective bargaining agreement during the 10 years
 52 preceding the date of the filing of the application;

53 (8) A listing of any agencies outside of New Jersey which had
 54 regulatory responsibility over the applicant in connection with his
 55 collection, transportation, treatment, storage or disposal of solid
 56 waste or hazardous waste;

57 (9) Any other information the Attorney General or the depart-
 58 ment may require that relates to the competency, reliability or
 59 good character of the applicant.

60 f. "Key employee" means any person employed by the applicant
 61 or the licensee in a supervisory capacity or empowered to make
 62 discretionary decisions with respect to the solid waste or hazardous
 63 waste operations of the business concern ***but shall not include*

63A *employees exclusively engaged in the physical or mechanical col-*
 63B *lection, transportation, treatment, storage or disposal of solid or*
 63C *hazardous waste**.*

64 g. "License" means the initial approval and first renewal, sub-
 65 sequent to the effective date of this act, of any registration state-
 66 ment or engineering design pursuant to P. L. 1970, c. 39 (C. 13:1E-1
 67 et seq.), P. L. 1981, c. 279 (C. 13:1E-49 et seq.), for the collection,
 68 transportation, treatment, storage or disposal of solid waste or
 69 hazardous waste in this State, except that "license" shall not in-
 70 clude any registration statement or engineering design approved
 71 for:

72 (1) Any ******State department, division, agency, commission*
 72A *or authority, or****** county, municipality or agency thereof;

73 (2) Any person solely for the collection, transportation, treat-
 74 ment, storage or disposal of solid waste or hazardous waste gen-
 75 erated by that person;

76 (3) Any person for the operation of a hazardous waste facility,
 77 if at least 75% of the total design capacity of that facility is utilized
 78 to treat, store or dispose of hazardous waste generated by that
 79 person; or

80 (4) Any person for the operation of a hazardous waste facility
 81 which is considered as such solely as the result of the recycling
 82 or refining of hazardous wastes which are or contain gold, silver,
 83 osmium, platinum, palladium, iridium, rhodium, ruthenium, or
 84 copper; or

85 (5) Any person solely for the collection, transportation, treat-
 86 ment, storage or disposal of granular activated carbon used in the
 87 adsorption of hazardous waste.

88 h. "Licensee" means any person who has received a license.

1 ***[2.]*** *3.* (New section) In addition to any other procedure,
 2 condition or information required pursuant to P. L. 1970, c. 39
 3 (C.13:1E-1 et seq.), P. L. 1981, c. 279 (C. 13:1E-49 et seq.) or any
 4 other law:

4A a. Every licensee who is not otherwise required to file a dis-
 5 closure statement within two years of the effective date of this
 6 act shall file a disclosure statement with the department and the
 7 Attorney General within that period.

8 b. (1) Every applicant shall file a disclosure statement with the
 9 department and the Attorney General;

10 (2) Any person required to be listed in the disclosure statement
 11 shall be ****[photographed and]**** fingerprinted for identification
 12 and investigation purposes in accordance with procedures therefor
 13 established by the Attorney General;

14 (3) The Attorney General shall, within 120 days of the receipt
 15 of the disclosure statement from an applicant for an initial license,
 16 prepare and transmit to the department an investigative report
 17 on the applicant, based in part upon the disclosure statement, ex-
 18 cept that this deadline may be extended for a reasonable period
 19 of time, for good cause, by the department and the Attorney
 20 General. In preparing this report, the Attorney General may re-
 21 quest and receive criminal history information from the Federal
 22 Bureau of Investigation, and

23 (4) The departmental review of the application shall include a
 24 review of the disclosure statement and investigative report.

25 c. All applicants and licensees shall have the continuing duty
 26 to provide any assistance or information requested by the depart-
 27 ment or the Attorney General, and to cooperate in any inquiry
 28 or investigation conducted by the Attorney General and any in-
 29 quiry, investigation, or hearing conducted by the department.
 30 If, upon issuance of a formal request to answer *****any inquiry*****
 31 or produce information, evidence or testimony, any applicant
 32 **[and]* *or** licensee refuses to comply, the license of that person
 33 may be denied or revoked by the department.

34 d. The Attorney General may charge and collect, in accordance
 35 with a fee schedule adopted as a rule and regulation pursuant to
 36 the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
 37 et seq.), such fees from applicants and licensees as may be neces-
 38 sary to cover the costs of *****[investigations conducted pursuant to*
 39 *this act, except that these fees shall not exceed \$100.00 per individ-*
 40 *ual investigated]**** ****enforcing this act. The fee shall be calcu-*
 40A *lated on the basis of \$100.00 per each individual required to be*
 40B *listed in the disclosure statement or shown to have a beneficial*
 40C *interest in the business of the applicant or the licensee other than*
 40D *an equity interest or debt liability****.*

41 *****[e. If the identity of any person required to be listed in the*
 42 *disclosure statement changes, or if any person should be added*
 43 *after]**** ****e. If any of the information required to be in-*
 44 *cluded in the disclosure statement changes, or if any additional*
 45 *information should be added after***** the filing of the statement,
 46 the applicant or licensee shall provide that information to the
 47 department and Attorney General, in writing, within 30 days of the
 48 change or addition.

1 **[3.]* *4.** (New section) a. Whenever the Attorney General
 2 determines that there exists a reasonable suspicion that any person
 3 may have information or be in possession, custody, or control of any
 4 documentary materials relevant to an investigation of an applicant
 5 or a licensee conducted pursuant to this act, he may issue in writing,

6 and cause to be served upon that person an investigative interrog-
7 atory requiring that person to answer questions under oath and
8 produce material for examination.

9 b. Each interrogatory shall:

10 (1) Identify the licensee or applicant who is the subject of the
11 investigation;

12 (2) Advise the person that he has the right to discuss the inter-
13 rogatory with legal counsel prior to returning it to the Attorney
14 General or prior to making material available, as provided in
15 subsection f. of this section, and that he has the right to file in
16 Superior Court a petition to modify or set aside the interrogatory,
17 as provided in subsection j. of this section.

18 (3) Describe the class or classes of documentary material to be
19 produced thereunder with sufficient particularity as to permit the
20 material to be reasonably identified;

21 (4) Prescribe a return date, which date shall provide a reason-
22 able period of time within which answers may be made and
23 material so demanded may be assembled and made available for
24 inspection and copying or reproduction, as provided in subsection f.
25 of this section.

26 c. No interrogatory shall:

27 (1) Contain any requirement which would be held to be un-
28 reasonable if contained in a subpoena duces tecum issued in aid
29 of a grand jury investigation; or

30 (2) Require the production of any documentary evidence which
31 would be otherwise privileged from disclosure if demanded by a
32 subpoena duces tecum issued in aid of a grand jury investigation.

33 d. Service of any interrogatory filed under this section may be
34 made upon any person by:

35 (1) Delivering a duly executed copy thereof to the person or
36 any partner, executive officer, managing agent, employee or general
37 agent thereof, or to any agent thereof authorized by appointment
38 or by law to receive service of process on behalf of the person; or

39 (2) Delivering a duly executed copy thereof to the principal
40 office or place of business of the person to be served; or

41 (3) Depositing a copy in the United States mail, by registered
42 or certified mail duly addressed to the person at his principal office
43 or place of business.

44 e. A verified return by the individual serving any interrogatory,
45 setting forth the manner of service, shall be prima facie proof of
46 service. In the case of service by registered or certified mail, the
47 return shall be accompanied by the return post office receipt of
48 delivery of the interrogatory.

49 f. Any person upon whom any interrogatory issued under this
50 section has been duly served which requires the production of
51 materials shall make the material available for inspection and
52 copying or reproduction to the Attorney General at the principal
53 place of business of that person in the State of New Jersey or
54 at any other place as the Attorney General and the person there-
55 after may agree and prescribe in writing, on the return date speci-
56 fied in the interrogatory or on a later date as the Attorney
57 General may prescribe in writing. Upon written agreement between
58 the person and the Attorney General, copies may be substituted
59 for all or any part of the original materials. The Attorney General
60 may cause the preparation of any copies of documentary material
61 as may be required for official use by the Attorney General.

62 No material produced pursuant to this section shall be available
63 for examination, without the consent of the person who produced
64 the material, by an individual other than the Attorney General
65 or any person retained by the Attorney General in connection
66 with the enforcement of this act. Under reasonable terms and
67 conditions as the Attorney General shall prescribe, documentary
68 material while in his possession shall be available for examination
69 by the person who produced the material or any of his duly
70 authorized representatives.

71 In any investigation conducted pursuant to this act, the Attorney
72 General may present before the department, court or grand jury
73 any documentary material in his possession pursuant to this section,
74 subject to any protective order deemed proper by the Superior
75 Court.

76 g. Upon completion of:

77 (1) The review and investigation for which any documentary
78 material was produced under this section, and

79 (2) Any case or proceeding arising from the investigation, the
80 Attorney General shall return to the person who produced the
81 material all the material, other than copies thereof made by the
82 Attorney General pursuant to this section, which has not passed
83 into the control of the department or any court or grand jury
84 through the introduction thereof into the record of the case or
85 proceeding.

86 h. When any documentary material has been produced by any
87 person under this section for use in an investigation, and no case or
88 proceeding arising therefrom has been instituted within two years
89 after completion of the examination and analysis of all evidence
90 assembled in the course of the investigation, the person shall be
91 entitled, upon written demand made upon the Attorney General,

92 to the return of all documentary material, other than copies thereof
93 made pursuant to this section so produced by him.

94 i. Whenever any person fails to comply with any investigative
95 interrogatory duly served upon him under this section, or whenever
96 satisfactory copying or reproduction of any material cannot be
97 done and he refuses to surrender the material, the Attorney General
98 may file in the Superior Court a petition for an order of the court
99 for the enforcement of this section.

100 j. At any time before the return date specified in the inter-
101 rogatory, the person served with the interrogatory may file in the
102 Superior Court a petition for an order modifying or setting aside
103 the interrogatory. The time allowed for compliance with the inter-
104 rogatory shall not run during the pendency of this petition. The
105 petition shall specify each ground upon which the petitioner relies
106 in seeking relief, and may be based upon any failure of the inter-
107 rogatory to comply with the provisions of this section or upon
108 any constitutional or other legal right or privilege of the petitioner.
109 In this proceeding, the Attorney General shall establish the exis-
110 tence of an investigation pursuant to this act and the nature and
111 subject matter of the investigation.

1 ***[4.]*** *5.* (New section) a. Whenever the Attorney General
2 determines that there exists a reasonable suspicion that any person
3 may have information or knowledge relevant to an investigation
4 conducted pursuant to this act, he may issue in writing and cause to
5 be served upon that person a subpoena to appear and be examined
6 under oath before the Attorney General.

7 b. The subpoena shall:

8 (1) Identify the licensee or applicant who is the subject of the
9 investigation;

10 (2) Advise that person that he may have an attorney present
11 when he appears and testifies or otherwise responds to the sub-
12 pena, that he has the right, at any time before the return date
13 of the subpoena, to file in Superior Court a petition to modify or
14 set aside the subpoena, as provided in subsection f. of this section;

15 (3) Prescribe a date and time at which that person must appear
16 to testify, under oath, provided that this date shall not be less than
17 seven days from the date of service of the subpoena;

18 c. Except as otherwise provided in this section, no information
19 derived pursuant to the subpoena shall be disclosed by the Attorney
20 General or the department without the consent of the person testi-
21 fying.

22 In any investigation conducted pursuant to this act, the Attorney
23 General may present before the department, court or grand jury

24 any information disclosed pursuant to the subpoena, subject to any
25 protective order deemed proper by the Superior Court.

26 d. Service of a subpoena pursuant to this section shall be by any
27 of those methods specified in the New Jersey Court Rules for ser-
28 vice of summons and complaint in a civil action.

29 e. Whenever any person fails to comply with any subpoena duly
30 served upon him under this section, or whenever satisfactory copy-
31 ing or reproduction of any material cannot be done and he refuses
32 to surrender the material, the Attorney General may file in the
33 Superior Court a petition for an order of the court for the enforce-
34 ment of the subpoena.

35 f. At any time before the return date specified in the subpoena,
36 the person who has been served with the subpoena may file in the
37 Superior Court a petition for an order modifying or setting aside
38 the subpoena. The time allowed for compliance with the subpoena
39 shall not run during the pendency of this petition. The petition
40 shall specify each ground upon which the petitioner relies in seek-
41 ing relief, and may be based upon any failure of the subpoena to
42 comply with the provisions of this section or upon any constitu-
43 tional or other legal right or privilege of the petitioner. In this
44 proceeding, the Attorney General shall establish the existence of
45 an investigation pursuant to this act and the nature and subject
46 matter of the investigation.

1 ***[5.]*** *6.* (New section) Any public officer or employee who
2 shall disclose to any person, other than the Attorney General or a
3 person retained by the Attorney General as herein provided, the
4 name of any person who receives an investigative interrogatory or
5 a subpoena or any information obtained pursuant thereto, except in
6 proceedings involving an alleged violation of this act and except
7 as so directed by the Attorney General, shall be guilty of a crime
8 of the fourth degree.

1 ***[6.]*** *7.* (New section) a. If any person in attendance pur-
2 suant to a subpoena or interrogatory issued pursuant to this act
3 refuses to answer personally a question or produce evidence of any
4 kind, or make the required answers on the ground that he may be
5 incriminated thereby, and if the Attorney General, in a writing
6 directed to that person, orders that he answer the question or pro-
7 duce the evidence, the person shall comply with the order. After
8 complying therewith and if, but for this section, he would have been
9 privileged to withhold the answer given or the evidence produced,
10 that answer, testimony or evidence or any evidence directly or in-
11 directly derived therefrom, may not be used against him in any
12 prosecution for a crime or offense concerning which he gave answer

13 or produced evidence; provided that the answer, testimony or
 14 evidence is responsive to the question propounded. That person
 15 may, however, be prosecuted or subjected to penalty or forfeiture
 16 for any perjury, false swearing or contempt committed in answer-
 17 ing, or failing to answer, or in producing evidence or failing to pro-
 18 duce evidence or failing to do so in accordance with the order.

19 b. If any person fails to obey the command of the subpoena after
 20 being ordered to do so by a court of competent jurisdiction, he
 21 shall be guilty of a crime of the fourth degree. In the alternative,
 22 if a person shall fail to obey the command of a subpoena after
 23 being ordered to do so by a court of competent jurisdiction, the
 24 Attorney General may apply to that court to adjudge the person
 25 in contempt and to commit him to jail until such time as he purges
 26 himself of contempt by responsively answering, testifying or pro-
 27 ducing evidence as ordered.

1 ***[7.]*** *8.* (New section) The provisions of any law to the con-
 2 trary notwithstanding, no license shall be approved by the depart-
 3 ment:

3a a. Unless the department finds that the applicant, in any prior
 4 performance record in the collection, transportation, treatment,
 5 storage or disposal of solid waste or hazardous waste, has exhibited
 6 sufficient reliability, expertise, and competency to operate the solid
 7 waste or hazardous waste facility, given the potential for harm to
 8 human health and the environment which could result from the
 9 irresponsible operation thereof, or if no prior record exists, that
 10 the applicant is likely to exhibit that reliability, expertise and com-
 11 petence;

12 b. If any person required to be listed in the disclosure statement,
 13 or shown to have a beneficial interest in the business of the appli-
 14 cant or the licensee other than an equity interest or debt liability
 15 by the investigation thereof, has been convicted of any of the fol-
 16 lowing crimes under the laws of New Jersey or the equivalent
 17 thereof under the laws of any other jurisdiction:

- 18 (1) Murder;
- 19 (2) Kidnapping;
- 20 (3) Gambling;
- 21 (4) Robbery;
- 22 (5) Bribery;
- 23 (6) Extortion;
- 24 (7) Criminal usury;
- 25 (8) Arson;
- 26 (9) Burglary;
- 27 (10) Theft and related crimes;

- 28 (11) Forgery and fraudulent practices;
- 29 (12) Fraud in the offering, sale or purchase of securities;
- 30 (13) Alteration of motor vehicle identification numbers;
- 31 (14) Unlawful manufacture, purchase, use or transfer of fire-
- 32 arms;
- 33 (15) Unlawful possession or use of destructive devices or ex-
- 34 plosives;
- 35 (16) Violation of section 19 of the "New Jersey Controlled
- 36 Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-19),
- 37 except possession of 84 grams or less of marijuana;
- 38 (17) Racketeering, (P. L. 1981, c. 167; C. 2C:41-1 et seq);
- 39 (18) Violation of criminal provisions of the "New Jersey Anti-
- 40 trust Act," P. L. 1970, c. 73 (C. 56:9-1 et seq.); *****[or]*****
- 41 (19) *****[Violation]***** *Any purposeful or reckless viola-*
- 42 *tion****** of the criminal provision of any federal or *****[State]*****
- 43 *state****** *environmental protection laws, rules, or regula-*
- 44 *tions******[.]*****;*****
- 45 ******(20) Violation of N. J. S. 2C:17-2******[.]*****
- 46 *****;
- 47 ******(21) Any offense specified in chapter 28 of N. J. S. 2C; or*
- 48 *(22) Violation of the "Solid Waste Utility Control Act," P. L.*
- 49 *1970, c. 40 and P. L. 1981, c. 211 (C. 48:13A-1 et seq.).******
- 50 Notwithstanding the provisions of this subsection, *no* applicant
- 51 shall be denied a license on the basis of a conviction of any individ-
- 52 ual required to be listed in the disclosure statement or shown to
- 53 have a beneficial interest in the business of the applicant or the
- 54 licensee other than an equity interest or debt liability by the in-
- 55 vestigation thereof*[*;]* for any of the offenses enumerated in this
- 56 *****[act]***** *subsection****** as disqualification criteria, pro-
- 57 vided that *****[the offense did not occur within the 10 year period
- 57A immediately preceding the filing of the application for a license
- 58 and]***** the person has affirmatively demonstrated by clear and
- 58A convincing evidence his rehabilitation. In determining whether an
- 58B applicant has affirmatively demonstrated rehabilitation, the depart-
- 58C ment shall request a recommendation thereon from the Attorney
- 58D General, and shall consider the following factors:
- 58E (1) The nature and responsibilities of the position which a con-
- 58F victed individual would hold;
- 59 (2) The nature and seriousness of the offense;
- 60 (3) The circumstances under which the offense occurred;
- 61 (4) The date of the offense;
- 62 (5) The age of the applicant when the offense was committed;

63 (6) Whether the offense was an isolated or repeated incident;

64 (7) Any social conditions which may have contributed to the
65 offense;

66 (8) Any evidence of rehabilitation, including good conduct in
67 prison or in the community, counseling or psychiatric treatment
68 received, acquisition of additional academic or vocational schooling,
69 successful participation in correctional work-release programs, or
70 the recommendation of persons who have or have had the applicant
71 under their supervision.

72 c. If the Attorney General determines that there is a reasonable
73 suspicion to believe that a person required to be listed in the dis-
74 closure statement, or shown to have a beneficial interest in the
75 business of the applicant or the licensee other than an equity inter-
76 est or debt liability by the investigation thereof, does not possess
77 a reputation for good character, honesty and integrity, and that
78 person or the applicant, fails, by clear and convincing evidence, to
79 establish his reputation for good character, honesty and integrity.

80 d. With respect to the approval of an initial license, if there are
81 current prosecutions or pending charges in any jurisdiction against
82 any person required to be listed in the disclosure statement or
83 shown to have a beneficial interest in the business of the applicant
84 or the licensee other than an equity interest or debt liability by the
85 investigation for any of the offenses enumerated in subsection
86 ****[c.]**** ****b.**** of this section, provided, however, that at
87 the request of the applicant or the person charged, the department
88 shall defer decision upon such application during the ****[pend-
88A ing]**** ****pendency**** of such charge.

89 e. If any person required to be listed in the disclosure statement
90 or shown to have a beneficial interest in the business of the appli-
91 cant or the licensee other than an equity interest or debt liability
92 by the investigation thereof has pursued economic gain in an oc-
93 cupational manner or context which is in violation of the criminal
94 or civil public policies of this State, where such pursuit creates a
95 reasonable belief that the participation of that person in any
96 activity required to be licensed under this act would be inimical
97 to the policies of this act. For purpose of this section, "occupa-
98 tional manner or context" means the systematic planning, adminis-
99 tration, management, or execution of an activity for financial gain.

100 f. Any applicant who is denied an initial license pursuant to this
101 section shall, upon ****a**** written request transmitted to the
102 department within 30 days of that denial, be afforded the oppor-
103 tunity for a hearing thereon in the manner provided for contested
104 cases pursuant to the "Administrative Procedure Act," P. L. 1968,
105 c. 410 (C. 52:14B-1 et seq.).

1 ***[8.]*** *9.* (New section) Any license *******[**issued pursuant
 2 to this act**]******* may be revoked by the department ****pursuant*
 2A *to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.*
 2B *52:14B-1 et seq.)**** for any of the following causes:

3 a. Any cause which would require **disqualification, pursuant to**
 4 subsections a., b., c., or e. of section ******[7]****** ******8****** of this
 5 act, from receiving a license upon original application;

6 b. Fraud, deceit or misrepresentation in securing the license, or
 7 in the conduct of the licensed activity;

8 c. Offering, conferring or agreeing to confer any benefit to induce
 9 any other person to violate the provisions of this act, or of any
 10 other law relating to the collection, transportation, treatment,
 11 storage, or disposal of solid waste or hazardous waste, or of any
 12 rule or regulation adopted pursuant thereto;

13 d. Coercion of a customer by violence or economic reprisal or
 14 the threat thereof to utilize the services of any licensee;

15 e. Preventing, without authorization of the department, any
 16 licensee from disposing of solid waste or hazardous waste at a
 17 licensed treatment, storage or disposal facility.

1 ***[9.]*** *10.* (New section) ***[notwithstanding]*** **Notwithstand-*
 2 *ing** the disqualification of the applicant or licensee pursuant to
 3 this act, the department may issue or renew a license if the appli-
 4 cant or licensee severs the interest of or affiliation with the person
 5 who would otherwise cause that disqualification ******or may issue*
 6 *or renew a license on a temporary basis for a period not to exceed*
 7 *six months if, upon the recommendation of the Attorney General,*
 8 *the department determines that the issuance or renewal of the*
 9 *license is necessitated by the public interest******.

1 ***[10.]*** *11.* Section 3 of P. L. 1981, c. 279 (C. 13:1E-51) is
 2 amended to read as follows:

3 3. As used in this act:

4 a. "Applicant" means the applicant for a registration statement
 5 and engineering design for a major hazardous waste facility;

6 b. "Application" means the application for a registration state-
 7 ment and engineering design for a major hazardous waste facility;

8 c. "Commission" means the Hazardous Waste Facilities Siting
 9 Commission established by section 4 of this act;

10 d. "Commissioner" means the Commissioner of Environmental
 11 Protection;

12 e. "Council" means the Hazardous Waste Advisory Council
 13 established by section 6 of this act;

14 f. "Criteria" means the criteria for the siting of new major
 15 hazardous waste facilities adopted by the department pursuant to

16 section 9 of this act;

17 g. "Department" means the Department of Environmental
18 Protection;

19 h. ["Disclosure statement" means a statement submitted to the
20 department by an applicant, which statement shall include:

21 (1) The names and addresses of all officers, directors, or part-
22 ners of the business concern seeking a registration and engineering
23 design approval and all persons or business concerns holding more
24 than 10% of the equity in or debt liability of that business concern;

25 (2) The names and addresses of all officers, directors, or partners
26 of any business concern disclosed in the statement and the names
27 and addresses of all persons holding more than 10% of the equity in
28 or the debt liability of any business concern so disclosed;

29 (3) The name and address of any company which collects, treats,
30 stores or disposes of hazardous waste in which the business concern
31 seeking a registration and engineering design approval holds an
32 equity interest;

33 (4) A description of the experience and credentials in, including
34 any past or present licenses for, the collection, treatment, storage
35 or disposal of hazardous waste possessed by the key employees,
36 officers, directors, or partners of the business concern seeking a
37 registration and engineering design approval;

38 (5) A listing and explanation of any notices, administrative
39 orders or license revocations issued by any state or federal au-
40 thority since January 1, 1976 which indicate a violation of any
41 law or rule and regulation relating to the collection, treatment,
42 storage or disposal of hazardous waste by the business concern
43 seeking a registration and engineering design approval or by
44 any key employee, officer, director, or partner thereof;

45 (6) A listing and explanation of any judgment of liability or
46 conviction which was rendered, pursuant to any state or federal
47 statute or local ordinance concerning the collection, treatment,
48 storage or disposal of hazardous waste, against the business con-
49 cern seeking a registration and engineering design approval or
50 against any key employee, officer, director, or partner thereof; and

51 (7) Any other information the department may require that
52 relates to the competency or reliability of the applicant.] (*Deleted*
53 *by amendment, P. L. 1982, c. . . .*)

54 i. "Engineering design" means the specifications and param-
55 eters approved by the department for the construction and opera-
56 tion of a major hazardous waste facility;

57 j. "Environmental and health impact statement" means a state-
58 ment of likely environmental and public health impacts resulting

59 from the construction and operation of a major hazardous waste
60 facility, and includes an inventory of existing environmental condi-
61 tions at the site, a project description, an assessment of the impact
62 of the project on the environment and on public health, a listing of
63 unavoidable environmental and public health impacts, and steps
64 to be taken to minimize environmental and public health impacts
65 during construction and operation;

66 k. "Hazardous waste" means any waste or combination of
67 wastes which pose a present or potential threat to human health,
68 living organisms or the environment including, but not limited to,
69 waste material that is toxic, carcinogenic, corrosive, irritating,
70 sensitizing, biologically infectious, explosive or flammable, and any
71 waste so designated by the United States Environmental Protec-
72 tion Agency. Hazardous waste does not include radioactive waste;

73 l. "Hazardous waste facility" means any area, plant or other
74 facility for the treatment, storage or disposal of hazardous waste,
75 including loading and transportation facilities or equipment used
76 in connection with the processing of hazardous wastes; "major
77 hazardous waste facility" means any commercial hazardous waste
78 facility which has a total capacity to treat, store or dispose of
79 more than 250,000 gallons of hazardous waste, or the equivalent
80 thereof, as determined by the department, except that any facility
81 which would otherwise be considered a major hazardous waste
82 facility pursuant to this subsection solely as the result of the re-
83 cycling or rerefining of any hazardous wastes which are or contain
84 gold, silver, osmium, platinum, palladium, iridium, rhodium,
85 ruthenium or copper shall not be considered a major hazardous
86 waste facility for the purposes of this act; "existing major hazard-
87 ous waste facility" means any major hazardous waste facility which
88 was legally in operation or upon which construction had legally
89 commenced prior to the effective date of this act; "new major
90 hazardous waste facility" means any major hazardous waste fa-
91 cility other than an existing major hazardous waste facility: "com-
92 mercial hazardous waste facility" means any hazardous waste fa-
93 cility which accepts hazardous waste from more than one generator
94 for storage, treatment or disposal at a site other than the site where
95 the hazardous waste was generated;

96 m. "Hazardous waste industry" means any industry which oper-
97 ates a hazardous waste facility or which proposes to construct or
98 operate a hazardous waste facility;

99 n. "Owner or operator" means and includes, in addition to the
100 usual meanings thereof, every owner of record of any interest in
101 land whereon a major hazardous waste facility is or has been

102 located, and any person or corporation which owns a majority
103 interest in any other corporation which is the owner or operator
104 of any major hazardous waste facility;

105 o. "Plan" means the Major Hazardous Waste Facilities Plan
106 adopted by the commission pursuant to section 10 of this act;

107 p. "Registration statement" or "registration" means the oper-
108 ating license, approved by the department, for a major hazardous
109 waste facility; "registrant" means the person to whom such ap-
110 proval was granted.

1 ***[11.]*** *12.* Section 12 of P. L. 1981, c. 279 (C. 13:1E-60) is
2 amended to read as follows:

3 12. a. No person shall commence construction of any major
4 hazardous waste facility on or after the effective date of this
5 act unless that person shall have obtained the approval of the
6 department for the registration statement and engineering design
7 for such facility prior to construction thereof.

8 b. The department shall review all applications for registration
9 statements and engineering designs for new major hazardous
10 waste facilities in consultation with the council. The review shall
11 include the **[**consideration of a disclosure statement, which shall be
12 filed by the applicant; the review of an investigative report, based
13 in part upon that statement, which report shall be prepared by the
14 Attorney General; and the**]** evaluation of an environmental and
15 health impact statement, which statement shall be prepared by the
16 commission at the applicant's expense.

17 In addition to all other standards and conditions pertaining to
18 an application for registration and engineering design approval,
19 no such approval shall be granted by the department for a new
20 major hazardous waste facility unless the department finds that:

21 (1) **[**The applicant, in its prior performance record in the treat-
22 ment, storage or disposal of hazardous waste, exhibits sufficient
23 reliability, expertise, and competency to operate a major hazard-
24 ous waste facility given the potential for harm to human health
25 and the environment which could result from the irresponsible
26 operation of the proposed facility. In no case may approval be
27 granted to the applicant if any person shown to be a party to the
28 application by the disclosure statement has been convicted of a
29 crime for any act or omission related to the collection, treatment,
30 storage or disposal of hazardous waste in this or any other juris-
31 diction within 10 years of the date on which the application was
32 filed;**]** (*Deleted by amendment, P. L. 1982, c. . . .*)

33 (2) The environmental and health impact statement shows that
34 the location and design of the proposed facility will pose no

35 significant threat to human health or to the environment if properly
36 managed in accordance with all relevant Federal and State laws
37 and all rules and regulations adopted pursuant thereto; and

38 (3) The proposed facility would be operated by the proposed
39 operator on a site designated by the commission for that particular
40 type of major hazardous waste facility.

41 c. The provisions of the "Administrative Procedure Act," P. L.
42 1968, c. 410 (C. 52:14B-1 et seq.), or any other law to the contrary
43 notwithstanding, the review of all applications for registration
44 and engineering design approval for new major hazardous waste
45 facilities shall be conducted in the following manner:

46 (1) Not less than 90 days prior to filing an application for regis-
47 tration and engineering design approval, the applicant shall submit
48 to the department and the governing body of the affected munici-
49 pality a letter of intent to apply for registration and engineering
50 design approval, [a disclosure statement,] and a brief description
51 of the nature of the proposed facility;

52 (2) [Within 60 days of the receipt of a letter of intent, the de-
53 partment, in consultation with the governing body of the affected
54 municipality and the council, shall inform the applicant whether
55 the disclosure statement shows sufficient indicia of competency
56 and reliability in the treatment, storage or disposal of hazardous
57 waste management to warrant the submission of an application for
58 registration and engineering design approval. Such indicia shall
59 include the character of the applicant and the applicant's history
60 of compliance with or violation of all relevant laws, rules, and
61 regulations concerning hazardous waste management in this State
62 or elsewhere.] (*Deleted by amendment, P. L. 1982, c. . . .*)

63 (3) The department shall transmit, by certified mail, a complete
64 copy of any application submitted pursuant to this subsection to
65 the governing body, board of health, planning board and environ-
66 mental commission of the affected municipality;

67 (4) Within 6 months of the receipt of such notice, the affected
68 municipality shall conduct and transmit to the department a review
69 of the proposed facility and operator, including a site plan review
70 conducted in the manner provided by the "Municipal Land Use
71 Law," P. L. 1975, c. 291 (C. 40:55D-1 et seq.). The cost of the
72 municipal review shall be borne by the applicant, except that such
73 cost shall not exceed \$15,000.00 per application. In preparing this
74 review, the affected municipality may request and receive any
75 reasonable and relevant information from the applicant or the
76 department;

77 (5) Within eight months of the receipt of a complete application,
78 the department shall reject the application or grant tentative
79 approval thereof, which tentative approval shall establish design
80 and operating conditions for the proposed major hazardous waste
81 facility, requirements for the monitoring thereof, and any other
82 conditions required under State rules and regulations.

83 (6) All approvals of applications granted pursuant to this sub-
84 section shall be transmitted to the applicant and to the affected
85 municipality and shall be accompanied by a fact sheet setting forth
86 the principal facts and the significant factual, legal, methodological,
87 and policy questions considered in granting the approval. The fact
88 sheet shall include a description of the type of facility or activity
89 which is the subject of the tentative approval; the type and quanti-
90 ties of wastes which are proposed to be treated, stored, or disposed
91 of at the proposed facility; a brief summary of the basis for the
92 conditions of the tentative approval; the environmental and health
93 impact statement prepared for the proposed facility and a sum-
94 mary as to how the statement demonstrates that the proposed
95 facility, subject to such conditions as may have been imposed, would
96 not create a significant adverse impact upon the public health or
97 the environment, and, in the event that the granting of the tentative
98 approval is contrary to the findings of the municipal review of the
99 application, the department's reasons for the rejection of those
100 findings.

101 (7) Within 45 days of the granting of an approval of an applica-
102 tion, an adjudicatory hearing on the proposed facility and operator
103 shall be conducted by an administrative law judge. The affected
104 municipality shall be a party of interest to such hearing, and shall
105 have the right to present testimony and cross-examine witnesses.
106 Intervention in this hearing by any other person shall be as pro-
107 vided in the "Administrative Procedure Act;"

108 (8) Within 30 days of the close of such hearing, the administra-
109 tive law judge shall transmit his recommendations for action on
110 the application to the department. The judge shall not recommend
111 approval of an application unless he finds clear and convincing
112 evidence that the disclosure statement and application for a regis-
113 tration statement establish that the owner and operator of the
114 proposed facility possess sufficient financial resources to construct,
115 operate, and guarantee maintenance and closure of the facility, and
116 that the facility will not constitute a substantial detriment to the
117 public health, safety and welfare of the affected municipality; and

118 (9) Within 60 days of the receipt thereof, the department shall
119 affirm, conditionally affirm or reject the recommendations of the

120 administrative law judge and grant final approval to or deny the
121 application. Such approval or denial of an application by the
122 department shall be considered to be final agency action thereon
123 for the purposes of the "Administrative Procedure Act," and shall
124 be subject only to judicial review as provided in the Rules of Court.

125 If the department fails to act upon the recommendations of the
126 administrative law judge as required by this subsection, the failure
127 shall constitute departmental affirmance of the recommendations.

128 d. The department may charge and collect, in accordance with a
129 fee schedule adopted as a rule and regulation pursuant to the
130 "Administrative Procedure Act," such reasonable fees as may be
131 necessary to cover the costs of reviewing applications pursuant to
132 this section.

133 e. The department may, upon request of an owner or operator
134 and after public hearing, exempt a major hazardous waste facility
135 below a certain size or of a particular type from being considered a
136 major hazardous waste facility for the purposes of this section,
137 provided that such exemption is consistent with the eligibility
138 standards contained in rules and regulations adopted by the com-
139 mission.

140 f. In the event that any application reviewed by the department
141 pursuant to this section is for a registration statement and engi-
142 neering design approval for a proposed major hazardous waste
143 facility on a site located in more than one municipality, the notices
144 required herein shall be transmitted to each affected municipality
145 or agency thereof, the municipal review of the proposed facility
146 and operator shall be conducted jointly by all of the affected
147 municipalities, and all of the affected municipalities shall be con-
148 sidered a single party for the purposes of the adjudicatory hearing
149 held pursuant to this section.

1 *~~[12.]~~* *13.* This act shall take effect 180 days following enact-
2 ment.

ASSEMBLY, No. 901

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1982

By Assemblyman LESNIAK

AN ACT concerning solid waste and hazardous waste, and supplementing the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39; C. 13:1E-1 et seq.), as said short title was amended by P. L. 1975, c. 326.

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

1 1. As used in this act:

2 a. "Applicant" means a person seeking approval, pursuant to
3 section 5 of P. L. 1970, c. 39 (C. 13:1E-5), of a registration state-
4 ment or engineering design, or an amendment thereto.

5 b. "Disclosure statement" means a statement submitted to the
6 department by an applicant, which statement shall include:

7 (1) The full name, business address and social security number
8 of the applicant, or, if the applicant is a business concern, of any
9 officers, directors, or partners thereof and all persons or business
10 concerns holding more than 10% of the equity in or debt liability
11 of that business concern;

12 (2) The full name, business address and social security number
13 of all officers, directors, or partners of any business concern dis-
14 closed in the statement and the names and addresses of all persons
15 holding more than 10% of the equity in or the debt liability of any
16 business concern so disclosed;

17 (3) The full name and business address of any company which
18 collects, transports, treats, stores or disposes of solid waste or
19 hazardous waste in which the applicant holds an equity interest;

20 (4) A description of the experience and credentials in, including

21 any past or present licenses for, the collection, transportation, treat-
22 ment, storage or disposal of solid waste or hazardous waste
23 possessed by the applicant, or, if the applicant is a business concern,
24 by the key employees, officers, directors, or partners thereof;

25 (5) A listing and explanation of any notices, administrative
26 orders or license revocations issued by any state or federal au-
27 thority, in the 5 years immediately preceding the filing of the appli-
28 cation, which indicate a violation of any law or rule and regulation
29 relating to the collection, transportation, treatment, storage or
30 disposal of solid waste or hazardous waste by the applicant, or if
31 the applicant is a business concern, by any key employee, officer,
32 director, or partner thereof;

33 (6) A listing and explanation of any judgment of liability or
34 conviction which was rendered, pursuant to any state or federal
35 statute or local ordinance concerning the collection, transportation,
36 treatment, storage or disposal of solid waste or hazardous waste,
37 against the applicant, or, if the applicant is a business concern,
38 against any key employee, officer, director, or partner thereof;

39 (7) A listing of all labor unions and trade and business associa-
40 tions in which the applicant was a member during the 10 years
41 preceding the date of the filing of the application;

42 (8) Letters of reference from law enforcement agencies having
43 jurisdiction in the applicant's place of residence and principal place
44 of business, if they are outside of New Jersey, indicating whether
45 those law enforcement agencies have any pertinent information
46 concerning the applicant, and specifying that information;

47 (9) Letters of reference from any agency outside of New Jersey
48 which had regulatory responsibility over the applicant in connection
49 with his collection, transportation, treatment, storage or disposal of
50 solid waste or hazardous waste, which letters shall specify the
51 experience of the agency with the applicant; and

52 (10) Any other information the Attorney General or the depart-
53 ment may require that relates to the competency or reliability of
54 the applicant.

55 c. "Engineering design" means the specifications and parameters
56 required by the department for the construction and operation of a
57 facility for the collection, transportation, treatment, storage or dis-
58 posal of solid waste or hazardous waste.

59 d. "Registration statement" means the operating license for a
60 facility for the collection, transportation, treatment, storage or
61 disposal of solid waste or hazardous waste.

1 2. a. In addition to any other procedure, condition or informa-
2 tion required pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.), or
3 any other law:

4 (1) The applicant shall file a disclosure statement with the
5 department;

6 (2) The applicant shall be photographed and fingerprinted for
7 identification and investigation purposes;

8 (3) The Attorney General shall prepare and transmit to the
9 department an investigative report on the applicant, based in part
10 upon the disclosure statement; and

11 (4) The departmental review of the application for a registra-
12 tion statement or engineering design, or amendment thereto, shall
13 include a review of the disclosure statement and investigative
14 report.

1 3. The Attorney General may issue subpoenas requiring the
2 attendance and testimony of witnesses and the production of any
3 book, document, paper, statistic, datum, information, or record for
4 the purpose of preparing an investigative report pursuant to sec-
5 tion 2 of this act. Whenever there arises a refusal to honor his
6 subpoena, the Attorney General may petition a court of competent
7 jurisdiction for an order requiring the attendance and testimony
8 of a witness or the production of the requested book, document,
9 paper, statistic, datum, information, or record. Any person who
10 refuses to obey such a court order shall be guilty of a crime of the
11 fourth degree, and the refusal may be punished by the court as a
12 contempt thereof.

1 4. The provisions of any law to the contrary notwithstanding,
2 no registration statement or engineering design, or amendment
3 thereto, shall be approved by the department:

4 a. Unless the department finds that the applicant, in any prior
5 performance record in the collection, transportation, treatment,
6 storage or disposal of solid waste or hazardous waste, has exhibited
7 sufficient reliability, expertise, and competency to operate the solid
8 waste or hazardous waste facility, given the potential for harm to
9 human health and the environment which could result from the
10 irresponsible operation thereof, or if no prior record exists, that
11 the applicant is likely to exhibit that reliability, expertise and
12 competence;

13 b. If any person shown to be a party to the application by the
14 disclosure statement or the investigation thereof has been con-
15 victed of a crime for any act or omission related to the collection,
16 transportation, treatment, storage or disposal of solid waste or
17 hazardous waste in this or any other jurisdiction within 10 years
18 of the date on which the application was filed;

19 c. If any person shown to be a party to the application by the
20 disclosure statement or the investigation thereof has been con-

21 victed of any offense in any jurisdiction which would be under
22 New Jersey law at the time of application a violation of any of the
23 following provisions of law:

24 (1) With respect to convictions obtained pursuant to the "New
25 Jersey Code of Criminal Justice," P. L. 1978, c. 95 (Title 2C of
26 the New Jersey Statutes) as amended and supplemented:

27 All crimes of the first degree;

28 N. J. S. 2C:5-1 (attempt to commit an offense which is listed in
29 this paragraph);

30 N. J. S. 2C:5-2 (conspiracy to commit an offense which is listed
31 in this paragraph);

32 N. J. S. 2C:11-4b. (manslaughter);

33 N. J. S. 2C:12-1b. (aggravated assault which constitutes a crime
34 of the second or third degree);

35 N. J. S. 2C:15-1 (robberies);

36 N. J. S. 2C:17-1a. and b. (crimes involving arson and related
37 offenses);

38 N. J. S. 2C:17-2a. and b. (causing or risking widespread injury
39 or damage);

40 N. J. S. 2C:18-2 (burglary which constitutes a crime of the second
41 degree);

42 N. J. S. 2C:20-1 et seq. (theft and related offenses which con-
43 stitute crimes of the second and third degrees);

44 N. J. S. 2C:20-7 (receiving stolen property);

45 N. J. S. 2C:21-1 et seq. (forgery and fraudulent practices which
46 constitute crimes of the second and third degrees);

47 N. J. S. 2C:21-4a. (falsifying or tampering with records);

48 N. J. S. 2C:21-14 (receiving deposits in a failing financial in-
49 stitution);

50 N. J. S. 2C:27-1 et seq. (bribery and corrupt influence);

51 N. J. S. 2C:28-1 et seq. (perjury and other falsification in official
52 matters which constitutes a crime of the third and fourth degrees);

53 N. J. S. 2C:30-2 and N. J. S. 2C:30-3 (misconduct in office and
54 abuse in office which constitutes a crime of the second degree);

55 N. J. S. 2C:37-1 et seq. (gambling offenses which constitute
56 crimes of the third and fourth degrees);

57 N. J. S. 2C:37-7 (possession of a gambling device);

58 (2) With respect to convictions obtained under Title 2A of the
59 New Jersey Statutes:

60 N. J. S. 2A:85-5 (attempt to commit an offense which is in this
61 paragraph);

62 N. J. S. 2A:89-1 et seq. (arson and other burnings);

63 N. J. S. 2A:90-1 et seq. (assault and battery);

64 N. J. S. 2A:91-1 et seq. (banks and financial corporations);
65 N. J. S. 2A:93-1 (bribery of judge or magistrate; acceptance of
66 bribe);
67 N. J. S. 2A:93-2 (bribery of legislators; acceptance by legislators
68 or other persons);
69 N. J. S. 2A:93-4 (soliciting or receiving award for official vote);
70 N. J. S. 2A:93-6 (giving or accepting bribes in connection with
71 government work, service, etc.);
72 N. J. S. 2A:93-10 (giving or promising bribe to participants in
73 sporting contest);
74 N. J. S. 2A:93-13 (giving or promising bribe to referee, umpire
75 or other official in sporting contest);
76 N. J. S. 2A:94-1 (breaking and entering or entering);
77 N. J. S. 2A:94-2 (use of high explosives in breaking or entering);
78 N. J. S. 2A:98-1 (conspiracy to commit an offense which is
79 enumerated in this paragraph);
80 N. J. S. 2A:99-1 (obstructing execution of process; assaulting
81 officers);
82 N. J. S. 2A:102-1 et seq. (embezzlement, conversion and mis-
83 appropriation);
84 N. J. S. 2A:103-1 et seq. (embracery);
85 N. J. S. 2A:105-1 et seq. (extortion, threats and unlawful tak-
86 ings);
87 N. J. S. 2A:108-9 (narcotic drugs; persuading others to use);
88 N. J. S. 2A:109-1 to N. J. S. 2A:109-3, N. J. S. 2A:109-6 to
89 N. J. S. 2A:109-9 (forgery and counterfeiting);
90 N. J. S. 2A:111-1 to N. J. S. 2A:111-3, N. J. S. 2A:111-5 to
91 N. J. S. 2A:111-15, N. J. S. 2A:111-18 to N. J. S. 2A:111-21,
92 N. J. S. 2A:111-23 and N. J. S. 2A:111-24 (frauds and cheats);
93 N. J. S. 2A:112-1 et seq. (gaming);
94 N. J. S. 2A:113-1 (murder);
95 N. J. S. 2A:113-5 (manslaughter);
96 N. J. S. 2A:114-2 (incestuous conduct between parent and child);
97 N. J. S. 2A:118-1 et seq. (kidnapping);
98 N. J. S. 2A:119-1 to N. J. S. 2A:119-5, P. L. 1965, c. 52 (C.
99 2A:119-5.1 et seq.) (larceny and other stealings);
100 N. J. S. 2A:119-8 (stealing narcotic drugs; breaking and entering
101 with intent to steal);
102 P. L. 1968, c. 349 (C. 2A:119A-1 et seq.) (loansharking);
103 N. J. S. 2A:121-1 et seq. (lotteries);
104 N. J. S. 2A:125-1 et seq. (mayhem);
105 N. J. S. 2A:131-1 to N. J. S. 2A:131-3 (perjury and subornation
106 of perjury);

- 107 N. J. S. 2A:135-3 (public officers or employees unlawfully obtain-
 108 ing state, county, municipal or school district funds);
- 109 N. J. S. 2A:138-1 et seq. (rape and carnal abuse);
- 110 N. J. S. 2A:139-1 et seq. (receiving stolen property);
- 111 N. J. S. 2A:141-1 (robbery);
- 112 N. J. S. 2A:143-2 (sodomy with children under 10);
- 113 P. L. 1964, c. 179, section 1 (C. 2A:111-21.1) (frauds and cheats);
- 114 P. L. 1954, c. 58 (C. 2A:111-28 et seq.) (frauds and cheats);
- 115 P. L. 1960, c. 62 (C. 2A:111-32 et seq.) (frauds and cheats);
- 116 P. L. 1964, c. 294, sections 1 and 2 (C. 2A:111-34, C. 2A:111-35)
 117 (frauds and cheats);
- 118 P. L. 1968, c. 253, sections 1 and 2 (C. 2A:111-37, C. 2A:111-38)
 119 (frauds and cheats);
- 120 P. L. 1968, c. 260, section 1 (C. 2A:111-39) (frauds and cheats);
- 121 P. L. 1968, c. 300, sections 1 through 7 (C. 2A:111-40 through
 122 C. 2A:111-46 inclusive) (frauds and cheats);
- 123 P. L. 1957, c. 49 (C. 2A:148-22.1) (giving false information to law
 124 enforcement officer or agency); or
- 125 (3) Any high misdemeanor under section 19 of P. L. 1970, c. 226
 126 (C. 24:21-19);
- 127 d. If any person shown to be a party to the application by the
 128 disclosure statement or the investigation thereof has been identified
 129 as a career offender or a member of a career offender cartel in
 130 such a manner which creates a reasonable belief that the association
 131 is of such a nature as to be inimical to the policy of insuring the safe
 132 and proper collection, transportation, treatment, storage and dis-
 133 posal of solid waste and hazardous waste. For purposes of this
 134 section, "career offender" means any person whose behavior is
 135 pursued in an occupational manner or context for the purpose of
 136 economic gain, utilizing such methods as are deemed criminal
 137 violations of the public policy of this State; "career offender cartel"
 138 means any group of persons who operate together as career
 139 offenders; or
- 140 e. If any person shown to be a party to the application by the
 141 disclosure statement or the investigation thereof has committed
 142 any act or acts which would constitute any offense under subsection
 143 c. of this section, even if such conduct has not or may not be
 144 prosecuted under the criminal laws of this State.
- 1 5. This act shall take effect immediately.

A901

Sponsors⁷
STATEMENT

This bill would require that any person seeking approval to collect, transport, treat, store or dispose of solid waste or hazardous waste file a disclosure statement with the Department of Environmental Protection and be the subject of an investigation by the Attorney General. No approvals would be granted to (1) any person shown to be insufficiently reliable, expert or competent to safely undertake any of these activities; (2) any applicant if any person who is a party to that application has been convicted of any crime related to solid or hazardous waste in the 10 years preceding the date of application; or (3) any applicant if any person who is a party to that application has ever committed certain criminal offenses.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 901

STATE OF NEW JERSEY

DATED: JULY 6, 1982

The Assembly Committee Substitute for Assembly Bill No. 901 is the product of several months of cooperative efforts of the Assembly Agriculture and Environment Committee, the Division of Criminal Justice of the Department of Law and Public Safety, the Department of Environmental Protection, and the solid waste and hazardous waste industries.

The purpose of Assembly Committee Substitute for Assembly Bill No. 901 is to preclude the criminal elements of our society from obtaining, or retaining, licenses to collect, transport, treat, store or dispose of solid waste or hazardous waste, thereby freeing this industry from the allegedly strong influence of organized crime, and, by so doing, minimizing the serious health and environmental threats posed by the improper handling of solid and hazardous waste.

To accomplish these ends, this bill would require the filing of disclosure statements by applicants for registration statements and engineering design approvals (which are the "licenses" required by law for solid waste and hazardous waste operations), and by the current holders of these licenses as a condition for the first renewal of that license subsequent to the effective date of this bill. The provisions of this bill, however, specifically exempt from this new disclosure and investigatory process "licenses" issued to: (1) local governmental agencies; (2) persons who collect, transport, treat, store or dispose of only their own solid waste or hazardous waste; (3) persons who operate hazardous waste facilities where less than 25% of the total design capacity of the facility is utilized to treat, store or dispose of hazardous waste generated by others; (4) persons who operate hazardous waste facilities which are considered as such solely because of the recycling or refining of hazardous waste which are or contain precious metals of copper; and (5) any person whose only licensed activity is the collection, transportation, treatment, storage or disposal of granular activated carbon used in the absorption of hazardous waste. These exemptions are consistent with the committee's intent of focusing on

the commercial aspects of the solid waste and hazardous waste industries where the influence of organized crime is allegedly concentrated.

Disclosure statements would include: (1) an indication of the identity of the applicant, the officers, directors, partners or key employees of his business, as well as any person holding a significant equity interest in or debt liability of that business; (2) a description of the applicant's experience in the industry; (3) a listing of violations, enforcement actions, judgments or convictions (other than motor vehicle violations) which involve the applicant or the officers, directors, partners or key employees of his business; (4) and identification of labor unions and trade associations with which the applicant deals; and (5) a listing of out-of-state regulatory agencies which have, or had, jurisdiction over the applicant in connection with his involvement in the solid and hazardous waste industry.

With respect to the disclosure statement filed by a new applicant, the Attorney General shall conduct an investigation; with respect to statements filed by existing licensees, that investigation is discretionary. All applicants and licensees would have the continuing duty to disclose relevant information to the Attorney General and the department, and to cooperate in investigations conducted by the Attorney General. The Attorney General would, pursuant to specific procedures included in this bill, be authorized to issue investigative interrogatories and subpoenas as a part of these investigations. The Attorney General is further authorized to charge applicants and licensees a fee of up to \$100.00 per individual investigated.

The results of any Attorney General's investigation would be forwarded to the license-issuing agency, the Department of Environmental Protection. No new license or first renewal (after the effective date of this bill) of an existing license could be approved by the department if: (1) the department finds that the applicant or licensee possesses insufficient reliability, expertise or competence; (2) if any person required to be listed in the disclosure statement or shown to have a certain beneficial interest in the business of the applicant or licensee

(a) has been convicted of certain enumerated crimes within the last 10 years, unless that person has affirmatively demonstrated his rehabilitation;

(b) does not possess a reputation for good character, honesty and integrity;

(c) has pending against him current prosecutions or charges; or

(d) has pursued economic gain in an occupational manner or context which is in violation of the civil or criminal public policy of this

State.

Sections 10 and 11 of Assembly Bill No. 901 Acs amend the "Major Hazardous Waste Facilities Siting Act," P. L. 1981, c. 279 (C. 13:1E-49 et seq.). These amendments delete the provisions of P. L. 1981, c. 279 which relate to disclosure statements, Attorney General's investigations, and license disqualifications concerning permits for major hazardous waste facilities, which would now come under the purview of Assembly Bill No. 901 Acs.

The committee made several substantive amendments to Assembly Bill No. 901 Acs. Concerning the disclosure statement requirements, the committee provided that if a business required to be listed is a publicly traded corporation, then only persons holding more than 5% of the equity in or debt liability of the business need be listed; if the business is not publicly traded, *all* persons holding any equity in or debt liability of the business must be disclosed. The committee also amended Assembly Bill No. 901 Acs to clarify that the fee imposed by the Attorney General on applicants shall be \$100.00 per each person listed on the disclosure statement. The committee also added to the list of offenses which would disqualify a person from receiving a permit any violation of N. J. S. 2C:17-2 (Causing or Risking Widespread Injury or Damage). In addition, the committee provided that a violation of an environmental law would disqualify an applicant if the offense was purposeful or needless, and clarified that a violation of an environmental law in another state would also be disqualifying.

SENATE ENERGY AND ENVIRONMENT COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 901

STATE OF NEW JERSEY

DATED: MAY 23, 1983

Assembly Committee Substitute for Assembly Bill No. 901 establishes a comprehensive procedure, to be implemented by the Attorney General and the Department of Environmental Protection, for screening the background of persons applying for a permit to collect, transport, treat, store, or dispose of solid or hazardous waste. The purpose of Assembly Bill No. 901 Acs is to preclude any involvement in the solid or hazardous waste industry of persons with a record of criminal behavior or other disqualifying activities.

Assembly Bill No. 901 Acs would require persons seeking a permit to engage in solid or hazardous waste operations to file a disclosure statement with the Attorney General.

A disclosure statement would include: (1) the identity of the applicant, the officers, directors, partners or key employees of his business, as well as any person holding a significant equity interest in or debt liability of that business; (2) a description of the applicant's experience in the industry; (3) a listing of violations, enforcement actions, judgments, or convictions (other than motor vehicle violations) which involve the applicant or the officers, directors, partners or key employees of his business; (4) an identification of labor unions and trade associations with which the applicant deals; and (5) a listing of out-of-state regulatory agencies which have, or had, jurisdiction over the applicant in connection with his involvement in the solid and hazardous waste industry.

When the Attorney General receives a completed disclosure statement filed by a new applicant, he would conduct an investigation of the applicant; with respect to disclosure statements filed by persons already possessing a permit, the investigation is discretionary. In the course of the investigation, the Attorney General would have the authority to issue investigative interrogatories and subpoenas. The Attorney General is also authorized to assess each applicant a fee on the basis of \$100.00 per person listed on the disclosure statement.

When the Attorney General completes the investigation of an applicant, he would forward the results of his investigation in an investi-

gative report to the Department of Environmental Protection. Assembly Bill No. 901 Acs would provide that the department could not issue a permit, or renew an existing one, if the department finds, based on the investigative report, that the applicant possesses insufficient reliability, expertise or competence, or that any person required to be listed on the disclosure statement or shown to have a beneficial interest in the applicant's business (1) has been convicted of certain enumerated crimes within the preceding 10 years, unless the person has affirmatively demonstrated his rehabilitation; (2) does not possess a reputation for good character, honesty and integrity, (3) has pending against him current prosecutions or charges, or (4) has pursued economic gain in an occupational manner or context which is in violation of the civil or criminal public policy of this State. Applicants or licensees who would otherwise be denied a license, or renewal thereof, as a result of the actions of another person, would have the option of severing the interest of, or affiliation with, that person. Assembly Bill No. 901 Acs also provides grounds for the revocation of solid or hazardous waste licenses granted pursuant to existing law (P. L. 1970, c. 39 or P. L. 1981, c. 279). These grounds would include: (1) any cause (other than pending charges or prosecutions) for disqualification for a new license; (2) fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity; (3) attempting to have any other person violate laws, rules and regulations relevant to solid waste or hazardous waste; (4) coercion of customers; or (5) preventing any licensee from disposing of solid waste or hazardous waste at a licensed treatment, storage or disposal facility contrary to departmental procedures. Any person whose license is revoked would have the right to an administrative hearing on the matter.

Assembly Bill No. 901 Acs specifically excludes from the disclosure and investigatory mechanism licenses issued to: (1) local government agencies, (2) persons who deal only with their own solid or hazardous waste, (3) persons who operate hazardous waste facilities where less than 25% of the capacity is used to treat, store, or dispose of hazardous waste generated by others, (4) persons who operate hazardous waste facilities which are considered as such solely because of the recycling or refining of hazardous wastes which are or contain precious metals of copper; and (5) any person whose only licensed activity is the collection, transportation, treatment, storage or disposal of granular activated carbon used in the adsorption of hazardous waste. These exemptions are consistent with the intent of focusing on the commercial sector of the solid and hazardous waste industry, where the potential for criminal influence is greatest.

Applicants or licensees who would otherwise be denied a license, or renewal thereof, as a result of the actions of another person would have the option of severing the interest of, or affiliation with, that person.

Applicants who are denied an initial license pursuant to this bill would be afforded the opportunity for a "contested case" hearing thereon in the manner provided in the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.). Section 11 of that act (C. 52:14B-11) already affords this opportunity with respect to non-renewals or revocations of these licenses.

Assembly Committee Substitute for Assembly Bill No. 901 also provides grounds for the revocation of licenses granted pursuant to existing law (P. L. 1970, c. 39 or P. L. 1981, c. 279). These grounds would include: (1) any cause (other than pending charges or prosecutions) for disqualification for a new license; (2) fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity; (3) attempting to have any other person violate laws, rules and regulations relevant to solid waste or hazardous waste; (4) coercion of customers; or (5) preventing any licensee from disposing of solid waste or hazardous waste at a licensed treatment, storage or disposal facility contrary to departmental procedures.

Sections 10 and 11 of Assembly Committee Substitute for Assembly Bill No. 901 amend the "Major Hazardous Waste Facilities Siting Act," P. L. 1981, c. 279 (C. 13:1E-49 et seq.).

These amendments delete the provisions of that act which relate to disclosure statements, Attorney General's investigations and license disqualifications with respect to applicants for registration statements and engineering design approvals for major hazardous waste facilities. Licenses for these facilities would then come under the more stringent provisions of Assembly Committee Substitute for Assembly Bill No. 901.

adopted
8-5-82

Assembly

ACS For
Assembly Bill No. 901

waste industries that his participation would
create or enhance the dangers of unsound, unfair,
or illegal practices, methods, and activities
in the conduct of the business of these industries;

Line

That, notwithstanding the fact that the major
percentage of operators involved in these
industries are respectable and responsible
and that there exists in New Jersey a substantial
waste industry capable of meeting the licensing
standards, the solid and hazardous waste industries
remain vulnerable to corrupting influences; and

Therefore, that it is vital to the interests
of the State to prevent entry, direct or indirect,
into the operations of the solid or hazardous
waste industries of persons who have pursued
economic gains in an occupational manner or
context violative of the criminal code or civil
public policies of the State, and it is to the
end of excluding such persons that the regulatory
and investigatory powers and duties provided in this
supplementary act shall be exercised to the
fullest extent consistent with law."

Renumber ~~sections 1 through 12~~ as sections
"2." through "13."

31 ~~after "applicant"~~ Omit "and" and insert "or"

43 After "subsection," insert "no"

46 ~~after "thereof"~~ Omit " ; "

1 ~~after "section"~~ Omit "notwithstanding" insert
"Notwithstanding"

STATEMENT

This amendment incorporates into this bill a
formal declaration of policy and legislative intent.
Since this measure grants strong new regulatory powers
to the State with respect to the issuance of licenses
to collect, transport, treat, store, or dispose of
solid or hazardous waste, it is appropriate that a
clear rationale for these powers be detailed to guide
those responsible for implementing it and, if necessary
to guide courts in interpreting it.

This amendment also corrects several typographical
and other technical errors in the present text.

to

Assembly Bill No. 901 Acs OCR

ADOPTED

Proposed by Assemblyman Lesniak
9/30/82

Amend: SEP 30 1982

Page	Sec.	Line	
2	2	16	Omit "licensed" insert "chartered"
2	2	24	Omit "licensed" insert "chartered"
3	2	63	After "concern" insert "but shall not include employees exclusively engaged in the physical or mechanical collection, transportation, treatment, storage or disposal of solid or hazardous waste"
4	3	11	Omit "photographed and"

STATEMENT

These amendments would remedy certain technical deficiencies of the bill; refine the definition of "key employee"; and remove the requirement that any person licensed under this act would be required to be photographed.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

September 6, 1983

ASSEMBLY BILL NO. 901 (3rd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 901 (3rd OCR) with my objections for reconsideration.

This bill would establish a comprehensive procedure to be implemented by the Attorney General and the Department of Environmental Protection for screening persons who apply for a permit to collect, transport, treat, store or dispose of solid or hazardous waste in New Jersey. The purpose of the bill is to preclude any involvement in the solid or hazardous waste industries by persons with a record of certain criminal behavior or of some other undesirable activities. The bill would disqualify from licensure persons who have been convicted of certain enumerated crimes, those who do not possess a reputation for good character, honesty and integrity, those who have failed to demonstrate expertise and reliability in their previous experience in the solid or hazardous waste industries, and those who have pursued economic gain in an occupational manner or context which is in violation of the civil or criminal public policies of this State.

While I am totally in agreement with the concept behind this bill and believe that it is an important element in efforts to eradicate criminal involvement in the solid and hazardous waste industries, I have been advised by the Attorney General that certain changes should be made to the bill.

The bill provides that anyone who has been convicted of certain enumerated crimes within the preceeding ten years is ineligible to be licensed pursuant to the bill unless the person has affirmatively demonstrated his rehabilitation. The Attorney General has advised me that this ten-year ineligibility is unduly harsh, where, for example, an applicant's crime is an isolated incident or where debarment is due to corporate liability for the conduct of an employee. Therefore, I recommend that the ten-year exclusionary period be deleted so that an individual who has previously been convicted of one of these crimes may make

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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application for a license at any time based on rehabilitation. It should be noted that the applicant would still bear the burden of proving his rehabilitation by clear and convincing evidence, and the Attorney General, in evaluating this evidence, would consider the nature of the offense and the circumstances surrounding it.

The Attorney General has also recommended that a public interest exception be added to the bill. Thus, for example, if it is shown that only one company is presently able to service a particular municipality or county, the Attorney General could recommend and the Department of Environmental Protection could determine that the issuance or renewal of a license for that company is necessitated by the public interest, notwithstanding some factor which would otherwise disqualify the applicant. No community should be left without essential services, regardless of questions which may exist about the desirability or qualifications of the individuals or organizations providing those services. However, this licensure should occur only for a temporary period of no more than six months to give other companies sufficient time to make arrangements to service that particular locality.

The Attorney General has recommended further that perjury should be added to the list of crimes which are grounds for disqualification under the bill. This crime goes to the central issue of the integrity of the applicant and should be considered in the licensing process. Additionally, a violation of the "Solid Waste Utility Control Act" should be grounds for disqualification since this law authorizes the economic regulation of the solid waste industry and prohibits any attempt to monopolize it. Certainly, a violation of this law also casts doubt on the integrity and reliability of a prospective licensee based on his prior experience in the industry.

Presently, Assembly Bill No. 901 (3rd OCR) only requires that changes in or additions to the list of persons required to be identified on a disclosure statement must be reported by an applicant after the original statement is filed. I would recommend that an applicant be required to update any information that must be disclosed within 30 days of a change in that information. For example, convictions which postdate the filing of the applicant's disclosure

STATE OF NEW JERSEY
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statement are of material importance with regard to the individual's continuing eligibility for licensure and should be made known to the Attorney General.

Finally, the bill inadvertently may have an effect on the Hackensack Meadowlands Development Commission and on other State agencies or departments. For this reason, the list of exemptions to licensure under the bill should be broadened to include State agencies and departments in addition to counties, municipalities and their agencies. There are also several minor, technical errors in the bill which should be corrected.

Accordingly, I herewith return Assembly Bill No. 901 (3rd OCR) with the following amendments for enactment by the Legislature:

Page 4, Section 2, Line 72: After "Any" INSERT "State department, division, agency, commission or authority, or"

Page 5, Section 3, Lines 41-42: DELETE entirely

Page 5, Section 3, Line 43: Before "the filing" INSERT

"e. If any of the information required to be included in the disclosure statement changes, or if any additional information should be added after"

Page 11, Section 8, Line 40: DELETE "or"

Page 11 Section 8, Line 42A: After "regulations" DELETE "." and INSERT ";

Page 11 Section 8, Line 42B: After "2C:17-2" DELETE "." and insert ";

Page 11, Section 8: After Line 42B INSERT:

"(21) Any offense specified in Chapter 28 of N.J.S. 2C; or
(22) Violation of the "Solid Waste Utility Control Act", P.L. 1970, c.40 and P.L. 1981, c.221 (C.48:13A-1 et seq.)"

Page 11, Section 8, Line 50: After "that" DELETE "the offense did not occur within the 10 year period im - "

Page 11, Section 8, Line 51: DELETE entirely

Page 12, Section 8, Line 88: After "during the" DELETE "pending" and INSERT "pendency"

Page 12, Section 9, Line 1: After "license" DELETE "issued pursuant to this act"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Page 13, Section 10, Line 5: After "disqualification" INSERT "or may
issue or renew a license on a temporary basis for a period not to
exceed six months if, upon the recommendation of the Attorney General,
the department determines that the issuance or renewal of the
license is necessitated by the public interest"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

(seal)

Attest:

/s/ W. Cary Edwards
Chief Counsel