

A4267

INTRODUCED BILL: (Sponsor's statement begins on page 31)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY: Yes	Environment & Solid Waste Appropriations
	SENATE: No	

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	12/16/2019

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library ([609\) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>](tel:6092782640))

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Jersey to crack down on illegal dumping," The Times, January 22, 2020, page 1
"Dirty Dirt' bill now law, NJBIZ, January 22, 2020
N."J. to crack down on illegal dumping," South Jersey Times, January 24, 2020, page 009

Rwh/cl

§§1,2 -
C.13:1E-127.1 &
13:1E-127.2
§§13-18 -
C.13:1E-135.1 to
13:1E-135.6

P.L. 2019, CHAPTER 397, *approved January 21, 2020*
Senate, No. 1683 (*Third Reprint*)

1 AN ACT concerning regulation of the solid waste, hazardous waste,
2 and soil and ¹debris fill¹ recycling industries, amending and
3 supplementing P.L.1983, c.392, and amending P.L.1991, c.269
4 ¹[, P.L.1970, c.40]¹ and P.L.1971, c.461.

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

8
9 1. (New section) a. No later than 90 days after the ¹date of
10 enactment effective date¹ of P.L. , c. (C.) (pending before the
11 Legislature as this bill), any business concern that ¹is not already a
12 licensee pursuant to P.L.1991, c.269 (C.13:1E-126 et seq.), and that
13 actively¹ engages in, or otherwise provides, soil and ¹debris fill¹
14 recycling services shall register with the ¹Attorney General
15 department¹. The registration shall include ¹, but need not be
16 limited to¹:

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

19 (2) the address of the business concern and the addresses of any
20 other locations where trucks or equipment used by the business
21 concern are kept ¹;

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

24 (4) a statement by the business concern that it is actively
25 engaged in soil and fill recycling services at the time of
26 registration¹.

27 b. ¹A business concern shall submit the information required
28 pursuant to subsection a. of this section on a registration form
29 prescribed by the department. The business concern shall certify to
30 the truth and accuracy of the information provided in the
31 registration form.

32 c.¹ No more than 90 days after submission of ¹all information
33 required to be submitted a registration form¹ pursuant to
34 ¹subsection a. of¹ this section, the ¹Attorney General
35 department¹ shall issue a soil and ¹debris fill¹ recycling

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 February 14, 2019.

²Senate floor amendments adopted June 20, 2019.

³Assembly AEN committee amendments adopted December 9, 2019.

1 registration to the business concern ¹**[that registers pursuant to**
 2 **subsection a. of this section]** . Issuance of a soil and fill recycling
 3 registration pursuant to this section shall not preclude the
 4 department from subsequently denying a soil and fill recycling
 5 license to the registrant.

6 d. No more than 270 days after the effective date of P.L. ,
 7 c. (C.) (pending before the Legislature as this bill), a
 8 registrant shall submit a valid and administratively complete
 9 application for a soil and fill recycling license with the Attorney
 10 General. Registrants may request a 90-day extension to file a soil
 11 and fill recycling license application pursuant to this section, and
 12 the Attorney General may grant the request upon a showing of good
 13 cause.

14 e. A soil and fill recycling registration issued pursuant to this
 15 section shall automatically expire and become invalid upon: (1)
 16 failure by the registrant to submit a valid and administratively
 17 complete application for a soil and fill recycling license within the
 18 required timeframe; or (2) a final determination by the department
 19 regarding the registrant's application for a soil and fill recycling
 20 license.

21 f. A soil and fill recycling registration issued pursuant to this
 22 section is non-transferable and shall ²temporarily² authorize the
 23 registrant to provide soil and fill recycling services pending the
 24 approval or denial of the registrant's application for a soil and fill
 25 recycling license.

26 g. Any business concern that seeks to engage in soil and fill
 27 recycling services later than 90 days after the effective date of this
 28 act that has not submitted a registration form pursuant to subsection
 29 a. of this section shall file an application for a soil and fill recycling
 30 license with the Attorney General.

31 h. As used in this section, "registrant" means any person who
 32 applies for and is issued a soil and fill recycling registration
 33 pursuant to this section¹.
 34

35 2. (New section) ¹**[No]** Beginning 180 days after the effective
 36 date of P.L. , c. (C.) (pending before the Legislature as this bill),
 37 no¹ business concern shall engage in soil and ¹**[debris]** fill¹ recycling
 38 services unless it holds a soil and ¹**[debris]** fill¹ recycling ¹**[license]**
 39 registration¹ issued pursuant to ¹section 1 of P.L. , c. (C.)
 40 (pending before the Legislature as this bill), a soil and fill recycling
 41 license issued pursuant to¹ section 8 of P.L.1983, c.392 (C.13:1E-
 42 133) ¹, or is a licensee pursuant to section 8 of P.L.1983, c.392 (C.13:1
 43 E-133)¹.
 44

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

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

1 a. "Applicant" means any business concern **[which]** that (1) has
2 filed a disclosure statement with the **[department and the]** Attorney
3 General and is seeking **[an initial]** a license, provided that the business
4 concern has furnished the department and the Attorney General with
5 any information required pursuant to ¹**[P.L.1991, c.269 (C.13:1E-**
6 128.1 et al.)] **P.L.1983, c.392 (C.13:1E-126 et seq.)**¹ , or (2) has been
7 issued a soil and ¹**[debris] fill**¹ recycling registration ²pursuant to
8 section 1 of P.L. , c. (C.) (pending before the Legislature as this
9 bill)² , has filed a disclosure statement with the ¹**[department and the]**¹
10 Attorney General, and is seeking a soil and ¹**[debris] fill**¹ recycling
11 license.

12 b. "Application" means the forms and accompanying documents
13 filed in connection with an applicant's or permittee's request for a
14 license or a soil and ¹**[debris] fill**¹ recycling license.

15 c. "Business concern" means any corporation, association, firm,
16 partnership, sole proprietorship, trust ¹, limited liability company,¹ or
17 other form of commercial organization.

18 d. "Department" means the Department of Environmental
19 Protection.

20 e. "Disclosure statement" means a statement submitted to the
21 **[department and the]** Attorney General by an applicant or a permittee,
22 which statement shall include:

23 (1) The full name, business address ¹, telephone number, email
24 address,¹ and social security number of the applicant or the permittee,
25 as the case may be, and of any officers, directors, partners, or key
26 employees thereof and all persons holding any equity in or debt
27 liability of the applicant or permittee, or, if the applicant or permittee
28 is a publicly traded corporation, all persons holding more than ¹**[5%]**
29 five percent¹ of the equity in or the debt liability of the applicant or
30 permittee, except that (a) where the equity in or debt liability of the
31 applicant or permittee is held by an institutional investor, the applicant
32 or permittee need only supply the name, business address and the basis
33 upon which the institutional investor qualifies as an institutional
34 investor, and (b) where the debt liability is held by a chartered lending
35 institution, the applicant or permittee need only supply the name and
36 business address of the lending institution;

37 (2) The full name, business address ¹, telephone number, email
38 address,¹ and social security number of all officers, directors, or
39 partners of any business concern disclosed in the disclosure statement
40 and the names and addresses of all persons holding any equity in or the
41 debt liability of any business concern so disclosed, except that (a)
42 where the business concern is a publicly traded corporation, the
43 applicant or permittee need only supply the name and business address
44 of the publicly traded corporation and copies of its annual filings with
45 the Securities and Exchange Commission, or its foreign equivalent, (b)
46 where the equity in or debt liability of that business concern is held by
47 an institutional investor, the applicant or permittee need only supply
48 the name, business address and the basis upon which the institutional

1 investor qualifies as an institutional investor, and (c) where the debt
2 liability is held by a chartered lending institution, the applicant or
3 permittee need only supply the name and business address of the
4 lending institution;

5 (3) The full name and business address of any business concern
6 which collects, transports, treats, stores, ¹brokers,¹ transfers or
7 disposes of solid waste or hazardous waste , or that engages in soil and
8 ¹**【debris】 fill¹ recycling services,** in which the applicant or the
9 permittee holds an equity interest;

10 (4) A description of the experience and credentials in, including
11 any past or present licenses for, the collection, transportation,
12 treatment, storage, ¹brokering,¹ transfer or disposal of solid waste or
13 hazardous waste , or the provision of soil and ¹【debris】 fill¹ recycling
14 services, possessed by the applicant or the permittee, as the case may
15 be, and by the key employees, officers, directors, or partners thereof;

16 (5) A listing and explanation of any notices of violation or
17 prosecution, administrative orders or license revocations issued by this
18 State or any other state or federal authority, in the 10 years
19 immediately preceding the filing of the application or disclosure
20 statement, whichever is later, which are pending or have resulted in a
21 finding or a settlement of a violation of any law or rule and regulation
22 relating to the collection, transportation, treatment, storage,
23 ¹brokering,¹ transfer or disposal of solid waste or hazardous waste, or
24 the provision of soil and ¹【debris】 fill¹ recycling services, by the
25 applicant or the permittee, as the case may be, or by any key
26 employee, officer, director, or partner thereof;

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

35 (7) A listing of all labor unions and trade and business associations
36 in which the applicant or the permittee was a member or with which
37 the applicant or the permittee had a collective bargaining agreement
38 during the 10 years preceding the date of the filing of the application
39 or disclosure statement, whichever is later;

40 (8) A listing of any agencies outside of New Jersey which had
41 regulatory responsibility over the applicant or the permittee, as the
42 case may be, in connection with the collection, transportation,
43 treatment, storage, ¹brokering,¹ transfer or disposal of solid waste or
44 hazardous waste or in connection with the provision of soil and
45 ¹**【debris】 fill¹ recycling services; [and]**

46 (9) The full name and business address of any individual or
47 business concern that leases real property or equipment used for the
48 collection, transportation, treatment, processing, storage, ¹brokering,¹

1 transfer, or disposal of solid waste or hazardous waste, or the
2 provision of soil and ¹【debris】 fill¹ recycling services, to the applicant,
3 permittee, or licensee;

4 (10) A listing and explanation of any civil litigation pending
5 between the applicant, permittee, licensee, key employee, officer,
6 director, or partner thereof and any other person engaged in the
7 collection, transportation, treatment, processing, storage, ¹brokering,¹
8 transfer, or disposal of solid waste or hazardous waste or in the
9 provision of soil and ¹【debris】 fill¹ recycling services, related to the
10 provision of solid waste, hazardous waste or soil and ¹【debris】 fill¹
11 recycling services; and

12 (11) Any other information the Attorney General [or the
13 department] may require that relates to the competency, reliability or
14 integrity of the applicant or the permittee.

15 The provisions of paragraphs (1) through **【(9)】** (11) of this
16 subsection to the contrary notwithstanding, if an applicant or a
17 permittee is a secondary business activity corporation, "disclosure
18 statement" means a statement submitted to the **【department and the】**
19 Attorney General by an applicant or a permittee, which statement shall
20 include:

21 (a) The full name, primary business activity, office or position
22 held, business address, home address, ¹telephone number, email
23 address,¹ date of birth and federal employer identification number of
24 the applicant or the permittee, as the case may be, and of all officers,
25 directors, partners, or key employees of the business concern; and of
26 all persons holding more than **【5%】** five percent¹ of the equity in or
27 debt liability of that business concern, except that where the debt
28 liability is held by a chartered lending institution, the applicant or
29 permittee need only supply the name and business address of the
30 lending institution. The Attorney General or the department may
31 request the social security number of any individual identified
32 pursuant to this paragraph;

33 (b) The full name, business address and federal employer
34 identification number of any business concern in any state, territory or
35 district of the United States, which (i) engages in soil and ¹【debris】
36 fill¹ recycling services, or (ii) collects, transports, treats, stores,
37 ¹processes,¹ recycles, brokers, transfers or disposes of solid waste or
38 hazardous waste on a commercial basis, in which the applicant or the
39 permittee holds an equity interest **【of 25% or more】**¹, and the type,
40 amount and dates of the equity held in such business concern;

41 (c) A listing of every license, registration, permit, certificate of
42 public convenience and necessity, uniform tariff approval or
43 equivalent operating authorization held by the applicant or permittee
44 within the last five years under any name for the collection,
45 transportation, treatment, storage, ¹brokering,¹ recycling, processing,
46 transfer or disposal of solid waste or hazardous waste, or the provision
47 of soil and ¹【debris】 fill¹ recycling services, on a commercial basis in

- 1 any state, territory or district of the United States, and the name of
2 every agency issuing such operating authorization;
- 3 (d) If the applicant or the permittee is a subsidiary of a parent
4 corporation, or is the parent corporation of one or more subsidiaries, or
5 is part of a group of companies in common ownership, as the case may
6 be, a chart, or, if impractical or burdensome, a list showing the names,
7 federal employer identification numbers and relationships of all parent,
8 sister, subsidiary and affiliate corporations, or members of the group ¹,
9 and the equity interest by percentage for each subsidiary company¹;
- 10 (e) A listing and explanation of any notices of violation or
11 prosecution, administrative orders or license revocations issued by this
12 State or any other state or federal authority to the applicant or
13 permittee in the 10 years immediately preceding the filing of the
14 application or disclosure statement, whichever is later, which are
15 pending or have resulted in a finding or a settlement of a violation of
16 any law or rule or regulation relating to the collection, transportation,
17 treatment, storage, ¹brokering,¹ recycling, processing, transfer or
18 disposal of solid waste or hazardous waste, or the provision of soil and
19 ¹【debris】 fill¹ recycling services, by the applicant or permittee;
- 20 (f) A listing and explanation of any judgment, decree or order,
21 whether by consent or not, issued against the applicant or permittee in
22 the 10 years immediately preceding the filing of the application, and of
23 any pending civil complaints against the applicant or permittee
24 pertaining to a violation or alleged violation of federal or state antitrust
25 laws, trade regulations or securities regulations;
- 26 (g) A listing and explanation of any conviction issued against the
27 applicant or permittee for a felony resulting in a plea of nolo
28 contendere, or any conviction in the 10 years immediately preceding
29 the filing of the application, and of any pending indictment,
30 accusation, complaint or information for any felony issued to the
31 applicant or the permittee pursuant to any state or federal statute; and
- 32 (h) A completed personal history disclosure form shall be
33 submitted to the **【department and the】** Attorney General by every
34 person required to be listed in this disclosure statement, except for
35 those individuals who are exempt from the personal history disclosure
36 requirements pursuant to paragraph (5) of subsection a. of section 3 of
37 P.L.1983, c.392 (C.13:1E-128).
- 38 f. "Key employee" means any individual employed ¹or otherwise
39 engaged¹ by the applicant, the permittee or the licensee in a
40 supervisory capacity or empowered to make discretionary decisions
41 with respect to the solid waste **【or】**, hazardous waste, or soil and
42 ¹【debris】 fill¹ recycling operations of the business concern; any family
43 member of an officer, director, partner, or key employee, employed ¹or
44 otherwise engaged¹ by the applicant or permittee; or any broker,
45 consultant or sales person employed ¹or otherwise engaged¹ by, or
46 who do business with, the applicant, permittee, or licensee, with
47 respect to the solid waste, hazardous waste, or soil and ¹【debris】 fill¹
48 recycling operations of the business concern; but shall not include

1 ³(1)³ employees, who are not family members, exclusively engaged in
2 the physical or mechanical collection, transportation, treatment,
3 storage, transfer or disposal of solid waste or hazardous waste, or the
4 provision of soil and ¹debris fill¹ recycling services ³; or (2) a sales
5 person employed by a publicly traded corporation or a direct or
6 indirect subsidiary of a publicly traded corporation³ .

7 g. "License" means the ¹initial¹ approval ¹and first renewal by
8 the department¹ of any registration statement or engineering design
9 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981,
10 c.279 (C.13:1E-49 et seq.), for the collection, transportation, treatment,
11 storage, ¹processing, brokering,¹ transfer or disposal of solid waste or
12 hazardous waste in this State.

13 A "license" shall not include any registration statement or
14 engineering design approved for:

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

17 (2) Any person solely for the collection, transportation, treatment,
18 storage ¹, processing, brokering, transfer,¹ or disposal of solid waste or
19 hazardous waste generated by that person ¹, provided that the
20 department may adopt regulations to limit the scope of this exemption
21 based on volume or other standards¹;

22 (3) Any person for the operation of a hazardous waste facility, if at
23 least 75 ¹percent¹ of the total design capacity of that facility is
24 utilized to treat, store or dispose of hazardous waste generated by that
25 person;

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

31 (5) Any person solely for the transportation of hazardous wastes
32 which are or contain precious metals to a hazardous waste facility
33 described in paragraph (4) of this subsection for the purposes of
34 reclamation.

35 A "license" shall include any registration statement approved for
36 any person who transports any other hazardous waste in addition to
37 hazardous wastes which are or contain precious metals;

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

41 (7) Any regulated medical waste generator for the treatment or
42 disposal of regulated medical waste at any noncommercial incinerator
43 or noncommercial facility in this State that accepts regulated medical
44 waste for disposal.

45 h. "Licensee" means any business concern which has completed
46 the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and
47 whose application for the issuance or renewal of a license has been

1 approved by the **department** ¹**Attorney General** department¹
2 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

3 i. "Permittee" means and shall include:

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

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

23 (3) Any business concern which has filed a disclosure statement
24 with the department and the Attorney General and to which a valid
25 registration statement or engineering design approval for the
26 collection, transportation, treatment, storage, transfer or disposal of
27 solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1
28 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the
29 department between February 20, 1985 and January 23, 1986,
30 inclusive, provided that the registration statement or engineering
31 design approval remains valid, and provided further that the business
32 concern has furnished the department and the Attorney General with
33 any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1
34 et al.); **or** ¹or¹

35 (4) Any business concern to which a temporary approval of
36 registration has been given by the department at any time after January
37 23, 1986 pursuant to statute or rule and regulation, provided that such
38 temporary approval of registration, statute, or rule and regulation
39 remains valid, and provided further that the business concern has
40 furnished the department and the Attorney General with any
41 information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et
42 al.) and filed a disclosure statement with the department and the
43 Attorney General ¹**;** or

44 (5) Any business concern that has been issued a prior approval to
45 operate as a soil and debris recycling center from the Department of
46 Environmental Protection pursuant to section 41 of P.L.1987,
47 c.102 (C.13:1E-99.34) but whose application for a soil and debris
48 recycling license has not been approved¹ .

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

1 k. "Secondary business activity corporation" means any business
2 concern which has derived less than ¹~~5%~~ five percent¹ of its annual
3 gross revenues in each of the three years immediately preceding the
4 one in which the application for a license or a soil and ¹~~debris~~ fill¹
5 recycling license is being made from the collection, transportation,
6 treatment, storage, ¹~~recycling,~~¹ processing, ¹~~brokering,~~¹ transfer or
7 disposal of solid waste or hazardous waste, or the provision of soil and
8 ¹~~debris~~ fill¹ recycling services, whether directly or through other
9 business concerns partially or wholly owned or controlled by the
10 applicant or the permittee, as the case may be, and which (1) has one
11 or more classes of security registered pursuant to section 12 of the
12 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78l), or
13 (2) is an issuer subject to subsection (d) of section 15 of the "Securities
14 Exchange Act of 1934," as amended (15 U.S.C. s.78o).

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

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

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

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

45 (3) has one or more classes of securities traded in an open market
46 in any foreign jurisdiction, provided that the ~~department~~ Attorney
47 General determines that the foreign exchange provides openness,
48 integrity and oversight in its operations sufficient to meet the intent of
49 P.L.1983, c.392 (C.13:1E-126 et seq.), or that the securities traded on

1 the foreign exchange are regulated pursuant to a statute of a foreign
2 jurisdiction that is substantially similar, both in form and effect, to
3 section 12 or subsection (d) of section 15 of the "Securities Exchange
4 Act of 1934," as amended.

5 n. "Broker" means a person who ¹for direct or indirect
6 compensation¹ arranges agreements between a business concern and
7 its customers for the collection, transportation, treatment, storage,
8 ¹["recycling"]¹, processing, transfer or disposal of solid waste or
9 hazardous waste, or the provision of soil and ¹["debris"] fill¹ recycling
10 services.

11 o. "Consultant" means a person who performs functions for a
12 business concern engaged in the collection, transportation, treatment,
13 storage, ¹["recycling,"]¹ processing, ¹brokering,¹ transfer or disposal of
14 solid waste or hazardous waste, or the provision of soil and ¹["debris"]
15 fill¹ recycling services, provided that "consultant" shall not include a
16 person who performs functions for a business concern and holds a
17 professional license from the State in order to perform those functions.

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

24 q. ¹["Recyclable"] "Soil and fill recyclable¹ materials" means
25 ¹["(1) source-separated, non-putrescible, waste material resulting from
26 construction, remodeling, repair, and demolition operations on houses,
27 commercial buildings, pavements and other structures, (2) source-
28 separated, non-putrescible waste concrete, asphalt, brick, block,
29 asphalt-based roofing, scrap wood, and wood waste, and (3) soil,
30 which would otherwise become solid waste, and which may be
31 collected, separated or processed and returned to the economic
32 mainstream in the form of raw materials or products. For the purposes
33 of P.L.1983, c.392 (C.13:1E-126 et seq.), "recyclable materials" shall
34 not include metal, glass, or plastic containers, paper, or corrugated
35 cardboard"] non-putrescible aggregate substitute, including, but not
36 limited to, broken or crushed brick, block, concrete, or other similar
37 manufactured materials; soil or soil that may contain aggregate
38 substitute or other debris or material, generated from land clearing,
39 excavation, demolition, or redevelopment activities that would
40 otherwise be managed as solid waste, and that may be returned to the
41 economic mainstream in the form of raw materials for further
42 processing or for use as fill material. "Soil and fill recyclable
43 materials" shall not include: (1) Class A recyclable material, as
44 defined by regulation adopted pursuant to section 4 of P.L.1989, c.268
45 (C.13:1E-99.43); (2) Class B recyclable material, as defined by
46 regulation adopted pursuant to section 4 of P.L.1989, c.268 (C.13:1E-
47 99.43), that is shipped to a Class B recycling center approved by the
48 department for receipt, storage, processing, or transfer in accordance

1 with subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34);
2 (3) beneficial use material for which the generator has obtained prior
3 approval from the department to transport to an approved and
4 designated destination pursuant to regulations adopted pursuant to
5 subsection a. of section 6 of P.L.1970, c.39 (C.13:1E-6); and (4) virgin
6 quarry products including, but not limited to, rock, stone, gravel, sand,
7 clay and other mined products¹.

8 r. "Sales person" means a person or persons that makes or
9 arranges for sales for a business concern, for the collection,
10 transportation, treatment, storage, ¹recycling,¹ processing, transfer
11 or disposal of solid waste or hazardous waste or the provision of soil
12 and ¹debris fill¹ recycling services.

13 s. "Soil and ¹debris fill¹ recycling license" means an approval
14 to operate a business concern engaged in soil and ¹debris fill¹
15 recycling services issued pursuant to section 8 of P.L.1983, c.392
16 (C.13:1E-133).

17 t. "Soil and ¹debris fill¹ recycling services" means the services
18 provided by persons engaging in the business of the collection,
19 transportation, processing, ¹brokering,¹ storage, purchase, sale or
20 disposition, or any combination thereof, of ¹soil and fill¹ recyclable
21 materials. ²"Soil and fill recycling services" shall not include the
22 operation of a solar electric power generation facility at a properly
23 closed sanitary landfill where soil and fill materials have been
24 previously deposited for permanent disposal.²

25 (cf: P.L.2011, c.68, s.1)

26
27 4. Section 3 of P.L.1983, c.392 (C.13:1E-128) is amended to read
28 as follows:

29 3. In addition to any other procedure, condition or information
30 required pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.),
31 P.L.1981, c.279 (C.13:1E-49 et seq.) or any other law:

32 a. (1) Every applicant and permittee shall file a disclosure
33 statement with the **department and the** Attorney General;

34 (2) Except as otherwise provided in this subsection, any person
35 required to be listed in the disclosure statement shall be fingerprinted
36 for identification and investigation purposes in accordance with
37 procedures therefor established by the Attorney General;

38 (3) The Attorney General shall, upon the receipt of the disclosure
39 statement from an applicant for an initial license **or** , from a
40 permittee, or from an applicant for a soil and ¹debris fill¹ recycling
41 license, prepare **and transmit to the department** ¹and transmit to the
42 department¹ an investigative report on the applicant or the permittee,
43 as the case may be, based in part upon the disclosure statement. In
44 preparing this report, the Attorney General may request and receive
45 criminal history information from the State Commission of
46 Investigation or the Federal Bureau of Investigation;

1 (4) In conducting a review of the application, the **【department】**
2 Attorney General shall include a review of the disclosure statement
3 and investigative report;

4 (5) An applicant or permittee may file a limited disclosure
5 statement pursuant to the provisions of paragraphs (a) through (h) of
6 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127); and a
7 person required to be listed in the disclosure statement is exempt from
8 the fingerprint and personal history disclosure requirements; if:

9 (a) The applicant or permittee is a secondary business activity
10 corporation; and

11 (b) The person required to be listed in the disclosure statement is
12 (i) a director or chief executive officer; or (ii) an individual who does
13 not have any responsibility for, or control of, the commercial solid
14 waste or hazardous waste operations, or the provision of soil and
15 '【debris】 fill' recycling services, of the applicant, permittee or
16 licensee conducted in New Jersey, and who will not exercise any such
17 responsibility or control upon the issuance of a license or soil and
18 '【debris】 fill' recycling license by the **【department】** '【Attorney
19 General】 department';

20 (6) (a) A person who is a director or chief executive officer of a
21 business concern that is a secondary business activity corporation, a
22 publicly traded corporation or an institutional investor, including
23 limited partnership interests, that is not the applicant or permittee but
24 which is listed in a disclosure statement pursuant to subsection e. of
25 section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from the
26 fingerprint and personal history disclosure requirements;

27 (b) An individual who is an officer or partner of, or who holds any
28 equity in or debt liability of, a business concern that is a secondary
29 business activity corporation, a publicly traded corporation or an
30 institutional investor, including limited partnership interests, that is not
31 the applicant or permittee but which is listed in a disclosure statement
32 pursuant to subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-
33 127), shall be exempt from the fingerprint and personal history
34 disclosure requirements, provided that the person or secondary
35 business activity corporation or publicly traded corporation or
36 institutional investor is not and will not be engaged in active
37 management of the commercial solid waste or hazardous waste
38 operations or the soil and '【debris】 fill' recycling operations of the
39 applicant or permittee conducted in New Jersey;

40 (c) A business concern that is a secondary business activity
41 corporation or an institutional investor, including limited partnership
42 interests, that is not the applicant, licensee, '【or】' permittee ' , or
43 business concern that has been issued a soil and fill recycling license.'
44 but which is listed in a disclosure statement pursuant to subsection e.
45 of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from
46 disclosure requirements established in subsection e. of section 2 of
47 P.L.1983, c.392 (C.13:1E-127) provided that the secondary business
48 activity corporation or institutional investor is not and will not be
49 engaged in active management of the commercial solid waste or

1 hazardous waste operations or the soil and **1[debris] fill**¹ recycling
2 **1service**¹ operations of the applicant, licensee, **1[or]**¹ permittee **1,** or
3 business concern that has been issued a soil and fill recycling license¹
4 conducted in New Jersey;

5 (d) A business concern that is a publicly traded corporation that is
6 not the applicant, licensee, **1[or]**¹ permittee **1,** or business concern that
7 has been issued a soil and fill recycling license¹ but which is listed in
8 a disclosure statement pursuant to subsection e. of section 2 of
9 P.L.1983, c.392 (C.13:1E-127), shall be exempt from disclosure
10 requirements established in subsection e. of section 2 of
11 P.L.1983, c.392 (C.13:1E-127) provided that the name and business
12 address of the publicly traded corporation and copies of its annual
13 filings with the Securities and Exchange Commission, or its foreign
14 equivalent, are filed with the disclosure forms of the applicant,
15 licensee, **1[or]**¹ permittee **1,** or business concern that has been issued a
16 soil and fill recycling license¹ . Subsidiaries intervening in the chain
17 of equity between the publicly traded corporation and the applicant,
18 licensee, **1[or]**¹ permittee **1,** or business concern that has been issued a
19 soil and fill recycling license¹ , and the officers and directors of those
20 intervening subsidiaries, shall also be exempt from the disclosure
21 requirements established in subsection e. of section 2 of
22 P.L.1983, c.392 (C.13:1E-127) provided that the intervening
23 subsidiary is not and will not be engaged in active management of the
24 commercial solid waste or hazardous waste operations or the soil and
25 **1[debris] fill**¹ recycling **1service**¹ operations of the applicant, licensee,
26 **1[or]**¹ permittee **1,** or business concern that has been issued a soil and
27 fill recycling license¹ conducted in New Jersey;

28 (e) An individual exempt from disclosure requirements under
29 subparagraph (b) of this paragraph, a secondary business activity
30 corporation or institutional investor exempt from disclosure
31 requirements under subparagraph (c) of this paragraph, and a publicly
32 traded corporation exempt from disclosure requirements under
33 subparagraph (d) of this paragraph, may be required by the Attorney
34 General to file disclosure forms and be fingerprinted in the
35 circumstances described in subsection d. of this section; and

36 (f) A person that holds equity in, or debt liability of, a business
37 concern that is exempt from the disclosure requirements established in
38 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127) shall also
39 be exempt from the disclosure requirements established in subsection
40 e. of section 2 of P.L.1983, c.392 (C.13:1E-127).

41 b. All applicants, permittees and licensees, and all business
42 concerns that have been issued a soil and **1[debris] fill**¹ recycling
43 license, shall have the continuing duty to provide any assistance or
44 information requested by the department or the Attorney General, and
45 to cooperate in any inquiry or investigation conducted by the Attorney
46 General or the State Commission of Investigation and any inquiry,
47 investigation, or hearing conducted by the department. Except as
48 otherwise determined by the Superior Court pursuant to subsection d.

1 of this section, if, upon issuance of a formal request to answer any
2 inquiry or produce information, evidence or testimony, any applicant,
3 permittee ¹[or] ¹ licensee, or any business concern that has been
4 issued a soil and ¹[debris] fill¹ recycling license, ¹fails or¹ refuses to
5 comply, the application of the business concern for a license, or a soil
6 and ¹[debris] fill¹ recycling license, as the case may be, may be
7 denied, or the license or soil and ¹[debris] fill¹ recycling license
8 of that business concern may be revoked by the [department] ¹[Attorney
9 General] department¹.

10 c. If any of the information required to be included in the
11 disclosure statement changes, or if any information provided
12 concerning the applicability of an exemption under subsection d. of
13 this section changes, or if any additional information should be added
14 to the disclosure statement after it has been filed, the applicant,
15 permittee or licensee, or the business concern that has been issued a
16 soil and ¹[debris] fill¹ recycling license, shall provide that
17 information to the department and the Attorney General, in writing,
18 within 30 days of the change or addition ¹and on any subsequent
19 annual updated required to be filed. If the applicant, permittee,
20 licensee, or business concern that has been issued a soil and fill
21 recycling license adds a new person who is required to be listed in the
22 disclosure statement, that person is subject to the same disclosure
23 requirements as set forth in this section, and the applicant, permittee,
24 licensee, or business concern that has been issued a soil and fill
25 recycling license shall be required to pay an additional fee in
26 accordance with a fee schedule adopted pursuant to rules and
27 regulations promulgated by the department¹.

28 d. The provisions of paragraphs (5) and (6) of subsection a. of this
29 section to the contrary notwithstanding, the Attorney General may at
30 any time require any person required to be listed in the disclosure
31 statement to file a completed personal history disclosure form and a
32 full disclosure statement with the [department and the] Attorney
33 General pursuant to paragraphs (1) through (9) of subsection e. of
34 section 2 of P.L.1983, c.392 (C.13:1E-127), or to be fingerprinted for
35 identification and investigation purposes pursuant to paragraph (2) of
36 subsection a. of this section, if the Attorney General determines that
37 there exists a reasonable suspicion that the additional information is
38 likely to lead to information relevant to a determination regarding the
39 approval of a license or a soil and ¹[debris] fill¹ recycling license
40 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133), the revocation
41 of a license or soil and ¹[debris] fill¹ recycling license pursuant to
42 section 9 of P.L.1983, c.392 (C.13:1E-134), or the severance of a
43 disqualifying person pursuant to section 10 of P.L.1983, c.392
44 (C.13:1E-135).

45 If the Attorney General requires any or all of this information, a
46 written request for the additional information shall be served upon the
47 applicant, permittee or licensee, or the business concern that has been
48 issued a soil and ¹[debris] fill¹ recycling license. Within 60 days of

1 receipt of a written request for additional information, the applicant,
2 permittee or licensee, or the business concern that has been issued a
3 soil and ¹【debris】 fill¹ recycling license may seek review of the
4 Attorney General's determination in the Superior Court. If the
5 applicant, permittee or licensee, or the business concern that has been
6 issued a soil and ¹【debris】 fill¹ recycling license fails to provide the
7 additional information to the Attorney General within 60 days of
8 receipt of the written request, the Attorney General may file with the
9 Superior Court a petition for an order requiring the applicant,
10 permittee or licensee, or the business concern that has been issued a
11 soil and ¹【debris】 fill¹ recycling license to provide the additional
12 information. In a proceeding brought by either party, the applicant,
13 permittee or licensee, or the business concern that has been issued a
14 soil and ¹【debris】 fill¹ recycling license shall demonstrate that the
15 additional information requested is not likely to lead to information
16 relevant to a determination regarding the approval of a license or soil
17 and ¹【debris】 fill¹ recycling license pursuant to section 8 of P.L.1983,
18 c.392 (C.13:1E-133), the revocation of a license or soil and ¹【debris】
19 fill¹ recycling license pursuant to section 9 of P.L.1983, c.392
20 (C.13:1E-134), or the severance of a disqualifying person pursuant to
21 section 10 of P.L.1983, c.392 (C.13:1E-135). For good cause shown,
22 the court may review in camera the submission of the Attorney
23 General or the applicant, permittee or licensee, or the business concern
24 that has been issued a soil and ¹【debris】 fill¹ recycling license, or any
25 part thereof.

26 (cf: P.L.2011, c.68, s.2)

27

28 5. Section 4 of P.L.1983, c.392 (C.13:1E-129) is amended to read
29 as follows:

30 4. a. Whenever the Attorney General determines that there exists
31 a reasonable suspicion that any person may have information or be in
32 possession, custody, or control of any documentary materials relevant
33 to an investigation of an applicant, permittee or licensee ¹, or business
34 concern that has been issued a soil and fill recycling license¹
35 conducted pursuant to this act, he may issue in writing, and cause to be
36 served upon that person an investigative interrogatory requiring that
37 person to answer questions under oath and produce material for
38 examination.

39 b. Each interrogatory shall:

40 (1) Identify the licensee, permittee or applicant ¹, or business
41 concern that has been issued a soil and fill recycling license¹ who is
42 the subject of the investigation;

43 (2) Advise the person that he has the right to discuss the
44 interrogatory with legal counsel prior to returning it to the Attorney
45 General or prior to making material available, as provided in
46 subsection f. of this section, and that he has the right to file in Superior
47 Court a petition to modify or set aside the interrogatory, as provided in
48 subsection j. of this section;

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

4 (4) Prescribe a return date, which date shall provide a reasonable
5 period of time within which answers may be made and material so
6 demanded may be assembled and made available for inspection and
7 copying or reproduction, as provided in subsection f. of this section.

8 c. No interrogatory shall:

9 (1) Contain any requirement which would be held to be
10 unreasonable if contained in a **【subpena】 subpoena** duces tecum
11 issued in aid of a grand jury investigation; or

12 (2) Require the production of any documentary evidence which
13 would be otherwise privileged from disclosure if demanded by a
14 **【subpena】 subpoena** duces tecum issued in aid of a grand jury
15 investigation.

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

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

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

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

27 e. A verified return by the individual serving any interrogatory,
28 setting forth the manner of service, shall be prima facie proof of
29 service. In the case of service by registered or certified mail, the return
30 shall be accompanied by the return post office receipt of delivery of
31 the interrogatory.

32 f. Any person upon whom any interrogatory issued under this
33 section has been duly served which requires the production of
34 materials shall make the material available for inspection and copying
35 or reproduction to the Attorney General at the principal place of
36 business of that person in the State of New Jersey or at any other place
37 as the Attorney General and the person thereafter may agree and
38 prescribe in writing, on the return date specified in the interrogatory or
39 on a later date as the Attorney General may prescribe in writing. Upon
40 written agreement between the person and the Attorney General,
41 copies may be substituted for all or any part of the original materials.
42 The Attorney General may cause the preparation of any copies of
43 documentary material as may be required for official use by the
44 Attorney General.

45 No material produced pursuant to this section shall be available for
46 examination, without the consent of the person who produced the
47 material, by an individual other than the Attorney General or any
48 person retained by the Attorney General in connection with the
49 enforcement of this act. Under reasonable terms and conditions as the

1 Attorney General shall prescribe, documentary material while in his
2 possession shall be available for examination by the person who
3 produced the material or any of his duly authorized representatives.

4 In any investigation conducted pursuant to this act, the Attorney
5 General may present before the ~~department,~~ ^{department, or} court
6 or grand jury any documentary material in his possession pursuant to
7 this section, subject to any protective order deemed proper by the
8 Superior Court.

9 g. Upon completion of:

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

12 (2) Any case or proceeding arising from the investigation, the
13 Attorney General shall return to the person who produced the material
14 all the material, other than copies thereof made by the Attorney
15 General pursuant to this section, which has not passed into the control
16 of ~~the department or~~ ^{the department or} any court or grand jury
17 through the introduction thereof into the record of the case or
18 proceeding.

19 h. When any documentary material has been produced by any
20 person under this section for use in an investigation, and no case or
21 proceeding arising therefrom has been instituted within two years after
22 completion of the examination and analysis of all evidence assembled
23 in the course of the investigation, the person shall be entitled, upon
24 written demand made upon the Attorney General, to the return of all
25 documentary material, other than copies thereof made pursuant to this
26 section so produced by him.

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

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

44 (cf: P.L.1991, c.269, s.4)

45

46 6. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to read
47 as follows:

48 5. a. Whenever the Attorney General determines that there exists
49 a reasonable suspicion that any person may have information or

1 knowledge relevant to an investigation conducted pursuant to this act,
2 he may issue in writing and cause to be served upon that person a
3 **【subpena】 subpoena** to appear and be examined under oath before the
4 Attorney General.

5 b. The **【subpena】 subpoena** shall:

6 (1) Identify the licensee, permittee or applicant ¹, or business
7 concern that has been issued a soil and fill recycling license¹ who is
8 the subject of the investigation;

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

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

18 c. Except as otherwise provided in this section, no information
19 derived pursuant to the **【subpena】 subpoena** shall be disclosed by the
20 Attorney General **【or the department】** ¹or the department¹ without the
21 consent of the person testifying.

22 In any investigation conducted pursuant to this act, the Attorney
23 General may present before the **【department,】** ¹department,¹ court or
24 grand jury any information disclosed pursuant to the **【subpena】**
25 subpoena, subject to any protective order deemed proper by the
26 Superior Court.

27 d. Service of a **【subpena】 subpoena** pursuant to this section shall
28 be by any of those methods specified in the New Jersey Court Rules
29 for service of summons and complaint in a civil action.

30 e. Whenever any person fails to comply with any **【subpena】**
31 subpoena duly served upon him under this section, or whenever
32 satisfactory copying or reproduction of any material cannot be done
33 and he refuses to surrender the material, the Attorney General may file
34 in the Superior Court a petition for an order of the court for the
35 enforcement of the **【subpena】 subpoena**.

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

1 the nature and subject matter of the investigation.
2 (cf: P.L.1991, c.269, s.5)

3

4 7. Section 8 of P.L.1983, c.392 (¹C. 13:1E-133) is amended to
5 read as follows:

6 8. The provisions of any law to the contrary notwithstanding, no
7 license or soil and ¹[debris] fill¹ recycling license shall be approved
8 by the **[department]** ¹**[Attorney General]** department¹:

9 a. Unless the **[department]** ¹**[Attorney General]** department¹
10 finds that the applicant, or the permittee, as the case may be, in any
11 prior performance record in the collection, transportation, treatment,
12 storage, transfer or disposal of solid waste or hazardous waste, or the
13 provision of soil and ¹[debris] fill¹ recycling services, has exhibited
14 sufficient integrity, reliability, expertise, and competency to engage in
15 the collection or transportation of solid waste or hazardous waste, or to
16 operate the solid waste facility or hazardous waste facility, or engage
17 in soil and ¹[debris] fill¹ recycling services, given the potential
18 economic consequences for affected counties, municipalities and
19 ratepayers or significant adverse impacts upon human health and the
20 environment which could result from the irresponsible participation
21 therein or operation thereof, or if no prior record exists, that the
22 applicant or the permittee is likely to exhibit that integrity, reliability,
23 expertise and competence.

24 b. If any person required to be listed in the disclosure statement,
25 or otherwise shown to have a beneficial interest in the business of the
26 applicant, the permittee or the licensee, ¹or the business concern that
27 has been issued a soil and fill recycling license,¹ or to have rented or
28 leased at any or no cost real property, vehicles or other equipment used
29 for the collection, transportation, treatment, processing, storage,
30 ¹brokering,¹ transfer, or disposal of solid waste or hazardous waste, or
31 the provision of soil and ¹[debris] fill¹ recycling services, to the
32 applicant, the permittee, ¹[or]¹ the licensee, ¹or the business concern
33 that has been issued a soil and fill recycling license¹ has been barred
34 from the provision of solid waste, hazardous waste or soil and
35 ¹[debris] fill¹ recycling services in ¹the State or¹ any other
36 jurisdiction outside of the State, or has been convicted of any of the
37 following crimes under the laws of New Jersey or the equivalent
38 thereof under the laws of any other jurisdiction:

- 39 (1) Murder;
40 (2) Kidnapping;
41 (3) Gambling;
42 (4) Robbery;
43 (5) Bribery;
44 (6) Extortion;
45 (7) Criminal usury;
46 (8) Arson;
47 (9) Burglary;
48 (10) Theft and related crimes;

- 1 (11) Forgery and fraudulent practices;
- 2 (12) Fraud in the offering, sale or purchase of securities;
- 3 (13) Alteration of motor vehicle identification numbers;
- 4 (14) Unlawful manufacture, purchase, use or transfer of firearms;
- 5 (15) Unlawful possession or use of destructive devices or
- 6 explosives;
- 7 (16) Violation of N.J.S.2C:35-5, except possession of 84 grams or
- 8 less of marijuana, or of N.J.S.2C:35-10;
- 9 (17) Racketeering, ¹**[P.L.1981, c.167 (C.2C:41-1 et seq.)]**
- 10 N.J.S.2C:41-1 et seq.¹;
- 11 (18) Violation of criminal provisions of the "New Jersey Antitrust
- 12 Act," P.L.1970, c.73 (C.56:9-1 et seq.);
- 13 (19) Any purposeful or reckless violation of the criminal
- 14 provisions of any federal or state environmental protection laws, rules,
- 15 or regulations, including, but not limited to, solid waste or hazardous
- 16 waste management laws, rules, or regulations;
- 17 (20) Violation of N.J.S.2C:17-2;
- 18 (21) Any offense specified in chapter 28 of Title 2C; ¹**[or]**¹
- 19 (22) Violation of the "Solid Waste Utility Control Act of 1970,"
- 20 P.L.1970, c.40 (C.48:13A-1 et seq.) or P.L.1981, c.221 (C.48:13A-
- 21 6.1) ¹; or
- 22 (23) Aggravated assault¹.
- 23 c. If the Attorney General determines that there is a reasonable
- 24 suspicion to believe that a person required to be listed in the disclosure
- 25 statement, or otherwise shown to have a beneficial interest in the
- 26 business of the applicant, the permittee or the licensee, ¹or the business
- 27 concern that has been issued a soil and fill recycling license,¹ or to
- 28 have rented or leased at any cost or at no cost real property, vehicles or
- 29 other equipment used for the collection, transportation, treatment,
- 30 processing, storage, ¹brokering,¹ transfer, or disposal of solid waste or
- 31 hazardous waste, or the provision of soil and ¹**[debris]** fill¹ recycling
- 32 services, to the applicant, the permittee, ¹**[or]**¹ the licensee, ¹or the
- 33 business concern that has been issued a soil and fill recycling license,¹
- 34 does not possess a reputation for good character, honesty and integrity,
- 35 and that person or the applicant, the permittee or the licensee ¹, or the
- 36 business concern that has been issued a soil and fill recycling license¹
- 37 fails, by clear and convincing evidence, to establish his reputation for
- 38 good character, honesty and integrity.
- 39 d. With respect to the approval of an initial license or a soil and
- 40 ¹**[debris]** fill¹ recycling license, if there are current prosecutions or
- 41 pending charges in any jurisdiction against any person required to be
- 42 listed in the disclosure statement, or otherwise shown to have a
- 43 beneficial interest in the business of the applicant or the permittee, or
- 44 to have rented or leased at any or no cost real property, vehicles or
- 45 other equipment used for the collection, transportation, treatment,
- 46 processing, storage, ¹brokering,¹ transfer, or disposal of solid waste or
- 47 hazardous waste, or the provision of soil and ¹**[debris]** fill¹ recycling
- 48 services, to the applicant or the permittee, for any of the crimes

1 enumerated in subsection b. of this section, provided, however, that at
2 the request of the applicant, permittee, or the person charged, the
3 **[department]** ¹**[Attorney General]** department¹ shall defer decision
4 upon such application during the pendency of such charge.

5 e. If any person required to be listed in the disclosure statement,
6 or otherwise shown to have a beneficial interest in the business of the
7 applicant, permittee or the licensee, ¹or the business concern that has
8 been issued a soil and fill recycling license,¹ or to have rented or
9 leased at any or no cost real property, vehicles or other equipment used
10 for the collection, transportation, treatment, processing, storage,
11 ¹brokering,¹ transfer, or disposal of solid waste or hazardous waste, or
12 the provision of soil and ¹**[debris]** fill¹ recycling services, to the
13 applicant, the permittee, ¹**[or]**¹ the licensee, ¹or the business concern
14 that has been issued a soil and fill recycling license,¹ has pursued
15 economic gain in an occupational manner or context which is in
16 violation of the criminal or civil public policies of this State, where
17 such pursuit creates a reasonable belief that the participation of that
18 person in any activity required to be licensed under this act would be
19 inimical to the policies of this act. For the purposes of this section,
20 "occupational manner or context" means the systematic planning,
21 administration, management, or execution of an activity for financial
22 gain.

23 f. If the Attorney General determines that any person required to
24 be listed in the disclosure statement, or otherwise shown to have a
25 beneficial interest in the business of the applicant, permittee or the
26 licensee, ¹or the business concern that has been issued a soil and fill
27 recycling license,¹ or to have rented or leased at any or no cost real
28 property, vehicles or other equipment used for the collection,
29 transportation, treatment, processing, storage, ¹brokering,¹ transfer, or
30 disposal of solid waste or hazardous waste, or the provision of soil
31 and ¹**[debris]** fill¹ recycling services, to the applicant, the permittee,
32 ¹**[or]**¹ the licensee, ¹or the business concern that has been issued a soil
33 and fill recycling license,¹ has been identified by the State
34 Commission of Investigation or the Federal Bureau of Investigation as
35 a career offender or a member of a career offender cartel or an
36 associate of a career offender or career offender cartel, where such
37 identification, membership or association creates a reasonable belief
38 that the participation of that person in any activity required to be
39 licensed under this act would be inimical to the policies of this act.
40 For the purposes of this section, "career offender" means any person
41 whose behavior is pursued in an occupational manner or context for
42 the purpose of economic gain, utilizing such methods as are deemed
43 criminal violations of the public policy of this State; and a "career
44 offender cartel" means any group of persons who operate together as
45 career offenders.

46 A license or a soil and ¹**[debris]** fill¹ recycling license may be
47 approved by the **[department]** ¹**[Attorney General]** department¹ for
48 any applicant or permittee if the information contained within the

1 disclosure statement and investigative report, including any
2 determination made by the Attorney General concerning the character,
3 honesty and integrity of any person required to be listed in the
4 disclosure statement, or otherwise shown to have a beneficial interest
5 in the business of the applicant or permittee, or to have rented or
6 leased at any or no cost real property, vehicles or other equipment used
7 for the collection, transportation, treatment, processing, storage,
8 'brokering,' transfer, or disposal of solid waste or hazardous waste, or
9 the provision of soil and '【debris】 fill' recycling services, to the
10 applicant, the permittee, '【or】' the licensee, 'or the business concern
11 that has been issued a soil and fill recycling license,' would not require
12 disqualification pursuant to subsection a., b. c., e. or f. of this section.

13 'The department may issue a license or a soil and fill recycling
14 license subject to such conditions, restrictions, limitations, or
15 covenants as the department determines necessary to accomplish the
16 objectives of P.L.1983, c.392 (C.13:1E-126 et seq.).'

17 A license or a soil and '【debris】 fill' recycling license approved
18 by the **【department】** '【Attorney General】 department' for any
19 applicant or permittee pursuant to this section is non-transferable and
20 shall be valid only for the length of time for which it is given.

21 Any applicant or permittee who is denied **【an initial】** a license or a
22 soil and '【debris】 fill' recycling license pursuant to this section shall,
23 upon a written request transmitted to the **【department】** '【Attorney
24 General】 department' within 30 days of that denial, be afforded the
25 opportunity for a hearing thereon in the manner provided for contested
26 cases pursuant to the "Administrative Procedure Act," P.L.1968, c.410
27 (C.52:14B-1 et seq.).

28 (cf: P.L.1991, c.269, s.6)

29

30 8. Section 7 of P.L.1991, c.269 (C.13:1E-133.1) is amended to
31 read as follows:

32 7. a. Notwithstanding the 'debarment pursuant to section 8 of
33 P.L.1983, c.392 (C.13:1E-133) or the' conviction of any person
34 required to be listed in a disclosure statement, or otherwise shown to
35 have a beneficial interest in the business of an applicant, permittee or
36 licensee ' , or business concern that has been issued a soil and fill
37 recycling license' or to have rented or leased at any or no cost real
38 property, vehicles or other equipment used for the collection,
39 transportation, treatment, processing, storage, 'brokering,' transfer, or
40 disposal of solid waste or hazardous waste, or the provision of soil
41 and '【debris】 fill' recycling services, to the applicant, the permittee,
42 or the licensee, 'or the business concern that has been issued a soil and
43 fill recycling license,' for any of the crimes enumerated in subsection
44 b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the 【department】
45 '【Attorney General】 department' may issue or renew a license or a
46 soil and '【debris】 fill' recycling license to an applicant, permittee or
47 licensee ' , or business concern that has been issued a soil and fill

1 recycling license¹ if the **【department】** ¹**【Attorney General】**
2 department¹ determines in a writing setting forth findings of fact that
3 the ¹debarred or¹ convicted person has affirmatively demonstrated
4 rehabilitation by clear and convincing evidence pursuant to the
5 provisions of this section. If the **【department】** ¹**【Attorney General】**
6 department¹ determines that the nature and seriousness of the
7 ¹debarment or¹ crime creates a reasonable doubt that an applicant,
8 permittee, or licensee ¹, or business concern that has been issued a soil
9 and fill recycling license¹ will engage in the activity for which a
10 license or soil and ¹**【debris】** fill¹ recycling license is sought in a
11 lawful and responsible manner, the **【department】** ¹**【Attorney General】**
12 department¹ shall make a determination in a writing setting forth
13 findings of fact that the ¹debarred or¹ convicted person cannot
14 affirmatively demonstrate rehabilitation.

15 b. In determining whether a ¹debarred or¹ convicted individual
16 has affirmatively demonstrated rehabilitation, the **【department shall request**
17 a recommendation thereon from the】 ¹department shall request
18 a recommendation thereon from the¹ Attorney General **【,** which
19 recommendation shall be】 ¹**【shall make a finding,】** , which
20 recommendation shall be¹ in writing **【and】**, ¹and¹ based upon a
21 consideration of at least the following factors:

22 (1) The nature and responsibilities of the position which a
23 ¹debarred or¹ convicted individual would hold;

24 (2) The nature and seriousness of the ¹debarment or¹ crime;

25 (3) The circumstances under which the ¹debarment was imposed
26 or the¹ crime was committed;

27 (4) The date of the ¹debarment or¹ crime;

28 (5) The age of the ¹debarred or¹ convicted individual when the
29 ¹cause of debarment or¹ crime ¹**【was committed】** took place¹;

30 (6) Whether the ¹cause of the debarment or¹ crime was an isolated
31 or repeated ¹event or¹ act;

32 (7) Any evidence of good conduct in the community, counseling or
33 psychiatric treatment received, acquisition of additional academic or
34 vocational schooling, or the recommendation of persons who have
35 supervised the ¹debarred or¹ convicted individual since the ¹debarment
36 or¹ conviction; and

37 (8) The full criminal record of the ¹debarred or¹ convicted
38 individual, any record of civil or regulatory violations or notices or any
39 complaints alleging any such civil or regulatory violations, or any
40 other allegations of wrongdoing.

41 Notwithstanding any other provision of this subsection, a
42 convicted individual shall have affirmatively demonstrated
43 rehabilitation pursuant to the provisions of this section if the convicted
44 individual produces evidence of a pardon issued by the Governor of
45 this or any other state, or evidence of the expungement of every

1 conviction for any of the crimes enumerated in subsection b. of section
2 8 of P.L.1983, c.392 (C.13:1E-133).

3 c. In determining whether a debarred or convicted business
4 concern has affirmatively demonstrated rehabilitation, the [department
5 shall request a recommendation thereon from the] department shall
6 request a recommendation thereon from the Attorney General [,
7 which recommendation shall be] [shall make a finding.] , which
8 recommendation shall be in writing [and], and based upon a
9 consideration of at least the following factors:

10 (1) The nature and seriousness of the debarment or crime;

11 (2) The circumstances under which the debarment was imposed
12 or the crime was committed;

13 (3) The date of the debarment or crime;

14 (4) Whether the cause of debarment or crime was an isolated or
15 repeated event or act; and

16 (5) The full criminal record of the debarred or convicted
17 business concern, any record of civil or regulatory violations or notices
18 or any complaints alleging any such civil or regulatory violations, or
19 any other allegations of wrongdoing.

20 d. The Attorney General may require, as a predicate to a
21 determination that a debarred or convicted business concern has
22 affirmatively demonstrated rehabilitation, that the debarred or
23 convicted business concern agree, in writing, to an investigation of the
24 debarment, crime or crimes committed by the debarred or
25 convicted business concern which caused disqualification pursuant to
26 subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the
27 persons involved in the debarment or crime, and any corporate
28 policies, procedures, and organizational structure that may have led to
29 the debarment or crime. At the conclusion of this investigation a
30 report shall be prepared identifying the underlying conduct giving rise
31 to the debarment or any criminal convictions and any steps that have
32 subsequently been taken by the debarred or convicted business
33 concern to prevent a recurrence of the acts leading to debarment or
34 criminal activity, and recommending any steps that may be deemed
35 necessary to prevent a recurrence of the acts leading to debarment or
36 criminal activity. The investigation shall be conducted by, or on behalf
37 of, the Attorney General, and the cost thereof shall be borne by the
38 debarred or convicted business concern.

39 The Attorney General may require, on the basis of this
40 investigation and as a condition of [recommending] [determining]
41 recommending that a debarred or convicted business concern has
42 affirmatively demonstrated rehabilitation, that a debarred or
43 convicted business concern comply, or agree in writing to comply,
44 with any of the following:

45 (1) changes in the debarred or convicted business concern's
46 organizational structure to reduce the opportunity and motivation of
47 individual employees to engage in criminal activity, including

1 procedures for informing employees of the requirements of relevant
2 state and federal law;

3 (2) changes in the 'debarred or' convicted business concern's long
4 and short term planning to ensure that the 'debarred or' convicted
5 business concern implements procedures and policies to prevent future
6 violations of the law;

7 (3) changes in the 'debarred or' convicted business concern's
8 legal, accounting, or other internal or external control and monitoring
9 procedures to discourage or prevent future violations of state or federal
10 law;

11 (4) changes in the 'debarred or' convicted business concern's
12 ownership, control, personnel, and personnel selection practices,
13 including the removal of any person shown to have a beneficial
14 interest in the 'debarred or' convicted business concern, and the
15 imposition of a reward or disincentive system in order to encourage
16 employees to comply with relevant state and federal law;

17 (5) post-licensing monitoring of the 'debarred or' convicted
18 business concern's activities relating to any changes in policy,
19 procedure, or structure required by the Attorney General pursuant to
20 this subsection, the cost of such monitoring to be borne by the
21 'debarred or' convicted business concern; and

22 (6) any other requirements deemed necessary by the Attorney
23 General.

24 e. The **【department】** '【Attorney General】 department' shall not
25 determine that a 'debarred or' convicted business concern has
26 affirmatively demonstrated rehabilitation if the 'debarred or'
27 convicted business concern has not complied, or agreed in writing to
28 comply, with every requirement imposed by the Attorney General
29 pursuant to subsection d. of this section.

30 (cf: P.L.1991, c.269, s.7)

31

32 9. Section 8 of P.L.1991, c.269 (C.13:1E-133.2) is amended to
33 read as follows:

34 8. a. Notwithstanding any current prosecutions or pending
35 charges in any jurisdiction against any person required to be listed in a
36 disclosure statement, or otherwise shown to have a beneficial interest
37 in the business of an applicant, permittee or licensee ' , or business
38 concern that has been issued a soil and fill recycling license' , or to
39 have rented or leased at any or no cost real property, vehicles or other
40 equipment used for the collection, transportation, treatment,
41 processing, storage, 'brokering,' transfer, or disposal of solid waste or
42 hazardous waste, or the provision of soil and '【debris】 fill' recycling
43 services, to the applicant, the permittee, or the licensee, 'or business
44 concern that has been issued a soil and fill recycling license,' for any
45 of the crimes enumerated in subsection b. of section 8 of P.L.1983,
46 c.392 (C.13:1E-133), the **【department】** '【Attorney General】
47 department' may issue or renew a license or a soil and '【debris】 fill'

1 recycling license to an applicant, permittee or licensee ¹, or business
2 concern that has been issued a soil and fill recycling license¹ if the
3 **【department】** ¹**【Attorney General】** department¹ determines in a
4 writing setting forth findings of fact that the person against whom
5 there are current prosecutions or pending charges has affirmatively
6 reestablished a reputation for good character, honesty and integrity by
7 clear and convincing evidence pursuant to the provisions of this
8 section. If the **【department】** ¹**【Attorney General】** department¹
9 determines that the nature and seriousness of the crime alleged in a
10 current prosecution or pending charge creates a reasonable doubt that
11 an applicant, permittee, or licensee ¹, or business concern that has been
12 issued a soil and fill recycling license¹ will engage in the activity for
13 which a license is sought in a lawful and responsible manner, the
14 **【department】** ¹**【Attorney General】** department¹ shall make a
15 determination in a writing setting forth findings of fact that the person
16 against whom there are current prosecutions or pending charges cannot
17 reestablish a reputation for good character, honesty and integrity.

18 A person may affirmatively reestablish a reputation for good
19 character, honesty and integrity pursuant to this section in advance of
20 the disposition of the current prosecutions or pending charges provided
21 that this reestablishment consists of evidence of good character,
22 honesty and integrity rather than any defenses to the current
23 prosecutions or pending charges. A reestablishment of a reputation for
24 good character, honesty and integrity pursuant to this section shall not
25 be deemed insufficient due to a lack of admission of guilt to the
26 current prosecutions or pending charges.

27 b. In determining whether an individual against whom there are
28 current prosecutions or pending charges has affirmatively
29 reestablished a reputation for good character, honesty and integrity, the
30 **【department shall request a recommendation thereon from the】**
31 department shall request a recommendation thereon from the¹
32 **Attorney General 【, which recommendation shall be】** ¹**【shall make a**
33 finding.】 , which recommendation shall be¹ in writing, and based upon
34 a consideration of at least the following factors:

35 (1) The nature and responsibilities of the position which the
36 individual against whom there are current prosecutions or pending
37 charges would hold;

38 (2) The nature and seriousness of the alleged crime;

39 (3) The circumstances under which the alleged crime was
40 committed;

41 (4) The date of the alleged crime;

42 (5) The age of the individual against whom there are current
43 prosecutions or pending charges when the alleged crime was
44 committed;

45 (6) Whether the alleged crime was an isolated or repeated act;

46 (7) Any evidence of good conduct in the community, counseling or
47 psychiatric treatment received, acquisition of additional academic or

1 vocational schooling, or the recommendation of persons who have
2 supervised the individual since the date of the alleged crime; and

3 (8) The full criminal record of the individual against whom there
4 are current prosecutions or pending charges, any record of civil or
5 regulatory violations or notices or any complaints alleging any such
6 civil or regulatory violations, or any other allegations of wrongdoing.

7 c. In determining whether a business concern against whom there
8 are current prosecutions or pending charges has affirmatively
9 reestablished a reputation for good character, honesty and integrity, the
10 ~~department shall request a recommendation thereon from the~~
11 department shall request a recommendation thereon from the
12 Attorney General ~~], which recommendation shall be~~ shall make a
13 finding, ~~], which recommendation shall be~~ in writing, and based upon
14 a consideration of at least the following factors:

15 (1) The nature and seriousness of the alleged crime;

16 (2) The circumstances under which the alleged crime was
17 committed;

18 (3) The date of the alleged crime;

19 (4) Whether the alleged crime was an isolated or repeated act; and

20 (5) The full criminal record of the business concern against whom
21 there are current prosecutions or pending charges, any record of civil
22 or regulatory violations or notices or any complaints alleging any such
23 civil or regulatory violations, or any other allegations of wrongdoing.

24 d. The Attorney General may require, as a predicate to a
25 determination that a business concern against which there are current
26 prosecutions or pending charges has affirmatively reestablished a
27 reputation for good character, honesty and integrity, that the business
28 concern agree, in writing, to an investigation of the alleged crime or
29 crimes committed by the business concern, the persons involved in the
30 alleged crime, and any corporate policies, procedures, and
31 organizational structure that may have led to the alleged crime. At the
32 conclusion of this investigation a report shall be prepared identifying
33 the underlying conduct giving rise to any alleged criminal activity and
34 any steps that have subsequently been taken by the business concern to
35 prevent a recurrence of the alleged criminal activity, and
36 recommending any steps that may be deemed necessary to prevent a
37 recurrence of the alleged criminal activity. The investigation shall be
38 conducted by, or on behalf of, the Attorney General, and the cost
39 thereof shall be borne by the business concern.

40 The Attorney General may require, on the basis of this
41 investigation and as a condition of ~~recommending~~ finding
42 recommending that a business concern against which there are current
43 prosecutions or pending charges has affirmatively reestablished a
44 reputation for good character, honesty and integrity, that a business
45 concern comply, or agree in writing to comply, with any of the
46 following:

47 (1) changes in the business concern's organizational structure to
48 reduce the opportunity and motivation of individual employees to

1 engage in criminal activity, including procedures for informing
2 employees of the requirements of relevant state and federal law;

3 (2) changes in the business concern's long and short term planning
4 to ensure that the business concern implements procedures and
5 policies to prevent future violations of state or federal law;

6 (3) changes in the business concern's legal, accounting, or other
7 internal or external control and monitoring procedures to discourage or
8 prevent future violations of state or federal law;

9 (4) changes in the business concern's ownership, control,
10 personnel, and personnel selection practices, including the removal of
11 any person shown to have a beneficial interest in the business concern,
12 and the imposition of a reward or disincentive system in order to
13 encourage employees to comply with relevant state and federal law;

14 (5) post-licensing monitoring of the business concern's activities
15 relating to any changes in policy, procedure, or structure required by
16 the Attorney General pursuant to this subsection, the cost of such
17 monitoring to be borne by the business concern; and

18 (6) any other requirements deemed necessary by the Attorney
19 General.

20 e. The **【department】** ¹【Attorney General】 department¹ shall not
21 determine that a business concern against which there are current
22 prosecutions or pending charges has affirmatively reestablished a
23 reputation for good character, honesty and integrity if the business
24 concern has not complied, or agreed in writing to comply, with every
25 requirement imposed by the Attorney General pursuant to subsection
26 d. of this section.

27 (cf: P.L.1991, c.269, s.8)

28

29 ¹**【10. Section 17 of P.L.1991, c.269 (C.13:1E-133.3) is amended**
30 **to read as follows:**

31 17. The Department of Environmental Protection shall not issue
32 any permits required pursuant to P.L.1954, c.212 (C.26:2C-1 et
33 seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1975,
34 c.232 (C.13:1D-29 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.),
35 P.L.1981, c.262 (C.58:1A-1 et seq.), or any other law, or any rules
36 and regulations adopted thereto, to any person proposing to own or
37 operate a resource recovery facility prior to the completion by the
38 Attorney General **【and the department】** of the requirements of
39 sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133),
40 and unless the person proposing to own or operate the resource
41 recovery facility has received a license approved by the
42 **【department】** Attorney General pursuant to section 8 of
43 P.L.1983, c.392 (C.13:1E-133); except that the department may
44 issue such permits if the **【department】** Attorney General has
45 approved, issued or renewed a temporary license for such person
46 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).

47 (cf: P.L.1991, c.269, s.17)¹

1 ¹**[11.]** 10.¹ Section 9 of P.L.1983, c.392 (C.13:1E-134) is
2 amended to read as follows:

3 9. Any license or soil and ¹**[debris]** fill¹ recycling license may be
4 revoked by the **[department]** ¹**[Attorney General]** department¹
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.) for any of the following causes:

7 a. Any cause which would require disqualification, pursuant to
8 subsection a., b., c., e. or f. of section 8 of P.L.1983, c.392 (C.13:1E-
9 133), from receiving a license or a soil and ¹**[debris]** fill¹ recycling
10 license upon original application;

11 b. Fraud, deceit or misrepresentation in securing ¹or maintaining¹
12 the license or soil and ¹**[debris]** fill¹ recycling license, or in the
13 conduct of the licensed activity;

14 c. Offering, conferring or agreeing to confer any benefit to induce
15 any other person to violate the provisions of P.L.1983, c.392 (C.13:1E-
16 126 et seq.), or of any other law relating to the collection,
17 transportation, treatment, storage, ¹brokering,¹ transfer or disposal of
18 solid waste or hazardous waste, or the provision of soil and ¹**[debris]**
19 fill¹ recycling services, or of any rule or regulation adopted pursuant
20 thereto;

21 d. Coercion of a customer by violence or economic reprisal or the
22 threat thereof to utilize the services of any permittee or licensee, or a
23 business concern that holds a soil and ¹**[debris]** fill¹ recycling license;
24 ¹**[or]**¹

25 e. Preventing, without authorization of the department, any
26 permittee or licensee ¹, or business concern that has been issued a soil
27 and fill recycling license¹ from disposing of solid waste or hazardous
28 waste at a licensed, authorized or approved treatment, storage, transfer
29 or disposal facility ¹, or

30 f. Failing to file timely annual updates as directed by the
31 Attorney General¹.

32 (cf: P.L.1991, c.269, s.9)

33

34 ¹**[12.]** 11.¹ Section 10 of ¹**[P.L.1991, c.269]** P.L.1983, c.392¹
35 (C.13:1E-135) is amended to read as follows:

36 10. a. (1) Notwithstanding the disqualification of the applicant or
37 permittee pursuant to subsection a., b., c., e. or f. of section 8 of
38 P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a
39 license or a soil and ¹**[debris]** fill¹ recycling license if the applicant or
40 permittee severs the interest of or affiliation with the person who
41 would otherwise cause that disqualification. ¹The department may bar
42 the person that would otherwise cause the disqualification from
43 participation in the collection, transportation, treatment, storage,
44 processing, brokering, transfer, or disposal of solid or hazardous
45 waste, or the provision of soil and fill recycling services.¹

46 (2) The department may issue or renew a temporary license to any
47 applicant or permittee for periods not to exceed six months if the

1 department determines that the issuance or renewal of a temporary
2 license is necessitated by the public interest.

3 b. After July 1, 1992, the provisions of any other law to the
4 contrary notwithstanding, no temporary license shall be approved,
5 issued or renewed by the department for any applicant or permittee, as
6 the case may be, to own or operate a resource recovery facility or other
7 solid waste facility approved by the department for the long-term solid
8 waste disposal requirements of a district or districts pursuant to the
9 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)
10 prior to the completion by the Attorney General **and the department**
11 'and the department' of the requirements of sections 3 and 8 of
12 P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the
13 department may issue a temporary license to an applicant or renew the
14 temporary license of a permittee if the Commissioner of the
15 Department of Environmental Protection determines, in writing, that
16 the issuance of a temporary license for that applicant or renewal of the
17 temporary license for that permittee is necessitated by the public
18 interest.

19 (cf: P.L.1991, c.269, s.10)

20

21 ¹**13.** Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to
22 read as follows:

23 7. a. No person shall engage, or be permitted to engage, in the
24 business of solid waste collection or solid waste disposal until
25 found by the Department of Environmental Protection to be
26 qualified by experience, training or education to engage in such
27 business, is able to furnish proof of financial responsibility, and
28 unless that person holds a certificate of public convenience and
29 necessity issued by the Department of Environmental Protection.

30 (1) No certificate shall be issued for solid waste collection or
31 solid waste disposal until the person proposing to engage in solid
32 waste collection or solid waste disposal, as the case may be, has
33 been registered with and approved by the Department of
34 Environmental Protection as provided by section 5 of P.L.1970,
35 c.39 (C.13:1E-5).

36 (2) No certificate of public convenience and necessity shall be
37 issued by the Department of Environmental Protection to any
38 person who has been denied approval of a license under the
39 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or whose
40 license has been revoked by the **Department of Environmental**
41 **Protection** Attorney General, as the case may be.

42 b. No person shall transport regulated medical waste until
43 found by the Department of Environmental Protection to be
44 qualified by experience, training or education to engage in such
45 business, and is able to furnish proof of financial responsibility, and
46 holds a certificate of public convenience and necessity issued by the
47 Department of Environmental Protection. No certificate shall be
48 issued for the transportation of regulated medical waste until the
49 proposed transporter has obtained a registration statement required

1 by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed
2 under section 9 of P.L.1989, c.34 (C.13:1E-48.9).

3 c. Notwithstanding the provisions of subsection b. of this
4 section, the department shall not have jurisdiction over rates or
5 charges for the transportation of regulated medical waste.

6 (cf: P.L.2003, c.169, s.13)]¹

7

8 ¹[14. Section 10 of P.L.1970, c.40 (C.48:13A-9) is amended to
9 read as follows:

10 10. The Department of Environmental Protection shall revoke or
11 suspend the certificate of public convenience and necessity issued
12 to any person engaged in the solid waste collection business or the
13 solid waste disposal business upon the finding that such person:

14 a. Has violated any provision of P.L.1970, c.40 (C.48:13A-1 et
15 seq.) or P.L.1991, c.381 (C.48:13A-7.1 et al.), or any rule,
16 regulation or administrative order adopted or issued pursuant
17 thereto; or

18 b. Has violated any provision of any laws related to pollution
19 of the air, water or lands of this State; or

20 c. Has refused or failed to comply with any lawful order of the
21 department; or

22 d. Has had its registration revoked by the Department of
23 Environmental Protection; or

24 e. Has been denied approval of a license under the provisions
25 of P.L.1983, c.392 (C.13:1E-126 et seq.), or has had its license
26 revoked by the [Department of Environmental Protection] Attorney
27 General, as the case may be.

28 (cf: P.L.2003, c.169, s.19)]¹

29

30 ¹[15.] 12.¹ Section 3 of P.L.1971, c.461 (C.13:1E-18) is
31 amended to read as follows:

32 3. a. The department may in accordance with a fee schedule
33 adopted as a rule or regulation establish and charge annual or
34 periodic fees for any of the services to be performed in connection
35 with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1
36 et seq.) [, except that the annual or periodic fees charged by the
37 department to cover the costs incurred by any State agency relevant
38 to pre-licensing investigations, post-licensing compliance
39 monitoring or related activities under the provisions of P.L.1983,
40 c.392 (C.13:1E-126 et seq.) shall be based upon the size of the
41 business concern. For the purposes of this subsection, "business
42 concern" means any corporation, association, firm, partnership, sole
43 proprietorship, trust or other form of commercial organization;
44 "size" means the number of key employees or persons required to
45 be listed in the disclosure statement, or otherwise shown to have a
46 beneficial interest in the business of the applicant, permittee or
47 licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127);
48 and "State agency" means any State department, division, agency,
49 commission or authority.

1 The department, upon receipt of standard billing, shall provide
2 reimbursement in full to the Attorney General or any other State
3 agency for all expenses incurred by that State agency in the
4 performance of pre-licensing investigations, post-licensing
5 compliance monitoring or any other related activities consistent
6 with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)].

7 b. The fee schedule shall reasonably reflect the duration or
8 complexity of the specific service rendered, permit application
9 reviewed, or registration statement or engineering design
10 application approval sought.

11 (cf: P.L.1991, c.269, s.15)

12
13 ¹16. 13.¹ (New section) a. The ¹Attorney General
14 department¹ shall establish application and license fees ¹, annual fees,
15 and any other fees the department determines necessary to defray the
16 costs of administration,¹ for any license or soil and ¹debris fill¹
17 recycling license issued pursuant to P.L.1983, c.392 (C.13:1E-126 et
18 seq.) ¹, or the soil and fill recycling registration issued pursuant to
19 section 1 of P.L. , c. (C.) (pending before the Legislature as this
20 bill)¹. The fees shall be ¹based upon the cost of investigation and
21 consideration of the license application, and the actual and prospective
22 costs of the investigative and enforcement functions of the office. The
23 annual or periodic fees shall cover the costs incurred by any State
24 agency relevant to pre-licensing investigations, post-licensing
25 compliance monitoring or related activities under the provisions of
26 P.L.1983, c.392 (C.13:1E-126 et seq.) and shall be based upon the size
27 of the business concern. For the purposes of this section, "business
28 concern" means any corporation, association, firm, partnership, sole
29 proprietorship, trust or other form of commercial organization; "size"
30 means the number of key employees or persons required to be listed in
31 the disclosure statement, or otherwise shown to have a beneficial
32 interest in the business of the applicant, permittee or licensee as
33 defined in section 2 of P.L.1983, c.392 (C.13:1E-127); and "State
34 agency" means any State department, division, agency, commission or
35 authority.

36 The Attorney General shall provide reimbursement in full to any
37 State agency for all expenses incurred by that State agency in the
38 performance of pre-licensing investigations, post-licensing compliance
39 monitoring or any other related activities consistent with the
40 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)] used to pay costs
41 related to consideration of license and soil and fill recycling license
42 applications, investigations, monitoring, enforcement, and related
43 activities, and to reimburse any State agency for expenses incurred by
44 the agency in the performance of pre-licensing investigations, post-
45 licensing compliance monitoring, or any other related activities
46 consistent with the provisions of P.L.1983, c.392 (C.13:1E-126 et
47 seq.). Annual fees shall be assessed on licensees and the holders of
48 soil and fill recycling licenses based on a percentage their gross
49 operating revenue from intrastate operations during the preceding

1 calendar year. Fees collected under this section shall be deposited into
 2 a special account, to be administered by the department, and shall be
 3 used only for the costs associated with administering the provisions of
 4 P.L.1983, c.392 (C.13:1E-126 et seq.).¹

5 b. The department may, pursuant to the "Administrative
 6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and
 7 regulations to effectuate monitoring and enforcement of P.L.1983,
 8 c.392 (C.13:1E-126 et seq.) and P.L. , c. (C.) (pending before the
 9 Legislature as this bill).

10 c.¹ The **1** [Attorney General] department¹ shall prepare and
 11 submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
 12 Legislature an annual report on the establishment and implementation
 13 of the fee schedule adopted pursuant to this section.
 14

15 **1** [17.] 14.¹ (New section) No later than 90 days after the
 16 effective¹ date of **1** [enactment of]¹ P.L. , c. (C.) (pending before
 17 the Legislature as this bill), the Department of Environmental
 18 Protection, the Department of the Treasury, and the Attorney General
 19 shall enter into a memorandum of agreement that provides for **1** [the
 20 establishment of a records and information management system] a
 21 reciprocal information exchange method¹ to provide **1** [State regulators
 22 at each department and other relevant government agencies in New
 23 Jersey and elsewhere] the Department of Environmental Protection,
 24 the Department of Treasury, and the Attorney General¹ with effective
 25 and efficient access to information concerning individuals and
 26 business concerns that are applicants, license holders, and permittees
 27 in the solid waste, hazardous waste and recycling industries **1** [. The
 28 information in the system shall include license and permit information,
 29 records of violations, criminal charges and convictions, debarment
 30 determinations and any other information deemed to be relevant] as
 31 determined to be appropriate by the Attorney General¹.
 32

33 **1** [18.] 15.¹ (New section) The State Treasurer shall establish a
 34 list to be maintained in the Department of the Treasury of
 35 individuals and business concerns that have:

36 a. been debarred from contracting with or receiving funds from
 37 any unit in the Executive branch of State government, including any
 38 entity exercising executive branch authority or independent State
 39 authority, or any unit of local government or board of education;

40 b. had a permit, license, **2** [or]² soil and **1** [debris] fill¹
 41 recycling ¹ registration ² issued pursuant to section 1 of P.L. , c.
 42 (C.) (pending before the Legislature as this bill),² or soil and fill
 43 recycling¹ license denied or revoked pursuant to P.L.1983, c.392
 44 (C.13:1E-126 et seq.); or

45 c. had any license denied or revoked pursuant to
 46 P.L.1977, c.110 (C.5:12-1 et seq.).

1 ¹[19.] 16.¹ (New section) The Attorney General shall seek to
2 establish with the State of New York and other states in the region a
3 reciprocal information exchange ¹[~~system~~] method¹ to facilitate the
4 sharing of information among the states on the solid waste, hazardous
5 waste, and recycling industries in the respective states. Each year for
6 the first three years after the ¹effective¹ date of ¹[~~enactment of~~]¹
7 P.L. , c. (C.) (pending before the Legislature as this bill), the
8 Attorney General shall prepare and submit, pursuant to section 2 of
9 P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report on the
10 progress made toward establishing and implementing this interstate
11 cooperative effort.

12
13 ²17. (New section) a. The department shall adopt, pursuant to
14 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
15 et seq.), rules and regulations establishing a schedule of penalties
16 for violations of P.L.1983, c.392 (C.13:1E-126 et seq.), to be
17 applied pursuant to this section.

18 b. Whenever, on the basis of available information, the
19 department finds that a person has violated any provision of
20 P.L.1983, c.392 (C.13:1E-126 et seq.), or any rule or regulation
21 adopted, or license issued, pursuant thereto, the department may:

22 (1) Issue an order requiring the person found to be in violation
23 to comply in accordance with subsection c. of this section;

24 (2) Bring a civil action in accordance with subsection d. of this
25 section;

26 (3) Levy a civil administrative penalty in accordance with
27 subsection e. of this section;

28 (4) Bring an action for a civil penalty in accordance with
29 subsection f. of this section; or

30 (5) Petition the Attorney General to bring a criminal action in
31 accordance with subsection g. of this section.

32 c. Whenever the department finds that a person has violated
33 any provision of P.L.1983, c.392 (C.13:1E-126 et seq.), or any rule
34 or regulation adopted, or license issued, pursuant thereto, the
35 department may issue an order specifying the provision or
36 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or the rule,
37 regulation, or license of which the person is in violation, citing the
38 action which constituted the violation, ordering abatement of the
39 violation, and giving notice to the person of his right to a hearing on
40 the matters contained in the order. The ordered party shall have 20
41 calendar days from receipt of the order within which to deliver to
42 the department a written request for a hearing. Such order shall be
43 effective upon receipt, and any person to whom such order is
44 directed shall comply with the order immediately. A request for
45 hearing shall not automatically stay the effect of the order.

46 d. The department, a local board of health, or a county health
47 department may institute an action or proceeding in the Superior
48 Court for injunctive and other relief, including the appointment of a
49 receiver for any violation of P.L.1983, c.392 (C.13:1E-126 et seq.),

1 or of any rule or regulation adopted, or license issued, pursuant to
2 P.L.1983, c.392 (C.13:1E-126 et seq.), and the court may proceed in
3 the action in a summary manner. In any such proceeding the court
4 may grant temporary or interlocutory relief. Such relief may
5 include, singly or in combination:

6 (1) A temporary or permanent injunction;

7 (2) Assessment of the violator for the costs of any investigation,
8 inspection, or monitoring survey which led to the establishment of
9 the violation, and for the reasonable costs of preparing and
10 litigating the case under this subsection;

11 (3) Assessment of the violator for any cost incurred by the State
12 in removing, correcting, or terminating the adverse effects upon air
13 quality or water quality resulting from any violation of any
14 provision of P.L.1983, c.392 (C.13:1E-126 et seq.), or any rule or
15 regulation adopted, or licensed issued, pursuant thereto for which
16 the action under this subsection may have been brought;

17 (4) Assessment against the violator of compensatory damages
18 for any loss or destruction of wildlife, fish or aquatic life, and for
19 any other actual damages caused by any violation of P.L.1983,
20 c.392 (C.13:1E-126 et seq.) or any rule or regulation adopted, or
21 license issued, pursuant thereto for which the action under this
22 subsection may have been brought. Assessments under this
23 subsection shall be paid to the State Treasurer, or to the local board
24 of health, or to the county health department, as the case may be,
25 except that compensatory damages may be paid by specific order of
26 the court to any persons who have been aggrieved by the violation.

27 If a proceeding is instituted by a local board of health or county
28 health department, notice thereof shall be served upon the
29 department in the same manner as if the department were a named
30 party to the action or proceeding. The department may intervene as
31 a matter of right in any proceeding brought by a local board of
32 health or county health department.

33 e. The department is authorized to assess a civil administrative
34 penalty of not more than \$50,000.00 for each violation provided
35 that each day during which the violation continues shall constitute
36 an additional, separate, and distinct offense. The department shall
37 not assess a civil administrative penalty in excess of \$25,000.00 for
38 a single violation, or in excess of \$2,500.00 for each day during
39 which a violation continues, until the department has adopted,
40 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
41 (C.52:14B-1 et seq.), rules and regulations requiring the
42 department, in assessing a civil administrative penalty, to consider
43 the operational history of the violator, the severity of the violation,
44 the measures taken to mitigate or prevent further violations, and
45 whether the penalty will maintain an appropriate deterrent. No
46 assessment shall be levied pursuant to this section until after the
47 violator has been notified by certified mail or personal service. The
48 notice shall include a reference to the section of the statute, rule,
49 regulation, or license violated, a concise statement of the facts

1 alleged to constitute a violation, a statement of the amount of the
2 civil administrative penalties to be imposed, and a statement of the
3 party's right to a hearing. The ordered party shall have 20 calendar
4 days from receipt of the notice within which to deliver to the
5 department a written request for a hearing. After the hearing and
6 upon finding that a violation has occurred, the department may
7 issue a final order after assessing the amount of the fine specified in
8 the notice. If no hearing is requested, the notice shall become a
9 final order after the expiration of the 20-day period. Payment of the
10 assessment is due when a final order is issued or the notice becomes
11 a final order. The authority to levy a civil administrative penalty is
12 in addition to all other enforcement provisions in P.L.1983, c.392
13 (C.13:1E-126 et seq.) and P.L.1970, c. 39 (C. 13:1E-1 et seq.), and
14 the payment of any assessment shall not be deemed to affect the
15 availability of any other enforcement provisions in connection with
16 the violation for which the assessment is levied. The department
17 may settle any civil administrative penalty assessed under this
18 section in an amount the department determines appropriate.

19 f. Any person who violates the provisions of P.L.1983, c.392
20 (C.13:1E-126 et seq.), or any rule or regulation adopted, or licensed
21 issued, pursuant thereto shall be liable to a penalty of not more than
22 \$50,000.00 per day, to be collected in a civil action commenced by
23 a local board of health, a county health department, or the
24 department.

25 Any person who violates an administrative order issued pursuant
26 to subsection c. of this section, or a court order issued pursuant to
27 subsection d. of this section, or who fails to pay an administrative
28 assessment in full pursuant to subsection e. of this section is subject
29 upon order of a court to a civil penalty not to exceed \$100,000.00
30 per day of such violations.

31 Any penalty imposed pursuant to this subsection may be
32 collected with costs in a summary proceeding pursuant to "the
33 penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior
34 Court and the municipal court shall have jurisdiction to enforce the
35 provisions of "the penalty enforcement law" in connection with this
36 act.

37 g. Any person who engages in soil and fill recycling services
38 without a registration issued pursuant to section 1 of P.L. ,
39 c. (C.) (pending before the Legislature as this bill), or a soil and
40 fill recycling license issued pursuant to
41 section 8 of P.L.1983, c.392 (C.13:1E-133), as appropriate, or who
42 knowingly makes any false or misleading statement to the
43 department or the Attorney General in connection with a
44 registration or license, shall, upon conviction, be guilty of a crime
45 of the third degree and, notwithstanding the provisions of
46 N.J.S.2C:43-3, shall be subject to a fine of not more than
47 \$50,000.00 for the first offense and not more than \$100,000.00 for
48 the second and each subsequent offense and restitution, in addition

1 to any other appropriate disposition authorized by subsection b. of
2 N.J.S.2C:43-2.

3 h. Any person who collects, transports, treats, stores, brokers,
4 transfers, or disposes of solid waste or hazardous waste, or that
5 engages in soil and fill recycling services, shall furnish the
6 appropriate license or registration upon the request of any law
7 enforcement officer or any agent of the department, a local board of
8 health, or a county health department.

9 i. Pursuit of any remedy specified in this section shall not
10 preclude the pursuit of any other remedy provided by any other law.
11 Administrative and judicial remedies provided in this section may
12 be pursued simultaneously.²

13
14 ²18. (New section) The department, a local board of health, and
15 a county health department shall have the right to enter, inspect, and
16 take samples at or from, any facility or premises used in connection
17 with the provision of soil and fill recycling services in order to
18 determine compliance with a registration issued pursuant to section
19 1 of P.L. , c. (C.) (pending before the Legislature as this bill),
20 a soil and fill recycling license issued pursuant to section 8 of
21 P.L.1983, c.392 (C.13:1E-133), and any other applicable law, and
22 rules and regulations adopted pursuant thereto.²

23
24 ¹[20. Section 2 of this act shall take effect on the 180th day after
25 the date of enactment, and the remainder of this act]

26
27 ²[17.] 19.² This act¹ shall take effect immediately.

28
29
30
31
32 _____
33 Concerns regulation of solid waste, hazardous waste, and soil
and fill recycling industries.

SENATE, No. 1683

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Concerns regulation of solid waste, hazardous waste, and soil and debris recycling industries.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/12/2018)

1 AN ACT concerning regulation of the solid waste, hazardous waste,
2 and soil and debris recycling industries, amending and
3 supplementing P.L.1983, c.392, and amending P.L.1991, c.269,
4 P.L.1970, c.40 and P.L.1971, c.461.

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

8
9 1. (New section) a. No later than 90 days after the date of
10 enactment of P.L. , c. (C.) (pending before the Legislature as
11 this bill), any business concern that engages in, or otherwise
12 provides, soil and debris recycling services shall register with the
13 Attorney General. The registration shall include:

14 (1) the name of the business concern; and

15 (2) the address of the business concern and the addresses of any
16 other locations where trucks or equipment used by the business
17 concern are kept.

18 b. No more than 90 days after submission of all information
19 required to be submitted pursuant to subsection a. of this section,
20 the Attorney General shall issue a soil and debris recycling
21 registration to the business concern that registers pursuant to
22 subsection a. of this section.

23
24 2. (New section) No business concern shall engage in soil and
25 debris recycling services unless it holds a soil and debris recycling
26 license issued pursuant to section 8 of P.L.1983, c.392 (C.13:1E-
27 133).

28
29 3. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to
30 read as follows:

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

33 a. "Applicant" means any business concern **[which]** that (1)
34 has filed a disclosure statement with the [department and the]
35 Attorney General and is seeking [an initial] a license, provided that
36 the business concern has furnished the department and the Attorney
37 General with any information required pursuant to P.L.1991,
38 c.269 (C.13:1E-128.1 et al.), or (2) has been issued a soil and
39 debris recycling registration, has filed a disclosure statement with
40 the department and the Attorney General, and is seeking a soil and
41 debris recycling license.

42 b. "Application" means the forms and accompanying
43 documents filed in connection with an applicant's or permittee's
44 request for a license or a soil and debris recycling license.

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

Matter underlined thus is new matter.

1 c. "Business concern" means any corporation, association,
2 firm, partnership, sole proprietorship, trust or other form of
3 commercial organization.

4 d. "Department" means the Department of Environmental
5 Protection.

6 e. "Disclosure statement" means a statement submitted to the
7 **【department and the】** Attorney General by an applicant or a
8 permittee, which statement shall include:

9 (1) The full name, business address and social security number
10 of the applicant or the permittee, as the case may be, and of any
11 officers, directors, partners, or key employees thereof and all
12 persons holding any equity in or debt liability of the applicant or
13 permittee, or, if the applicant or permittee is a publicly traded
14 corporation, all persons holding more than 5% of the equity in or
15 the debt liability of the applicant or permittee, except that (a) where
16 the equity in or debt liability of the applicant or permittee is held by
17 an institutional investor, the applicant or permittee need only supply
18 the name, business address and the basis upon which the
19 institutional investor qualifies as an institutional investor, and (b)
20 where the debt liability is held by a chartered lending institution,
21 the applicant or permittee need only supply the name and business
22 address of the lending institution;

23 (2) The full name, business address and social security number
24 of all officers, directors, or partners of any business concern
25 disclosed in the disclosure statement and the names and addresses
26 of all persons holding any equity in or the debt liability of any
27 business concern so disclosed, except that (a) where the business
28 concern is a publicly traded corporation, the applicant or permittee
29 need only supply the name and business address of the publicly
30 traded corporation and copies of its annual filings with the
31 Securities and Exchange Commission, or its foreign equivalent, (b)
32 where the equity in or debt liability of that business concern is held
33 by an institutional investor, the applicant or permittee need only
34 supply the name, business address and the basis upon which the
35 institutional investor qualifies as an institutional investor, and (c)
36 where the debt liability is held by a chartered lending institution,
37 the applicant or permittee need only supply the name and business
38 address of the lending institution;

39 (3) The full name and business address of any business concern
40 which collects, transports, treats, stores, transfers or disposes of
41 solid waste or hazardous waste, or that engages in soil and debris
42 recycling services, in which the applicant or the permittee holds an
43 equity interest;

44 (4) A description of the experience and credentials in, including
45 any past or present licenses for, the collection, transportation,
46 treatment, storage, transfer or disposal of solid waste or hazardous
47 waste, or the provision of soil and debris recycling services,

- 1 possessed by the applicant or the permittee, as the case may be, and
2 by the key employees, officers, directors, or partners thereof;
- 3 (5) A listing and explanation of any notices of violation or
4 prosecution, administrative orders or license revocations issued by
5 this State or any other state or federal authority, in the 10 years
6 immediately preceding the filing of the application or disclosure
7 statement, whichever is later, which are pending or have resulted in
8 a finding or a settlement of a violation of any law or rule and
9 regulation relating to the collection, transportation, treatment,
10 storage, transfer or disposal of solid waste or hazardous waste, or
11 the provision of soil and debris recycling services, by the applicant
12 or the permittee, as the case may be, or by any key employee,
13 officer, director, or partner thereof;
- 14 (6) A listing and explanation of any judgment of liability or
15 conviction which was rendered, pursuant to the laws of this State,
16 or any other state or federal statute or local ordinance, against the
17 applicant or the permittee, as the case may be, or against any key
18 employee, officer, director, or partner thereof, except for any
19 violation of Title 39 of the Revised Statutes other than a violation
20 of the provisions of P.L.1983, c.102 (C.39:5B-18 et seq.), P.L.1983,
21 c.401 (C.39:5B-25 et seq.) or P.L.1985, c.415 (C.39:5B-30 et seq.);
- 22 (7) A listing of all labor unions and trade and business
23 associations in which the applicant or the permittee was a member
24 or with which the applicant or the permittee had a collective
25 bargaining agreement during the 10 years preceding the date of the
26 filing of the application or disclosure statement, whichever is later;
- 27 (8) A listing of any agencies outside of New Jersey which had
28 regulatory responsibility over the applicant or the permittee, as the
29 case may be, in connection with the collection, transportation,
30 treatment, storage, transfer or disposal of solid waste or hazardous
31 waste or in connection with the provision of soil and debris
32 recycling services; [and]
- 33 (9) The full name and business address of any individual or
34 business concern that leases real property or equipment used for the
35 collection, transportation, treatment, processing, storage, transfer,
36 or disposal of solid waste or hazardous waste, or the provision of
37 soil and debris recycling services, to the applicant, permittee, or
38 licensee;
- 39 (10) A listing and explanation of any civil litigation pending
40 between the applicant, permittee, licensee, key employee, officer,
41 director, or partner thereof and any other person engaged in the
42 collection, transportation, treatment, processing, storage, transfer,
43 or disposal of solid waste or hazardous waste or in the provision of
44 soil and debris recycling services, related to the provision of solid
45 waste, hazardous waste or soil and debris recycling services; and
- 46 (11) Any other information the Attorney General **[**or the
47 department**]** may require that relates to the competency, reliability
48 or integrity of the applicant or the permittee.

1 The provisions of paragraphs (1) through ~~[(9)]~~ (11) of this
2 subsection to the contrary notwithstanding, if an applicant or a
3 permittee is a secondary business activity corporation, "disclosure
4 statement" means a statement submitted to the ~~department and~~
5 ~~the~~ Attorney General by an applicant or a permittee, which
6 statement shall include:

7 (a) The full name, primary business activity, office or position
8 held, business address, home address, date of birth and federal
9 employer identification number of the applicant or the permittee, as
10 the case may be, and of all officers, directors, partners, or key
11 employees of the business concern; and of all persons holding more
12 than 5% of the equity in or debt liability of that business concern,
13 except that where the debt liability is held by a chartered lending
14 institution, the applicant or permittee need only supply the name
15 and business address of the lending institution. The Attorney
16 General or the department may request the social security number
17 of any individual identified pursuant to this paragraph;

18 (b) The full name, business address and federal employer
19 identification number of any business concern in any state, territory
20 or district of the United States, which (i) engages in soil and debris
21 recycling services, or (ii) collects, transports, treats, stores,
22 recycles, brokers, transfers or disposes of solid waste or hazardous
23 waste on a commercial basis, in which the applicant or the
24 permittee holds an equity interest of 25% or more, and the type,
25 amount and dates of the equity held in such business concern;

26 (c) A listing of every license, registration, permit, certificate of
27 public convenience and necessity, uniform tariff approval or
28 equivalent operating authorization held by the applicant or
29 permittee within the last five years under any name for the
30 collection, transportation, treatment, storage, recycling, processing,
31 transfer or disposal of solid waste or hazardous waste, or the
32 provision of soil and debris recycling services, on a commercial
33 basis in any state, territory or district of the United States, and the
34 name of every agency issuing such operating authorization;

35 (d) If the applicant or the permittee is a subsidiary of a parent
36 corporation, or is the parent corporation of one or more subsidiaries,
37 or is part of a group of companies in common ownership, as the
38 case may be, a chart, or, if impractical or burdensome, a list
39 showing the names, federal employer identification numbers and
40 relationships of all parent, sister, subsidiary and affiliate
41 corporations, or members of the group;

42 (e) A listing and explanation of any notices of violation or
43 prosecution, administrative orders or license revocations issued by
44 this State or any other state or federal authority to the applicant or
45 permittee in the 10 years immediately preceding the filing of the
46 application or disclosure statement, whichever is later, which are
47 pending or have resulted in a finding or a settlement of a violation
48 of any law or rule or regulation relating to the collection,

1 transportation, treatment, storage, recycling, processing, transfer or
2 disposal of solid waste or hazardous waste, or the provision of soil
3 and debris recycling services, by the applicant or permittee;

4 (f) A listing and explanation of any judgment, decree or order,
5 whether by consent or not, issued against the applicant or permittee
6 in the 10 years immediately preceding the filing of the application,
7 and of any pending civil complaints against the applicant or
8 permittee pertaining to a violation or alleged violation of federal or
9 state antitrust laws, trade regulations or securities regulations;

10 (g) A listing and explanation of any conviction issued against
11 the applicant or permittee for a felony resulting in a plea of nolo
12 contendere, or any conviction in the 10 years immediately
13 preceding the filing of the application, and of any pending
14 indictment, accusation, complaint or information for any felony
15 issued to the applicant or the permittee pursuant to any state or
16 federal statute; and

17 (h) A completed personal history disclosure form shall be
18 submitted to the [department and the] Attorney General by every
19 person required to be listed in this disclosure statement, except for
20 those individuals who are exempt from the personal history
21 disclosure requirements pursuant to paragraph (5) of subsection a.
22 of section 3 of P.L.1983, c.392 (C.13:1E-128).

23 f. "Key employee" means any individual employed by the
24 applicant, the permittee or the licensee in a supervisory capacity or
25 empowered to make discretionary decisions with respect to the solid
26 waste [or], hazardous waste, or soil and debris recycling operations
27 of the business concern; any family member of an officer, director,
28 partner, or key employee, employed by the applicant or permittee;
29 or any broker, consultant or sales person employed by, or who do
30 business with, the applicant, permittee, or licensee, with respect to
31 the solid waste, hazardous waste, or soil and debris recycling
32 operations of the business concern; but shall not include employees,
33 who are not family members, exclusively engaged in the physical or
34 mechanical collection, transportation, treatment, storage, transfer or
35 disposal of solid waste or hazardous waste, or the provision of soil
36 and debris recycling services.

37 g. "License" means the initial approval and first renewal by the
38 department of any registration statement or engineering design
39 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981,
40 c.279 (C.13:1E-49 et seq.), for the collection, transportation,
41 treatment, storage, transfer or disposal of solid waste or hazardous
42 waste in this State.

43 A "license" shall not include any registration statement or
44 engineering design approved for:

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

1 (2) Any person solely for the collection, transportation,
2 treatment, storage or disposal of solid waste or hazardous waste
3 generated by that person;

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

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

12 (5) Any person solely for the transportation of hazardous wastes
13 which are or contain precious metals to a hazardous waste facility
14 described in paragraph (4) of this subsection for the purposes of
15 reclamation.

16 A "license" shall include any registration statement approved for
17 any person who transports any other hazardous waste in addition to
18 hazardous wastes which are or contain precious metals;

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

22 (7) Any regulated medical waste generator for the treatment or
23 disposal of regulated medical waste at any noncommercial
24 incinerator or noncommercial facility in this State that accepts
25 regulated medical waste for disposal.

26 h. "Licensee" means any business concern which has
27 completed the requirements of section 3 of P.L.1983,
28 c.392 (C.13:1E-128) and whose application for the issuance or
29 renewal of a license has been approved by the **【department】**
30 Attorney General pursuant to section 8 of P.L.1983,
31 c.392 (C.13:1E-133).

32 i. "Permittee" means and shall include:

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

40 (2) Any business concern which has filed a disclosure statement
41 with the department and the Attorney General and to which a
42 temporary license has been approved, issued or renewed by the
43 department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-
44 135), but which has not otherwise completed the requirements of
45 section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application
46 for a license has not been approved by the department pursuant to
47 section 8 of P.L.1983, c.392 (C.13:1E-133), provided that the
48 temporary license remains valid, and provided further that the

1 business concern has furnished the department and the Attorney
2 General with any information required pursuant to P.L.1991,
3 c.269 (C.13:1E-128.1 et al.);

4 (3) Any business concern which has filed a disclosure statement
5 with the department and the Attorney General and to which a valid
6 registration statement or engineering design approval for the
7 collection, transportation, treatment, storage, transfer or disposal of
8 solid waste or hazardous waste pursuant to P.L.1970,
9 c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has
10 been given by the department between February 20, 1985 and
11 January 23, 1986, inclusive, provided that the registration statement
12 or engineering design approval remains valid, and provided further
13 that the business concern has furnished the department and the
14 Attorney General with any information required pursuant to
15 P.L.1991, c.269 (C.13:1E-128.1 et al.); **[or]**

16 (4) Any business concern to which a temporary approval of
17 registration has been given by the department at any time after
18 January 23, 1986 pursuant to statute or rule and regulation,
19 provided that such temporary approval of registration, statute, or
20 rule and regulation remains valid, and provided further that the
21 business concern has furnished the department and the Attorney
22 General with any information required pursuant to P.L.1991,
23 c.269 (C.13:1E-128.1 et al.) and filed a disclosure statement with
24 the department and the Attorney General; or

25 (5) Any business concern that has been issued a prior approval
26 to operate as a soil and debris recycling center from the Department
27 of Environmental Protection pursuant to section 41 of P.L.1987,
28 c.102 (C.13:1E-99.34) but whose application for a soil and debris
29 recycling license has not been approved .

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

31 k. "Secondary business activity corporation" means any
32 business concern which has derived less than 5% of its annual gross
33 revenues in each of the three years immediately preceding the one
34 in which the application for a license or a soil and debris recycling
35 license is being made from the collection, transportation, treatment,
36 storage, recycling, processing, transfer or disposal of solid waste or
37 hazardous waste, or the provision of soil and debris recycling
38 services, whether directly or through other business concerns
39 partially or wholly owned or controlled by the applicant or the
40 permittee, as the case may be, and which (1) has one or more
41 classes of security registered pursuant to section 12 of the
42 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78l),
43 or (2) is an issuer subject to subsection (d) of section 15 of the
44 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78o).

45 l. "Institutional investor" means a retirement fund administered
46 by a public agency for the exclusive benefit of federal, state, or
47 local public employees; government or government-owned entity;
48 investment company registered under the "Investment Company Act

1 of 1940" (15 U.S.C. s.80a-1 et seq.); collective investment trust
2 organized by banks under Part Nine of the Rules of the Comptroller
3 of the Currency; closed end investment trust; chartered or licensed
4 life insurance company or property and casualty insurance
5 company; banking or other chartered or licensed lending institution;
6 partnerships, funds or trusts managed by or directed in conjunction
7 with an investment adviser registered under the "Investment
8 Advisers Act of 1940" (15 U.S.C. s.80b-1 et seq.) or an institutional
9 investment manager required to make filings under subsection (f) of
10 section 13 of the "Securities Exchange Act of 1934," as amended
11 (15 U.S.C. s.78m); institutional buyer, as defined pursuant to
12 section 2 of the "Uniform Securities Law (1997)," P.L.1967,
13 c.93 (C.49:3-49); small business investment company licensed by
14 the United States Small Business Administration under subsection
15 (c) of section 301 of the "Small Business Investment Act of 1958,"
16 as amended (15 U.S.C. s.681); private equity or venture capital
17 entity having or managing aggregate capital commitments in excess
18 of \$25,000,000; and other persons as the **【department】** Attorney
19 General may determine for reasons consistent with the policies of
20 P.L.1983, c.392 (C.13:1E-126 et seq.).

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

23 (1) has one or more classes of security registered pursuant to
24 section 12 of the "Securities Exchange Act of 1934," as amended
25 (15 U.S.C. s.781);

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

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

38 n. "Broker" means a person who arranges agreements between a
39 business concern and its customers for the collection,
40 transportation, treatment, storage, recycling, processing, transfer or
41 disposal of solid waste or hazardous waste, or the provision of soil
42 and debris recycling services.

43 o. "Consultant" means a person who performs functions for a
44 business concern engaged in the collection, transportation,
45 treatment, storage, recycling, processing, transfer or disposal of
46 solid waste or hazardous waste, or the provision of soil and debris
47 recycling services, provided that "consultant" shall not include a
48 person who performs functions for a business concern and holds a

1 professional license from the State in order to perform those
2 functions.

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

9 q. "Recyclable materials" means (1) source-separated, non-
10 putrescible, waste material resulting from construction, remodeling,
11 repair, and demolition operations on houses, commercial buildings,
12 pavements and other structures, (2) source-separated, non-
13 putrescible waste concrete, asphalt, brick, block, asphalt-based
14 roofing, scrap wood, and wood waste, and (3) soil, which would
15 otherwise become solid waste, and which may be collected,
16 separated or processed and returned to the economic mainstream in
17 the form of raw materials or products. For the purposes of
18 P.L.1983, c.392 (C.13:1E-126 et seq.), "recyclable materials" shall
19 not include metal, glass, or plastic containers, paper, or corrugated
20 cardboard.

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

26 s. "Soil and debris recycling license" means an approval to
27 operate a business concern engaged in soil and debris recycling
28 services issued pursuant to section 8 of P.L.1983, c.392 (C.13:1E-
29 133).

30 t. "Soil and debris recycling services" means the services
31 provided by persons engaging in the business of the collection,
32 transportation, processing, storage, purchase, sale or disposition, or
33 any combination thereof, of recyclable materials.

34 (cf: P.L.2011, c.68, s.1)

35

36 4. Section 3 of P.L.1983, c.392 (C.13:1E-128) is amended to
37 read as follows:

38 3. In addition to any other procedure, condition or information
39 required pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.),
40 P.L.1981, c.279 (C.13:1E-49 et seq.) or any other law:

41 a. (1) Every applicant and permittee shall file a disclosure
42 statement with the **【department and the】** Attorney General;

43 (2) Except as otherwise provided in this subsection, any person
44 required to be listed in the disclosure statement shall be
45 fingerprinted for identification and investigation purposes in
46 accordance with procedures therefor established by the Attorney
47 General;

1 (3) The Attorney General shall, upon the receipt of the
2 disclosure statement from an applicant for an initial license **【or】** ,
3 from a permittee, or from an applicant for a soil and debris
4 recycling license. prepare **【and transmit to the department】** an
5 investigative report on the applicant or the permittee, as the case
6 may be, based in part upon the disclosure statement. In preparing
7 this report, the Attorney General may request and receive criminal
8 history information from the State Commission of Investigation or
9 the Federal Bureau of Investigation;

10 (4) In conducting a review of the application, the **【department】**
11 Attorney General shall include a review of the disclosure statement
12 and investigative report;

13 (5) An applicant or permittee may file a limited disclosure
14 statement pursuant to the provisions of paragraphs (a) through (h)
15 of subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127); and
16 a person required to be listed in the disclosure statement is exempt
17 from the fingerprint and personal history disclosure requirements;
18 if:

19 (a) The applicant or permittee is a secondary business activity
20 corporation; and

21 (b) The person required to be listed in the disclosure statement
22 is (i) a director or chief executive officer; or (ii) an individual who
23 does not have any responsibility for, or control of, the commercial
24 solid waste or hazardous waste operations, or the provision of soil
25 and debris recycling services. of the applicant, permittee or licensee
26 conducted in New Jersey, and who will not exercise any such
27 responsibility or control upon the issuance of a license or soil and
28 debris recycling license by the **【department】** Attorney General;

29 (6) (a) A person who is a director or chief executive officer of a
30 business concern that is a secondary business activity corporation, a
31 publicly traded corporation or an institutional investor, including
32 limited partnership interests, that is not the applicant or permittee
33 but which is listed in a disclosure statement pursuant to subsection
34 e. of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt
35 from the fingerprint and personal history disclosure requirements;

36 (b) An individual who is an officer or partner of, or who holds
37 any equity in or debt liability of, a business concern that is a
38 secondary business activity corporation, a publicly traded
39 corporation or an institutional investor, including limited
40 partnership interests, that is not the applicant or permittee but which
41 is listed in a disclosure statement pursuant to subsection e. of
42 section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from
43 the fingerprint and personal history disclosure requirements,
44 provided that the person or secondary business activity corporation
45 or publicly traded corporation or institutional investor is not and
46 will not be engaged in active management of the commercial solid
47 waste or hazardous waste operations or the soil and debris recycling
48 operations of the applicant or permittee conducted in New Jersey;

1 (c) A business concern that is a secondary business activity
2 corporation or an institutional investor, including limited
3 partnership interests, that is not the applicant, licensee, or permittee
4 but which is listed in a disclosure statement pursuant to subsection
5 e. of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt
6 from disclosure requirements established in subsection e. of section
7 2 of P.L.1983, c.392 (C.13:1E-127) provided that the secondary
8 business activity corporation or institutional investor is not and will
9 not be engaged in active management of the commercial solid waste
10 or hazardous waste operations or the soil and debris recycling
11 operations of the applicant, licensee, or permittee conducted in New
12 Jersey;

13 (d) A business concern that is a publicly traded corporation that
14 is not the applicant, licensee, or permittee but which is listed in a
15 disclosure statement pursuant to subsection e. of section 2 of
16 P.L.1983, c.392 (C.13:1E-127), shall be exempt from disclosure
17 requirements established in subsection e. of section 2 of
18 P.L.1983, c.392 (C.13:1E-127) provided that the name and business
19 address of the publicly traded corporation and copies of its annual
20 filings with the Securities and Exchange Commission, or its foreign
21 equivalent, are filed with the disclosure forms of the applicant,
22 licensee, or permittee. Subsidiaries intervening in the chain of
23 equity between the publicly traded corporation and the applicant,
24 licensee, or permittee, and the officers and directors of those
25 intervening subsidiaries, shall also be exempt from the disclosure
26 requirements established in subsection e. of section 2 of
27 P.L.1983, c.392 (C.13:1E-127) provided that the intervening
28 subsidiary is not and will not be engaged in active management of
29 the commercial solid waste or hazardous waste operations or the
30 soil and debris recycling operations of the applicant, licensee, or
31 permittee conducted in New Jersey;

32 (e) An individual exempt from disclosure requirements under
33 subparagraph (b) of this paragraph, a secondary business activity
34 corporation or institutional investor exempt from disclosure
35 requirements under subparagraph (c) of this paragraph, and a
36 publicly traded corporation exempt from disclosure requirements
37 under subparagraph (d) of this paragraph, may be required by the
38 Attorney General to file disclosure forms and be fingerprinted in the
39 circumstances described in subsection d. of this section; and

40 (f) A person that holds equity in, or debt liability of, a business
41 concern that is exempt from the disclosure requirements established
42 in subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127) shall
43 also be exempt from the disclosure requirements established in
44 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127).

45 b. All applicants, permittees and licensees, and all business
46 concerns that have been issued a soil and debris recycling license,
47 shall have the continuing duty to provide any assistance or
48 information requested by the department or the Attorney General,

1 and to cooperate in any inquiry or investigation conducted by the
2 Attorney General or the State Commission of Investigation and any
3 inquiry, investigation, or hearing conducted by the department.
4 Except as otherwise determined by the Superior Court pursuant to
5 subsection d. of this section, if, upon issuance of a formal request to
6 answer any inquiry or produce information, evidence or testimony,
7 any applicant, permittee or licensee, or any business concern that
8 has been issued a soil and debris recycling license, refuses to
9 comply, the application of the business concern for a license, or a
10 soil and debris recycling license, as the case may be, may be
11 denied, or the license or soil and debris recycling license of that
12 business concern may be revoked by the **【department】** Attorney
13 General.

14 c. If any of the information required to be included in the
15 disclosure statement changes, or if any information provided
16 concerning the applicability of an exemption under subsection d. of
17 this section changes, or if any additional information should be
18 added to the disclosure statement after it has been filed, the
19 applicant, permittee or licensee, or the business concern that has
20 been issued a soil and debris recycling license, shall provide that
21 information to the department and the Attorney General, in writing,
22 within 30 days of the change or addition.

23 d. The provisions of paragraphs (5) and (6) of subsection a. of
24 this section to the contrary notwithstanding, the Attorney General
25 may at any time require any person required to be listed in the
26 disclosure statement to file a completed personal history disclosure
27 form and a full disclosure statement with the **【department and the】**
28 Attorney General pursuant to paragraphs (1) through (9) of
29 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127), or to
30 be fingerprinted for identification and investigation purposes
31 pursuant to paragraph (2) of subsection a. of this section, if the
32 Attorney General determines that there exists a reasonable
33 suspicion that the additional information is likely to lead to
34 information relevant to a determination regarding the approval of a
35 license or a soil and debris recycling license pursuant to section 8 of
36 P.L.1983, c.392 (C.13:1E-133), the revocation of a license or soil
37 and debris recycling license pursuant to section 9 of P.L.1983,
38 c.392 (C.13:1E-134), or the severance of a disqualifying person
39 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).

40 If the Attorney General requires any or all of this information, a
41 written request for the additional information shall be served upon
42 the applicant, permittee or licensee, or the business concern that has
43 been issued a soil and debris recycling license. Within 60 days of
44 receipt of a written request for additional information, the applicant,
45 permittee or licensee, or the business concern that has been issued a
46 soil and debris recycling license may seek review of the Attorney
47 General's determination in the Superior Court. If the applicant,
48 permittee or licensee, or the business concern that has been issued a

1 soil and debris recycling license fails to provide the additional
2 information to the Attorney General within 60 days of receipt of the
3 written request, the Attorney General may file with the Superior
4 Court a petition for an order requiring the applicant, permittee or
5 licensee, or the business concern that has been issued a soil and
6 debris recycling license to provide the additional information. In a
7 proceeding brought by either party, the applicant, permittee or
8 licensee, or the business concern that has been issued a soil and
9 debris recycling license shall demonstrate that the additional
10 information requested is not likely to lead to information relevant to
11 a determination regarding the approval of a license or soil and
12 debris recycling license pursuant to section 8 of P.L.1983, c.392
13 (C.13:1E-133), the revocation of a license or soil and debris
14 recycling license pursuant to section 9 of P.L.1983, c.392 (C.13:1E-
15 134), or the severance of a disqualifying person pursuant to section
16 10 of P.L.1983, c.392 (C.13:1E-135). For good cause shown, the
17 court may review in camera the submission of the Attorney General
18 or the applicant, permittee or licensee, or the business concern that
19 has been issued a soil and debris recycling license, or any part
20 thereof.

21 (cf: P.L.2011, c.68, s.2)

22

23 5. Section 4 of P.L.1983, c.392 (C.13:1E-129) is amended to
24 read as follows:

25 4. a. Whenever the Attorney General determines that there
26 exists a reasonable suspicion that any person may have information
27 or be in possession, custody, or control of any documentary
28 materials relevant to an investigation of an applicant, permittee or
29 licensee conducted pursuant to this act, he may issue in writing, and
30 cause to be served upon that person an investigative interrogatory
31 requiring that person to answer questions under oath and produce
32 material for examination.

33 b. Each interrogatory shall:

34 (1) Identify the licensee, permittee or applicant who is the
35 subject of the investigation;

36 (2) Advise the person that he has the right to discuss the
37 interrogatory with legal counsel prior to returning it to the Attorney
38 General or prior to making material available, as provided in
39 subsection f. of this section, and that he has the right to file in
40 Superior Court a petition to modify or set aside the interrogatory, as
41 provided in subsection j. of this section;

42 (3) Describe the class or classes of documentary material to be
43 produced thereunder with sufficient particularity as to permit the
44 material to be reasonably identified;

45 (4) Prescribe a return date, which date shall provide a
46 reasonable period of time within which answers may be made and
47 material so demanded may be assembled and made available for

1 inspection and copying or reproduction, as provided in subsection f.
2 of this section.

3 c. No interrogatory shall:

4 (1) Contain any requirement which would be held to be
5 unreasonable if contained in a **【subpena】** subpoena duces tecum
6 issued in aid of a grand jury investigation; or

7 (2) Require the production of any documentary evidence which
8 would be otherwise privileged from disclosure if demanded by a
9 **【subpena】** subpoena duces tecum issued in aid of a grand jury
10 investigation.

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

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

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

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

22 e. A verified return by the individual serving any interrogatory,
23 setting forth the manner of service, shall be prima facie proof of
24 service. In the case of service by registered or certified mail, the
25 return shall be accompanied by the return post office receipt of
26 delivery of the interrogatory.

27 f. Any person upon whom any interrogatory issued under this
28 section has been duly served which requires the production of
29 materials shall make the material available for inspection and
30 copying or reproduction to the Attorney General at the principal
31 place of business of that person in the State of New Jersey or at any
32 other place as the Attorney General and the person thereafter may
33 agree and prescribe in writing, on the return date specified in the
34 interrogatory or on a later date as the Attorney General may
35 prescribe in writing. Upon written agreement between the person
36 and the Attorney General, copies may be substituted for all or any
37 part of the original materials. The Attorney General may cause the
38 preparation of any copies of documentary material as may be
39 required for official use by the Attorney General.

40 No material produced pursuant to this section shall be available
41 for examination, without the consent of the person who produced
42 the material, by an individual other than the Attorney General or
43 any person retained by the Attorney General in connection with the
44 enforcement of this act. Under reasonable terms and conditions as
45 the Attorney General shall prescribe, documentary material while in
46 his possession shall be available for examination by the person who
47 produced the material or any of his duly authorized representatives.

1 In any investigation conducted pursuant to this act, the Attorney
2 General may present before the [department,] court or grand jury
3 any documentary material in his possession pursuant to this section,
4 subject to any protective order deemed proper by the Superior
5 Court.

6 g. Upon completion of:

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

9 (2) Any case or proceeding arising from the investigation, the
10 Attorney General shall return to the person who produced the
11 material all the material, other than copies thereof made by the
12 Attorney General pursuant to this section, which has not passed into
13 the control of [the department or] any court or grand jury through
14 the introduction thereof into the record of the case or proceeding.

15 h. When any documentary material has been produced by any
16 person under this section for use in an investigation, and no case or
17 proceeding arising therefrom has been instituted within two years
18 after completion of the examination and analysis of all evidence
19 assembled in the course of the investigation, the person shall be
20 entitled, upon written demand made upon the Attorney General, to
21 the return of all documentary material, other than copies thereof
22 made pursuant to this section so produced by him.

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

29 j. At any time before the return date specified in the
30 interrogatory, the person served with the interrogatory may file in
31 the Superior Court a petition for an order modifying or setting aside
32 the interrogatory. The time allowed for compliance with the
33 interrogatory shall not run during the pendency of this petition. The
34 petition shall specify each ground upon which the petition relies in
35 seeking relief, and may be based upon any failure of the
36 interrogatory to comply with the provisions of this section or upon
37 any constitutional or other legal right or privilege of the petitioner.
38 In this proceeding, the Attorney General shall establish the
39 existence of an investigation pursuant to this act and the nature and
40 subject matter of the investigation.

41 (cf: P.L.1991, c.269, s.4)

42
43 6. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to
44 read as follows:

45 5. a. Whenever the Attorney General determines that there
46 exists a reasonable suspicion that any person may have information
47 or knowledge relevant to an investigation conducted pursuant to this
48 act, he may issue in writing and cause to be served upon that person

1 a **【subpena】 subpoena** to appear and be examined under oath before
2 the Attorney General.

3 b. The **【subpena】 subpoena** shall:

4 (1) Identify the licensee, permittee or applicant who is the
5 subject of the investigation;

6 (2) Advise that person that he may have an attorney present
7 when he appears and testifies or otherwise responds to the
8 **【subpena】 subpoena**, that he has a right, at any time before the
9 return date of the **【subpena】 subpoena**, to file in Superior Court a
10 petition to modify or set aside the **【subpena】 subpoena**, as provided
11 in subsection f. of this section;

12 (3) Prescribe a date and time at which that person must appear
13 to testify, under oath, provided that this date shall not be less than
14 seven days from the date of service of the **【subpena】 subpoena**.

15 c. Except as otherwise provided in this section, no information
16 derived pursuant to the **【subpena】 subpoena** shall be disclosed by
17 the Attorney General **【or the department】** without the consent of the
18 person testifying.

19 In any investigation conducted pursuant to this act, the Attorney
20 General may present before the **【department,】** court or grand jury
21 any information disclosed pursuant to the **【subpena】 subpoena**,
22 subject to any protective order deemed proper by the Superior
23 Court.

24 d. Service of a **【subpena】 subpoena** pursuant to this section
25 shall be by any of those methods specified in the New Jersey Court
26 Rules for service of summons and complaint in a civil action.

27 e. Whenever any person fails to comply with any **【subpena】**
28 **subpoena** duly served upon him under this section, or whenever
29 satisfactory copying or reproduction of any material cannot be done
30 and he refuses to surrender the material, the Attorney General may
31 file in the Superior Court a petition for an order of the court for the
32 enforcement of the **【subpena】 subpoena**.

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

46 (cf: P.L.1991, c.269, s.5)

1 7. Section 8 of P.L.1983, c.392 (13:1E-133) is amended to read
2 as follows:

3 8. The provisions of any law to the contrary notwithstanding,
4 no license or soil and debris recycling license shall be approved by
5 the **【department】** Attorney General:

6 a. Unless the **【department】** Attorney General finds that the
7 applicant, or the permittee, as the case may be, in any prior
8 performance record in the collection, transportation, treatment,
9 storage, transfer or disposal of solid waste or hazardous waste, or
10 the provision of soil and debris recycling services, has exhibited
11 sufficient integrity, reliability, expertise, and competency to engage
12 in the collection or transportation of solid waste or hazardous waste,
13 or to operate the solid waste facility or hazardous waste facility, or
14 engage in soil and debris recycling services, given the potential
15 economic consequences for affected counties, municipalities and
16 ratepayers or significant adverse impacts upon human health and
17 the environment which could result from the irresponsible
18 participation therein or operation thereof, or if no prior record
19 exists, that the applicant or the permittee is likely to exhibit that
20 integrity, reliability, expertise and competence.

21 b. If any person required to be listed in the disclosure
22 statement, or otherwise shown to have a beneficial interest in the
23 business of the applicant, the permittee or the licensee, or to have
24 rented or leased at any or no cost real property, vehicles or other
25 equipment used for the collection, transportation, treatment,
26 processing, storage, transfer, or disposal of solid waste or hazardous
27 waste, or the provision of soil and debris recycling services, to the
28 applicant, the permittee, or the licensee, has been barred from the
29 provision of solid waste, hazardous waste or soil and debris
30 recycling services in any other jurisdiction outside of the State, or
31 has been convicted of any of the following crimes under the laws of
32 New Jersey or the equivalent thereof under the laws of any other
33 jurisdiction:

- 34 (1) Murder;
35 (2) Kidnapping;
36 (3) Gambling;
37 (4) Robbery;
38 (5) Bribery;
39 (6) Extortion;
40 (7) Criminal usury;
41 (8) Arson;
42 (9) Burglary;
43 (10) Theft and related crimes;
44 (11) Forgery and fraudulent practices;
45 (12) Fraud in the offering, sale or purchase of securities;
46 (13) Alteration of motor vehicle identification numbers;
47 (14) Unlawful manufacture, purchase, use or transfer of firearms;

1 (15) Unlawful possession or use of destructive devices or
2 explosives;

3 (16) Violation of N.J.S.2C:35-5, except possession of 84 grams
4 or less of marijuana, or of N.J.S.2C:35-10;

5 (17) Racketeering, P.L.1981, c.167 (C.2C:41-1 et seq.);

6 (18) Violation of criminal provisions of the "New Jersey
7 Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.);

8 (19) Any purposeful or reckless violation of the criminal
9 provisions of any federal or state environmental protection laws,
10 rules, or regulations, including, but not limited to, solid waste or
11 hazardous waste management laws, rules, or regulations;

12 (20) Violation of N.J.S.2C:17-2;

13 (21) Any offense specified in chapter 28 of Title 2C; or

14 (22) Violation of the "Solid Waste Utility Control Act of 1970,"
15 P.L.1970, c.40 (C.48:13A-1 et seq.) or P.L.1981, c.221 (C.48:13A-
16 6.1).

17 c. If the Attorney General determines that there is a reasonable
18 suspicion to believe that a person required to be listed in the
19 disclosure statement, or otherwise shown to have a beneficial
20 interest in the business of the applicant, the permittee or the
21 licensee, or to have rented or leased at any cost or at no cost real
22 property, vehicles or other equipment used for the collection,
23 transportation, treatment, processing, storage, transfer, or disposal
24 of solid waste or hazardous waste, or the provision of soil and
25 debris recycling services, to the applicant, the permittee, or the
26 licensee, does not possess a reputation for good character, honesty
27 and integrity, and that person or the applicant, the permittee or the
28 licensee fails, by clear and convincing evidence, to establish his
29 reputation for good character, honesty and integrity.

30 d. With respect to the approval of an initial license or a soil and
31 debris recycling license, if there are current prosecutions or pending
32 charges in any jurisdiction against any person required to be listed
33 in the disclosure statement, or otherwise shown to have a beneficial
34 interest in the business of the applicant or the permittee, or to have
35 rented or leased at any or no cost real property, vehicles or other
36 equipment used for the collection, transportation, treatment,
37 processing, storage, transfer, or disposal of solid waste or hazardous
38 waste, or the provision of soil and debris recycling services, to the
39 applicant or the permittee, for any of the crimes enumerated in
40 subsection b. of this section, provided, however, that at the request
41 of the applicant, permittee, or the person charged, the **【department】**
42 Attorney General shall defer decision upon such application during
43 the pendency of such charge.

44 e. If any person required to be listed in the disclosure
45 statement, or otherwise shown to have a beneficial interest in the
46 business of the applicant, permittee or the licensee, or to have
47 rented or leased at any or no cost real property, vehicles or other
48 equipment used for the collection, transportation, treatment,

1 processing, storage, transfer, or disposal of solid waste or
2 hazardous waste, or the provision of soil and debris recycling
3 services, to the applicant, the permittee, or the licensee, has pursued
4 economic gain in an occupational manner or context which is in
5 violation of the criminal or civil public policies of this State, where
6 such pursuit creates a reasonable belief that the participation of that
7 person in any activity required to be licensed under this act would
8 be inimical to the policies of this act. For the purposes of this
9 section, "occupational manner or context" means the systematic
10 planning, administration, management, or execution of an activity
11 for financial gain.

12 f. If the Attorney General determines that any person required
13 to be listed in the disclosure statement, or otherwise shown to have
14 a beneficial interest in the business of the applicant, permittee or the
15 licensee, or to have rented or leased at any or no cost real property,
16 vehicles or other equipment used for the collection, transportation,
17 treatment, processing, storage, transfer, or disposal of solid waste
18 or hazardous waste, or the provision of soil and debris recycling
19 services, to the applicant, the permittee, or the licensee, has been
20 identified by the State Commission of Investigation or the Federal
21 Bureau of Investigation as a career offender or a member of a career
22 offender cartel or an associate of a career offender or career
23 offender cartel, where such identification, membership or
24 association creates a reasonable belief that the participation of that
25 person in any activity required to be licensed under this act would
26 be inimical to the policies of this act. For the purposes of this
27 section, "career offender" means any person whose behavior is
28 pursued in an occupational manner or context for the purpose of
29 economic gain, utilizing such methods as are deemed criminal
30 violations of the public policy of this State; and a "career offender
31 cartel" means any group of persons who operate together as career
32 offenders.

33 A license or a soil and debris recycling license may be approved
34 by the **【department】** Attorney General for any applicant or
35 permittee if the information contained within the disclosure
36 statement and investigative report, including any determination
37 made by the Attorney General concerning the character, honesty
38 and integrity of any person required to be listed in the disclosure
39 statement, or otherwise shown to have a beneficial interest in the
40 business of the applicant or permittee, or to have rented or leased at
41 any or no cost real property, vehicles or other equipment used for
42 the collection, transportation, treatment, processing, storage,
43 transfer, or disposal of solid waste or hazardous waste, or the
44 provision of soil and debris recycling services, to the applicant, the
45 permittee, or the licensee, would not require disqualification
46 pursuant to subsection a., b. c., e. or f. of this section.

47 A license or a soil and debris recycling license approved by the
48 **【department】** Attorney General for any applicant or permittee

1 pursuant to this section is non-transferable and shall be valid only
2 for the length of time for which it is given.

3 Any applicant or permittee who is denied **【an initial】** a license or
4 a soil and debris recycling license pursuant to this section shall,
5 upon a written request transmitted to the **【department】** Attorney
6 General within 30 days of that denial, be afforded the opportunity
7 for a hearing thereon in the manner provided for contested cases
8 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.).
10 (cf: P.L.1991, c.269, s.6)

11
12 8. Section 7 of P.L.1991, c.269 (C.13:1E-133.1) is amended to
13 read as follows:

14 7. a. Notwithstanding the conviction of any person required to
15 be listed in a disclosure statement, or otherwise shown to have a
16 beneficial interest in the business of an applicant, permittee or
17 licensee or to have rented or leased at any or no cost real property,
18 vehicles or other equipment used for the collection, transportation,
19 treatment, processing, storage, transfer, or disposal of solid waste
20 or hazardous waste, or the provision of soil and debris recycling
21 services, to the applicant, the permittee, or the licensee, for any of
22 the crimes enumerated in subsection b. of section 8 of P.L.1983,
23 c.392 (C.13:1E-133), the **【department】** Attorney General may issue
24 or renew a license or a soil and debris recycling license to an
25 applicant, permittee or licensee if the **【department】** Attorney
26 General determines in a writing setting forth findings of fact that
27 the convicted person has affirmatively demonstrated rehabilitation
28 by clear and convincing evidence pursuant to the provisions of this
29 section. If the **【department】** Attorney General determines that the
30 nature and seriousness of the crime creates a reasonable doubt that
31 an applicant, permittee, or licensee will engage in the activity for
32 which a license or soil and debris recycling license is sought in a
33 lawful and responsible manner, the **【department】** Attorney General
34 shall make a determination in a writing setting forth findings of fact
35 that the convicted person cannot affirmatively demonstrate
36 rehabilitation.

37 b. In determining whether a convicted individual has
38 affirmatively demonstrated rehabilitation, the **【department shall**
39 **request a recommendation thereon from the】** Attorney General **【,**
40 **which recommendation shall be】** shall make a finding, in writing
41 **【and】**, based upon a consideration of at least the following factors:

- 42 (1) The nature and responsibilities of the position which a
43 convicted individual would hold;
44 (2) The nature and seriousness of the crime;
45 (3) The circumstances under which the crime was committed;
46 (4) The date of the crime;

1 (5) The age of the convicted individual when the crime was
2 committed;

3 (6) Whether the crime was an isolated or repeated act;

4 (7) Any evidence of good conduct in the community, counseling
5 or psychiatric treatment received, acquisition of additional
6 academic or vocational schooling, or the recommendation of
7 persons who have supervised the convicted individual since the
8 conviction; and

9 (8) The full criminal record of the convicted individual, any
10 record of civil or regulatory violations or notices or any complaints
11 alleging any such civil or regulatory violations, or any other
12 allegations of wrongdoing.

13 Notwithstanding any other provision of this subsection, a
14 convicted individual shall have affirmatively demonstrated
15 rehabilitation pursuant to the provisions of this section if the
16 convicted individual produces evidence of a pardon issued by the
17 Governor of this or any other state, or evidence of the expungement
18 of every conviction for any of the crimes enumerated in subsection
19 b. of section 8 of P.L.1983, c.392 (C.13:1E-133).

20 c. In determining whether a convicted business concern has
21 affirmatively demonstrated rehabilitation, the [department shall
22 request a recommendation thereon from the] Attorney General [,
23 which recommendation shall be] shall make a finding, in writing
24 [and], based upon a consideration of at least the following factors:

25 (1) The nature and seriousness of the crime;

26 (2) The circumstances under which the crime was committed;

27 (3) The date of the crime;

28 (4) Whether the crime was an isolated or repeated act; and

29 (5) The full criminal record of the convicted business concern,
30 any record of civil or regulatory violations or notices or any
31 complaints alleging any such civil or regulatory violations, or any
32 other allegations of wrongdoing.

33 d. The Attorney General may require, as a predicate to a
34 determination that a convicted business concern has affirmatively
35 demonstrated rehabilitation, that the convicted business concern
36 agree, in writing, to an investigation of the crime or crimes
37 committed by the convicted business concern which caused
38 disqualification pursuant to subsection b. of section 8 of P.L.1983,
39 c.392 (C.13:1E-133), the persons involved in the crime, and any
40 corporate policies, procedures, and organizational structure that
41 may have led to the crime. At the conclusion of this investigation a
42 report shall be prepared identifying the underlying conduct giving
43 rise to any criminal convictions and any steps that have
44 subsequently been taken by the convicted business concern to
45 prevent a recurrence of the criminal activity, and recommending
46 any steps that may be deemed necessary to prevent a recurrence of
47 the criminal activity. The investigation shall be conducted by, or on

1 behalf of, the Attorney General, and the cost thereof shall be borne
2 by the convicted business concern.

3 The Attorney General may require, on the basis of this
4 investigation and as a condition of **【recommending】** determining
5 that a convicted business concern has affirmatively demonstrated
6 rehabilitation, that a convicted business concern comply, or agree in
7 writing to comply, with any of the following:

8 (1) changes in the convicted business concern's organizational
9 structure to reduce the opportunity and motivation of individual
10 employees to engage in criminal activity, including procedures for
11 informing employees of the requirements of relevant state and
12 federal law;

13 (2) changes in the convicted business concern's long and short
14 term planning to ensure that the convicted business concern
15 implements procedures and policies to prevent future violations of
16 the law;

17 (3) changes in the convicted business concern's legal,
18 accounting, or other internal or external control and monitoring
19 procedures to discourage or prevent future violations of state or
20 federal law;

21 (4) changes in the convicted business concern's ownership,
22 control, personnel, and personnel selection practices, including the
23 removal of any person shown to have a beneficial interest in the
24 convicted business concern, and the imposition of a reward or
25 disincentive system in order to encourage employees to comply
26 with relevant state and federal law;

27 (5) post-licensing monitoring of the convicted business
28 concern's activities relating to any changes in policy, procedure, or
29 structure required by the Attorney General pursuant to this
30 subsection, the cost of such monitoring to be borne by the convicted
31 business concern; and

32 (6) any other requirements deemed necessary by the Attorney
33 General.

34 e. The **【department】** Attorney General shall not determine that
35 a convicted business concern has affirmatively demonstrated
36 rehabilitation if the convicted business concern has not complied, or
37 agreed in writing to comply, with every requirement imposed by the
38 Attorney General pursuant to subsection d. of this section.

39 (cf: P.L.1991, c.269, s.7)

40

41 9. Section 8 of P.L.1991, c.269 (C.13:1E-133.2) is amended to
42 read as follows:

43 8. a. Notwithstanding any current prosecutions or pending
44 charges in any jurisdiction against any person required to be listed
45 in a disclosure statement, or otherwise shown to have a beneficial
46 interest in the business of an applicant, permittee or licensee, or to
47 have rented or leased at any or no cost real property, vehicles or
48 other equipment used for the collection, transportation, treatment,

1 processing, storage, transfer, or disposal of solid waste or hazardous
2 waste, or the provision of soil and debris recycling services, to the
3 applicant, the permittee, or the licensee, for any of the crimes
4 enumerated in subsection b. of section 8 of P.L.1983,
5 c.392 (C.13:1E-133), the **【department】** Attorney General may issue
6 or renew a license or a soil and debris recycling license to an
7 applicant, permittee or licensee if the **【department】** Attorney
8 General determines in a writing setting forth findings of fact that
9 the person against whom there are current prosecutions or pending
10 charges has affirmatively reestablished a reputation for good
11 character, honesty and integrity by clear and convincing evidence
12 pursuant to the provisions of this section. If the **【department】**
13 Attorney General determines that the nature and seriousness of the
14 crime alleged in a current prosecution or pending charge creates a
15 reasonable doubt that an applicant, permittee, or licensee will
16 engage in the activity for which a license is sought in a lawful and
17 responsible manner, the **【department】** Attorney General shall make
18 a determination in a writing setting forth findings of fact that the
19 person against whom there are current prosecutions or pending
20 charges cannot reestablish a reputation for good character, honesty
21 and integrity.

22 A person may affirmatively reestablish a reputation for good
23 character, honesty and integrity pursuant to this section in advance
24 of the disposition of the current prosecutions or pending charges
25 provided that this reestablishment consists of evidence of good
26 character, honesty and integrity rather than any defenses to the
27 current prosecutions or pending charges. A reestablishment of a
28 reputation for good character, honesty and integrity pursuant to this
29 section shall not be deemed insufficient due to a lack of admission
30 of guilt to the current prosecutions or pending charges.

31 b. In determining whether an individual against whom there are
32 current prosecutions or pending charges has affirmatively
33 reestablished a reputation for good character, honesty and integrity,
34 the **【department shall request a recommendation thereon from the】**
35 **Attorney General 【, which recommendation shall be】** shall make a
36 finding, in writing, and based upon a consideration of at least the
37 following factors:

38 (1) The nature and responsibilities of the position which the
39 individual against whom there are current prosecutions or pending
40 charges would hold;

41 (2) The nature and seriousness of the alleged crime;

42 (3) The circumstances under which the alleged crime was
43 committed;

44 (4) The date of the alleged crime;

45 (5) The age of the individual against whom there are current
46 prosecutions or pending charges when the alleged crime was
47 committed;

1 (6) Whether the alleged crime was an isolated or repeated act;

2 (7) Any evidence of good conduct in the community, counseling
3 or psychiatric treatment received, acquisition of additional
4 academic or vocational schooling, or the recommendation of
5 persons who have supervised the individual since the date of the
6 alleged crime; and

7 (8) The full criminal record of the individual against whom
8 there are current prosecutions or pending charges, any record of
9 civil or regulatory violations or notices or any complaints alleging
10 any such civil or regulatory violations, or any other allegations of
11 wrongdoing.

12 c. In determining whether a business concern against whom
13 there are current prosecutions or pending charges has affirmatively
14 reestablished a reputation for good character, honesty and integrity,
15 the [department shall request a recommendation thereon from the]
16 Attorney General [, which recommendation shall be] shall make a
17 finding, in writing, and based upon a consideration of at least the
18 following factors:

19 (1) The nature and seriousness of the alleged crime;

20 (2) The circumstances under which the alleged crime was
21 committed;

22 (3) The date of the alleged crime;

23 (4) Whether the alleged crime was an isolated or repeated act;
24 and

25 (5) The full criminal record of the business concern against
26 whom there are current prosecutions or pending charges, any record
27 of civil or regulatory violations or notices or any complaints
28 alleging any such civil or regulatory violations, or any other
29 allegations of wrongdoing.

30 d. The Attorney General may require, as a predicate to a
31 determination that a business concern against which there are
32 current prosecutions or pending charges has affirmatively
33 reestablished a reputation for good character, honesty and integrity,
34 that the business concern agree, in writing, to an investigation of the
35 alleged crime or crimes committed by the business concern, the
36 persons involved in the alleged crime, and any corporate policies,
37 procedures, and organizational structure that may have led to the
38 alleged crime. At the conclusion of this investigation a report shall
39 be prepared identifying the underlying conduct giving rise to any
40 alleged criminal activity and any steps that have subsequently been
41 taken by the business concern to prevent a recurrence of the alleged
42 criminal activity, and recommending any steps that may be deemed
43 necessary to prevent a recurrence of the alleged criminal activity.
44 The investigation shall be conducted by, or on behalf of, the
45 Attorney General, and the cost thereof shall be borne by the
46 business concern.

47 The Attorney General may require, on the basis of this
48 investigation and as a condition of [recommending] finding that a

1 business concern against which there are current prosecutions or
2 pending charges has affirmatively reestablished a reputation for
3 good character, honesty and integrity, that a business concern
4 comply, or agree in writing to comply, with any of the following:

5 (1) changes in the business concern's organizational structure to
6 reduce the opportunity and motivation of individual employees to
7 engage in criminal activity, including procedures for informing
8 employees of the requirements of relevant state and federal law;

9 (2) changes in the business concern's long and short term
10 planning to ensure that the business concern implements procedures
11 and policies to prevent future violations of state or federal law;

12 (3) changes in the business concern's legal, accounting, or other
13 internal or external control and monitoring procedures to discourage
14 or prevent future violations of state or federal law;

15 (4) changes in the business concern's ownership, control,
16 personnel, and personnel selection practices, including the removal
17 of any person shown to have a beneficial interest in the business
18 concern, and the imposition of a reward or disincentive system in
19 order to encourage employees to comply with relevant state and
20 federal law;

21 (5) post-licensing monitoring of the business concern's activities
22 relating to any changes in policy, procedure, or structure required
23 by the Attorney General pursuant to this subsection, the cost of such
24 monitoring to be borne by the business concern; and

25 (6) any other requirements deemed necessary by the Attorney
26 General.

27 e. The **【department】** Attorney General shall not determine that
28 a business concern against which there are current prosecutions or
29 pending charges has affirmatively reestablished a reputation for
30 good character, honesty and integrity if the business concern has
31 not complied, or agreed in writing to comply, with every
32 requirement imposed by the Attorney General pursuant to
33 subsection d. of this section.

34 (cf: P.L.1991, c.269, s.8)

35

36 10. Section 17 of P.L.1991, c.269 (C.13:1E-133.3) is amended
37 to read as follows:

38 17. The Department of Environmental Protection shall not issue
39 any permits required pursuant to P.L.1954, c.212 (C.26:2C-1 et
40 seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1975,
41 c.232 (C.13:1D-29 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.),
42 P.L.1981, c.262 (C.58:1A-1 et seq.), or any other law, or any rules
43 and regulations adopted thereto, to any person proposing to own or
44 operate a resource recovery facility prior to the completion by the
45 Attorney General **【and the department】** of the requirements of
46 sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133),
47 and unless the person proposing to own or operate the resource
48 recovery facility has received a license approved by the

1 **【department】** Attorney General pursuant to section 8 of
2 P.L.1983, c.392 (C.13:1E-133); except that the department may
3 issue such permits if the **【department】** Attorney General has
4 approved, issued or renewed a temporary license for such person
5 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).
6 (cf: P.L.1991, c.269, s.17)

7
8 11. Section 9 of P.L.1983, c.392 (C.13:1E-134) is amended to
9 read as follows:

10 9. Any license or soil and debris recycling license may be
11 revoked by the **【department】** Attorney General pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.) for any of the following causes:

14 a. Any cause which would require disqualification, pursuant to
15 subsection a., b., c., e. or f. of section 8 of P.L.1983,
16 c.392 (C.13:1E-133), from receiving a license or a soil and debris
17 recycling license upon original application;

18 b. Fraud, deceit or misrepresentation in securing the license or
19 soil and debris recycling license, or in the conduct of the licensed
20 activity;

21 c. Offering, conferring or agreeing to confer any benefit to
22 induce any other person to violate the provisions of P.L.1983,
23 c.392 (C.13:1E-126 et seq.), or of any other law relating to the
24 collection, transportation, treatment, storage, transfer or disposal of
25 solid waste or hazardous waste, or the provision of soil and debris
26 recycling services, or of any rule or regulation adopted pursuant
27 thereto;

28 d. Coercion of a customer by violence or economic reprisal or
29 the threat thereof to utilize the services of any permittee or licensee,
30 or a business concern that holds a soil and debris recycling license;
31 or

32 e. Preventing, without authorization of the department, any
33 permittee or licensee from disposing of solid waste or hazardous
34 waste at a licensed, authorized or approved treatment, storage,
35 transfer or disposal facility.

36 (cf: P.L.1991, c.269, s.9)

37
38 12. Section 10 of P.L.1991, c.269 (C.13:1E-135) is amended to
39 read as follows:

40 10. a. (1) Notwithstanding the disqualification of the applicant
41 or permittee pursuant to subsection a., b., c., e. or f. of section 8 of
42 P.L.1983, c.392 (C.13:1E-133), the department may issue or renew
43 a license or a soil and debris recycling license if the applicant or
44 permittee severs the interest of or affiliation with the person who
45 would otherwise cause that disqualification.

46 (2) The department may issue or renew a temporary license to
47 any applicant or permittee for periods not to exceed six months if

1 the department determines that the issuance or renewal of a
2 temporary license is necessitated by the public interest.

3 b. After July 1, 1992, the provisions of any other law to the
4 contrary notwithstanding, no temporary license shall be approved,
5 issued or renewed by the department for any applicant or permittee,
6 as the case may be, to own or operate a resource recovery facility or
7 other solid waste facility approved by the department for the long-
8 term solid waste disposal requirements of a district or districts
9 pursuant to the "Solid Waste Management Act," P.L.1970,
10 c.39 (C.13:1E-1 et seq.) prior to the completion by the Attorney
11 General **[and the department]** of the requirements of sections 3 and
12 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the
13 department may issue a temporary license to an applicant or renew
14 the temporary license of a permittee if the Commissioner of the
15 Department of Environmental Protection determines, in writing,
16 that the issuance of a temporary license for that applicant or
17 renewal of the temporary license for that permittee is necessitated
18 by the public interest.

19 (cf: P.L.1991, c.269, s.10)

20

21 13. Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to read
22 as follows:

23 7. a. No person shall engage, or be permitted to engage, in the
24 business of solid waste collection or solid waste disposal until
25 found by the Department of Environmental Protection to be
26 qualified by experience, training or education to engage in such
27 business, is able to furnish proof of financial responsibility, and
28 unless that person holds a certificate of public convenience and
29 necessity issued by the Department of Environmental Protection.

30 (1) No certificate shall be issued for solid waste collection or
31 solid waste disposal until the person proposing to engage in solid
32 waste collection or solid waste disposal, as the case may be, has
33 been registered with and approved by the Department of
34 Environmental Protection as provided by section 5 of P.L.1970,
35 c.39 (C.13:1E-5).

36 (2) No certificate of public convenience and necessity shall be
37 issued by the Department of Environmental Protection to any
38 person who has been denied approval of a license under the
39 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or whose
40 license has been revoked by the **[Department of Environmental
41 Protection]** Attorney General, as the case may be.

42 b. No person shall transport regulated medical waste until
43 found by the Department of Environmental Protection to be
44 qualified by experience, training or education to engage in such
45 business, and is able to furnish proof of financial responsibility, and
46 holds a certificate of public convenience and necessity issued by the
47 Department of Environmental Protection. No certificate shall be
48 issued for the transportation of regulated medical waste until the

1 proposed transporter has obtained a registration statement required
2 by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed
3 under section 9 of P.L.1989, c.34 (C.13:1E-48.9).

4 c. Notwithstanding the provisions of subsection b. of this
5 section, the department shall not have jurisdiction over rates or
6 charges for the transportation of regulated medical waste.
7 (cf: P.L.2003, c.169, s.13)

8
9 14. Section 10 of P.L.1970, c.40 (C.48:13A-9) is amended to
10 read as follows:

11 10. The Department of Environmental Protection shall revoke or
12 suspend the certificate of public convenience and necessity issued
13 to any person engaged in the solid waste collection business or the
14 solid waste disposal business upon the finding that such person:

15 a. Has violated any provision of P.L.1970, c.40 (C.48:13A-1 et
16 seq.) or P.L.1991, c.381 (C.48:13A-7.1 et al.), or any rule,
17 regulation or administrative order adopted or issued pursuant
18 thereto; or

19 b. Has violated any provision of any laws related to pollution
20 of the air, water or lands of this State; or

21 c. Has refused or failed to comply with any lawful order of the
22 department; or

23 d. Has had its registration revoked by the Department of
24 Environmental Protection; or

25 e. Has been denied approval of a license under the provisions
26 of P.L.1983, c.392 (C.13:1E-126 et seq.), or has had its license
27 revoked by the **Department of Environmental Protection** Attorney
28 General, as the case may be.

29 (cf: P.L.2003, c.169, s.19)

30
31 15. Section 3 of P.L.1971, c.461 (C.13:1E-18) is amended to
32 read as follows:

33 3. a. The department may in accordance with a fee schedule
34 adopted as a rule or regulation establish and charge annual or
35 periodic fees for any of the services to be performed in connection
36 with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1
37 et seq.) **],** except that the annual or periodic fees charged by the
38 department to cover the costs incurred by any State agency relevant
39 to pre-licensing investigations, post-licensing compliance
40 monitoring or related activities under the provisions of P.L.1983,
41 c.392 (C.13:1E-126 et seq.) shall be based upon the size of the
42 business concern. For the purposes of this subsection, "business
43 concern" means any corporation, association, firm, partnership, sole
44 proprietorship, trust or other form of commercial organization;
45 "size" means the number of key employees or persons required to
46 be listed in the disclosure statement, or otherwise shown to have a
47 beneficial interest in the business of the applicant, permittee or
48 licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127);

1 and "State agency" means any State department, division, agency,
2 commission or authority.

3 The department, upon receipt of standard billing, shall provide
4 reimbursement in full to the Attorney General or any other State
5 agency for all expenses incurred by that State agency in the
6 performance of pre-licensing investigations, post-licensing
7 compliance monitoring or any other related activities consistent
8 with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)**】**.

9 b. The fee schedule shall reasonably reflect the duration or
10 complexity of the specific service rendered, permit application
11 reviewed, or registration statement or engineering design
12 application approval sought.
13 (cf: P.L.1991, c.269, s.15)

14

15 16. (New section) a. The Attorney General shall establish
16 application and license fees for any license or soil and debris
17 recycling license issued pursuant to P.L.1983, c.392 (C.13:1E-126
18 et seq.). The fees shall be based upon the cost of investigation and
19 consideration of the license application, and the actual and
20 prospective costs of the investigative and enforcement functions of
21 the office. The annual or periodic fees shall cover the costs incurred
22 by any State agency relevant to pre-licensing investigations, post-
23 licensing compliance monitoring or related activities under the
24 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.) and shall be
25 based upon the size of the business concern. For the purposes of
26 this section, "business concern" means any corporation, association,
27 firm, partnership, sole proprietorship, trust or other form of
28 commercial organization; "size" means the number of key
29 employees or persons required to be listed in the disclosure
30 statement, or otherwise shown to have a beneficial interest in the
31 business of the applicant, permittee or licensee as defined in section
32 2 of P.L.1983, c.392 (C.13:1E-127); and "State agency" means any
33 State department, division, agency, commission or authority.

34 The Attorney General shall provide reimbursement in full to any
35 State agency for all expenses incurred by that State agency in the
36 performance of pre-licensing investigations, post-licensing
37 compliance monitoring or any other related activities consistent
38 with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)

39 b. The Attorney General shall prepare and submit, pursuant to
40 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature an
41 annual report on the establishment and implementation of the fee
42 schedule adopted pursuant to this section.

43

44 17. (New section) No later than 90 days after the date of
45 enactment of P.L. , c. (C.) (pending before the Legislature as
46 this bill), the Department of Environmental Protection, the
47 Department of the Treasury, and the Attorney General shall enter
48 into a memorandum of agreement that provides for the

1 establishment of a records and information management system to
2 provide State regulators at each department and other relevant
3 government agencies in New Jersey and elsewhere with effective
4 and efficient access to information concerning individuals and
5 business concerns that are applicants, license holders, and
6 permittees in the solid waste, hazardous waste and recycling
7 industries. The information in the system shall include license and
8 permit information, records of violations, criminal charges and
9 convictions, debarment determinations and any other information
10 deemed to be relevant.

11

12 18. (New section) The State Treasurer shall establish a list to be
13 maintained in the Department of the Treasury of individuals and
14 business concerns that have:

15 a. been debarred from contracting with or receiving funds from
16 any unit in the Executive branch of State government, including any
17 entity exercising executive branch authority or independent State
18 authority, or any unit of local government or board of education;

19 b. had a permit, license, or soil and debris recycling license
20 denied or revoked pursuant to P.L.1983, c.392 (C.13:1E-126 et
21 seq.); or

22 c. had any license denied or revoked pursuant to
23 P.L.1977, c.110 (C.5:12-1 et seq.).

24

25 19. (New section) The Attorney General shall seek to establish
26 with the State of New York and other states in the region a
27 reciprocal information exchange system to facilitate the sharing of
28 information among the states on the solid waste, hazardous waste,
29 and recycling industries in the respective states. Each year for the
30 first three years after the date of enactment of P.L. ,
31 c. (C.) (pending before the Legislature as this bill), the
32 Attorney General shall prepare and submit, pursuant to section 2 of
33 P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report on the
34 progress made toward establishing and implementing this interstate
35 cooperative effort.

36

37 20. Section 2 of this act shall take effect on the 180th day after
38 the date of enactment, and the remainder of this act shall take effect
39 immediately.

40

41

42

STATEMENT

43

44 This bill amends the existing law to expand the requirement for
45 background checks to a broader range of persons involved in the
46 solid waste industry, such as sales persons, consultants, and
47 brokers. The bill also subjects persons or business concerns
48 engaging in soil and debris recycling services to the same regulation

1 and oversight under the law as that which applies to the solid waste
2 industry. Soil and debris recycling services include the recycling
3 of: (1) source-separated, non-putrescible, waste material resulting
4 from construction, remodeling, repair, and demolition operations on
5 houses, commercial buildings, pavements and other structures; (2)
6 source-separated, non-putrescible waste concrete, asphalt, brick,
7 block, asphalt-based roofing, scrap wood, and wood waste; and (3)
8 soil. For the purposes of P.L.1983, c.392 (C.13:1E-126 et seq.),
9 “recyclable materials” does not include metal, glass, or plastic
10 containers, paper, or corrugated cardboard. The bill prohibits the
11 issuance of an A-901 license to persons debarred from operating in
12 other states, and prohibits individuals otherwise deemed unsuitable
13 for the solid waste or recycling industries, convicted felons, and
14 others of questionable character from holding an indirect, non-
15 licensed stake in a solid waste or recycling industry (for example,
16 those involved in vehicle leasing arrangements or property rental
17 agreements with legitimate licensees). The bill consolidates A-901
18 responsibilities within the Office of the Attorney General.
19 Currently, these responsibilities are divided between the
20 Department of Environmental Protection and the Office of the
21 Attorney General.

22 The bill requires the Department of Environmental Protection,
23 the Department of the Treasury, and the Attorney General to enter
24 into a memorandum of agreement to provide for the establishment
25 of a records management system to provide regulators with more
26 effective and efficient access to information on the solid waste and
27 soil and debris recycling industries and their license and permit
28 holders and license and permit applicants, and to facilitate
29 appropriate sharing of such information among relevant government
30 agencies in New Jersey and elsewhere. The bill requires the
31 Attorney General to establish a reciprocal information exchange
32 system with the State of New York and other states in the region to
33 facilitate sharing of information on the solid waste and soil and
34 debris recycling industries among the states in the region. The bill
35 also requires the establishment of a centralized list in the
36 Department of the Treasury of individuals and corporate entities
37 who have been debarred by various State agencies from
38 participation in a number of regulated industries apart from solid
39 waste and recycling, such as construction, the casino gaming
40 industry, and transportation. This requirement ensures that the
41 status of persons and businesses deemed unfit to work under one
42 agency’s purview is made known to all other appropriate agencies.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 1683

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2019

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Senate Bill No. 1683 (2R).

This bill, as amended, amends existing law to expand the requirement for background checks to a broader range of persons involved in the solid waste industry, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry.

Under the bill “soil and fill recycling services” means the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable material. “Soil and fill recyclable material” means non-putrescible aggregate substitute, including broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material. “Soil and fill recyclable material” would not include: (1) Class A recyclable material (i.e., metal, glass, paper, plastic containers, and corrugated cardboard); (2) Class B recyclable material, such as construction and demolition debris, that is shipped to a Class B recycling center approved by the Department of Environmental Protection (DEP); (3) beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination; and (4) virgin quarry products.

The bill requires any business concern that actively engages in, or otherwise provides soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. The bill establishes the information that must be provided in the registration form. No more than 90 days after submission of a

registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license with the Attorney General. A soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application. The bill would prohibit a business concern from engaging in soil and fill recycling services without a soil and fill recycling registration, soil and fill recycling license, or a prior approval issued by the department pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The registration program established in the bill is temporary in nature, and any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to file an application for a soil and fill recycling license.

The bill prohibits the issuance of an A901 approval to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in a solid waste or recycling industry (for example, those involved in vehicle leasing arrangements or property rental agreements with legitimate licensees).

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to provide each agency with more effective and efficient access to information on the solid waste and soil and fill recycling industries and their license and permit holders and license and permit applicants, and to facilitate appropriate sharing of such information among relevant government agencies in New Jersey and elsewhere. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation.

The bill also adds a penalty section to P.L.1983, c.392 (C.13:1E-126 et seq.) (the "A901" licensing law). The bill requires any person who collects, transports, treats, stores, brokers, transfers, or disposes of solid waste or hazardous waste, or who engages in soil and fill

recycling services, to furnish the appropriate license or registration upon the request of any law enforcement officer or any agent of the DEP, a local board of health, or a county health department. In addition, the bill permits the DEP, a local board of health, and a county health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill, P.L.1983, c.392 (C.13:1E-133), and any other applicable law, rule, or regulation.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 4267 as also amended and reported by the committee.

COMMITTEE AMENDMENTS

The committee amendments to the bill revise the definition of “key employee” to exclude from the term sales persons employed by publicly traded corporations or direct or indirect subsidiaries of publicly traded corporations.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 1683

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 1683 (3R).

This bill amends existing law to expand the requirement for background checks to a broader range of persons involved in the solid waste industry, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry.

Under the bill “soil and fill recycling services” means the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable material. “Soil and fill recyclable material” means non-putrescible aggregate substitute, including broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material. “Soil and fill recyclable material” would not include: (1) Class A recyclable material (i.e., metal, glass, paper, plastic containers, and corrugated cardboard); (2) Class B recyclable material, such as construction and demolition debris, that is shipped to a Class B recycling center approved by the Department of Environmental Protection (DEP); (3) beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination; and (4) virgin quarry products.

The bill requires any business concern that actively engages in, or otherwise provides soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. The bill establishes the information that must be provided in the registration form. No more than 90 days after submission of a registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license

with the Attorney General. A soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application. The bill would prohibit a business concern from engaging in soil and fill recycling services without a soil and fill recycling registration, soil and fill recycling license, or a prior approval issued by the department pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The registration program established in the bill is temporary in nature, and any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to file an application for a soil and fill recycling license.

The bill prohibits the issuance of an A901 approval to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in a solid waste or recycling industry (for example, those involved in vehicle leasing arrangements or property rental agreements with legitimate licensees).

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to provide each agency with more effective and efficient access to information on the solid waste and soil and fill recycling industries and their license and permit holders and license and permit applicants, and to facilitate appropriate sharing of such information among relevant government agencies in New Jersey and elsewhere. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation.

The bill also adds a penalty section to P.L.1983, c.392 (C.13:1E-126 et seq.) (the "A901" licensing law). The bill requires any person who collects, transports, treats, stores, brokers, transfers, or disposes of solid waste or hazardous waste, or who engages in soil and fill recycling services, to furnish the appropriate license or registration upon the request of any law enforcement officer or any agent of the DEP, a local board of health, or a county health department. In addition, the bill permits the DEP, a local board of health, and a county

health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill, P.L.1983, c.392 (C.13:1E-133), and any other applicable law, rule, or regulation.

As reported by the committee, this bill is identical to Assembly Bill No. 4267 (1R) as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the State would incur an indeterminate increase in expenditures to establish and administer the reciprocal information exchange system and centralized debarment list required by the bill.

The OLS also estimates additional ongoing expenditures of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill.

The OLS anticipates an indeterminate increase in State revenue from application, license, and other fees the Department of Environmental Protection (DEP) may establish to defray licensing costs associated with this bill.

The OLS estimates that the State, local boards of health, and county health departments may incur an expenditure increase from costs associating with enforcing the provisions of the bill. However, the bill may also increase annual State and local revenue collections by an indeterminate amount from the assessment of penalties.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1683

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2019

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1683 with committee amendments.

This bill amends the existing law to expand the requirement for background checks to a broader range of persons involved in the solid waste industry, such as sales persons, consultants, and brokers. The bill, as amended, also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry.

Under the bill, as amended, “soil and fill recycling services” means the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable material. “Soil and fill recyclable material” means non-putrescible aggregate substitute, including broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material. “Soil and fill recyclable material” would not include: (1) Class A recyclable material (i.e., metal, glass, paper, plastic containers, and corrugated cardboard); (2) Class B recyclable material, such as construction and demolition debris, that is shipped to a Class B recycling center approved by the Department of Environmental Protection (DEP); (3) beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination; and (4) virgin quarry products.

The bill, as amended, requires any business concern that actively engages in, or otherwise provides, soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. The bill establishes the information that must be provided in the registration form. No more than 90 days after submission of a registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license

with the Attorney General. A soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application. The bill, as amended, would prohibit a business concern from engaging in soil and fill recycling services without a soil and fill recycling registration, soil and fill recycling license, or a prior approval issued by the department pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The registration program established in the bill is temporary in nature, and any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to file an application for a soil and fill recycling license.

The bill prohibits the issuance of an A901 approval to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in a solid waste or recycling industry (for example, those involved in vehicle leasing arrangements or property rental agreements with legitimate licensees).

The bill, as amended, requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to provide each agency with more effective and efficient access to information on the solid waste and soil and fill recycling industries and their license and permit holders and license and permit applicants, and to facilitate appropriate sharing of such information among relevant government agencies in New Jersey and elsewhere. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation. This requirement ensures that the status of persons and businesses deemed unfit to work under one agency's purview is made known to all other appropriate agencies.

The committee amendments to the bill:

(1) Replace the term "recyclable material" with "soil and fill recyclable material," and exclude from the definition: Class A recyclable materials, Class B recyclable materials that are shipped to a

licensed Class B recycling center, beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination, and virgin quarry products;

(2) Specify that the registration established in section 1 of the bill is a temporary registration, which allows the registrant to provide soil and fill recycling services pending the approval of the registrant's application for a soil and fill recycling license, and establish timeframes for obtaining both the registration and the license;

(3) Provide that a soil and fill recycling registration would expire upon a failure by the registrant to submit a soil and fill recycling license application, or upon a final determination by the DEP regarding the registrant's application;

(4) Provide that a business concern must submit additional information in its registration form, including its corporate filing number, contact information, and a statement that the business concern is actively engaged in soil and fill recycling services;

(5) Provide that a business concern must certify to the truth and accuracy of the information contained in its registration form;

(6) Provide that, beginning 180 days after the effective date of the bill, a business concern would be prohibited from engaging in soil and fill recycling services unless it holds a soil and fill recycling registration, a soil and fill recycling license, or an A901 approval;

(7) Provide that any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to apply for a soil and fill recycling license;

(8) Specify that a "key employee" includes "any individual employed *or otherwise engaged* by the applicant";

(9) Revise the definition of "license" to include certain approvals issued by the DEP for "processing" and "brokering" of solid waste or hazardous waste, and add the terms "processing" and "brokering" into various applicable sections of existing law;

(10) Revise the definition of "business concern" to include limited liability companies;

(11) Remove from the bill amendments to the law providing that the Attorney General would be responsible for issuing licenses and for certain other responsibilities, thus maintaining the provisions in existing law that the department is responsible for these things;

(12) Specify that a business concern that is issued a soil and fill recycling license is subject to the same requirements as licensees under existing law;

(13) Add aggravated assault to the list of crimes that, if committed by the applicant or certain persons associated with the applicant, disqualify the applicant from receiving an A901 approval or soil and fill recycling license under the bill;

(14) Provide that the DEP may bar a person who would otherwise cause the disqualification of an applicant for an A901 approval from

participation in the solid and hazardous waste industries and the soil and fill recycling industry;

(15) Provide that, notwithstanding the debarment of a person, the DEP may issue or renew an A901 approval or soil and fill recycling license to the person if he or she can affirmatively demonstrate rehabilitation by clear and convincing evidence;

(16) Provide that the DEP may establish annual fees and any other fees it determines necessary to defray the cost of administration of the soil and fill recycling registration and licensing programs, and provide what purposes fee revenues may be used for;

(17) Provide that the DEP may adopt rules and regulations to effectuate monitoring and enforcement of the bill's provisions; and

(18) Provide that, no later than 90 days after the date of enactment, the DEP, the Department of the Treasury, and Attorney General, would be required to establish a reciprocal information exchange method, as opposed to a records and information management system.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1683

STATE OF NEW JERSEY

DATED: JUNE 17, 2019

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1683 (1R).

Senate Bill No. 1683 (1R) amends existing law to expand the requirement for background checks to a broader range of persons involved in the solid waste industry, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry.

Under the bill “soil and fill recycling services” means the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable material. “Soil and fill recyclable material” means non-putrescible aggregate substitute, including broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material. “Soil and fill recyclable material” would not include: (1) Class A recyclable material (i.e., metal, glass, paper, plastic containers, and corrugated cardboard); (2) Class B recyclable material, such as construction and demolition debris, that is shipped to a Class B recycling center approved by the Department of Environmental Protection (DEP); (3) beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination; and (4) virgin quarry products.

The bill requires any business concern that actively engages in, or otherwise provides soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. The bill establishes the information that must be provided in the registration form. No more than 90 days after submission of a registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be

required to submit an application for a soil and fill recycling license with the Attorney General. A soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application. The bill would prohibit a business concern from engaging in soil and fill recycling services without a soil and fill recycling registration, soil and fill recycling license, or a prior approval issued by the department pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The registration program established in the bill is temporary in nature, and any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to file an application for a soil and fill recycling license.

The bill prohibits the issuance of an A901 approval to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in a solid waste or recycling industry (for example, those involved in vehicle leasing arrangements or property rental agreements with legitimate licensees).

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to provide each agency with more effective and efficient access to information on the solid waste and soil and fill recycling industries and their license and permit holders and license and permit applicants, and to facilitate appropriate sharing of such information among relevant government agencies in New Jersey and elsewhere. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation. This requirement ensures that the status of persons and businesses deemed unfit to work under one agency's purview is made known to all other appropriate agencies.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the State would incur an indeterminate increase in costs to establish and

administer the reciprocal information exchange system and centralized debarment list required by the bill.

The OLS also estimates additional ongoing costs of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill.

The OLS anticipates an indeterminate increase in State revenue from application, license, and other fees the Department of Environmental Protection (DEP) may establish to defray licensing costs associated with this bill.

STATEMENT TO
[First Reprint]
SENATE, No. 1683

with Senate Floor Amendments
(Proposed by Senators B. SMITH and GREENSTEIN)

ADOPTED: JUNE 20, 2019

The floor amendments to the bill:

(1) clarify that the soil and fill recycling registration issued pursuant to section 1 of the bill is a temporary registration;

(2) provide that the term “soil and fill recycling services” does not include the operation of a solar electric power generation facility at a properly closed sanitary landfill where soil and fill materials have been previously deposited for permanent disposal;

(3) add a penalty section to P.L.1983, c.392 (C.13:1E-126 et seq.) (the “A901” licensing law);

(4) require any person who collects, transports, treats, stores, brokers, transfers, or disposes of solid waste or hazardous waste, or who engages in soil and fill recycling services, to furnish the appropriate license or registration upon the request of any law enforcement officer or any agent of the Department of Environmental Protection (DEP), a local board of health, or a county health department;

(5) permit the DEP, a local board of health, and a county health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill, P.L.1983, c.392 (C.13:1E-133), and any other applicable law, rule, or regulation; and

(6) make technical amendments.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1683 STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MAY 9, 2019

SUMMARY

- Synopsis:** Concerns regulation of solid waste, hazardous waste, and soil and fill recycling industries.
- Type of Impact:** State cost increase; State revenue increase.
- Agencies Affected:** Department of Environmental Protection, Department of the Treasury, and Office of the Attorney General.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue Increase		Indeterminate	
State Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates the State would incur an indeterminate increase in costs to establish and administer the reciprocal information exchange system and centralized debarment list required by the bill.
- The OLS also estimates additional ongoing costs of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill.
- The OLS anticipates an indeterminate increase in State revenue from application, license, and other fees the Department of Environmental Protection (DEP) may establish to defray licensing costs associated with this bill.

BILL DESCRIPTION

This bill would expand the requirement for background checks to a broader range of persons involved in the solid waste and hazardous waste industries, such as sales persons, consultants,

and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry. The bill requires any business concern that actively engages in, or otherwise provides, soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. No more than 90 days after submission of a registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license with the Attorney General. A soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application. The bill would prohibit a business concern from engaging in soil and fill recycling services without a soil and fill recycling registration, soil and fill recycling license, or a prior approval issued by the department pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The registration program established in the bill is temporary in nature, and any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to file an application for a soil and fill recycling license with the Attorney General.

The bill prohibits the issuance of an approval under the program to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste, hazardous waste, or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in these industries.

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to share information on the solid waste and soil and fill recycling industries and their license and permit holders and applicants. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste, hazardous waste, and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation.

Finally, the bill would authorize the DEP to establish application, license, and other fees to defray licensing costs associated with this legislation. Annual fees will be assessed based on a percentage of the licensee's gross operating revenue from intrastate operations during the preceding calendar year, and the collections will be deposited into a special account to be administered by the DEP for associated licensing costs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the State would incur an indeterminate increase in labor and materials costs to establish and administer the reciprocal information exchange system and centralized debarment list required by the bill. The OLS also estimates additional ongoing costs of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill. The bill will also result in increased State revenue, indeterminate in amount, from application, license, and other fees imposed by the DEP pursuant to the bill. These fees could be established at a level to offset most, if not all, of the costs incurred by the State.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Carrie Anne Calvo-Hahn
Principal Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

SENATE, No. 1683 STATE OF NEW JERSEY 218th LEGISLATURE

DATED: DECEMBER 16, 2019

SUMMARY

- Synopsis:** Concerns regulation of solid waste, hazardous waste, and soil and fill recycling industries.
- Type of Impact:** State expenditure increase; State revenue increase; local government expenditure increase; local government revenue increase.
- Agencies Affected:** Department of Environmental Protection; Department of the Treasury; Office of the Attorney General; local boards of health; and county health departments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue Increase		Indeterminate	
State Expenditure Increase		Indeterminate	
Local Revenue Increase		Indeterminate	
Local Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates the State would incur an indeterminate increase in expenditures to establish and administer the reciprocal information exchange system and centralized debarment list required by the bill.
- The OLS also estimates additional ongoing expenditures of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill.
- The OLS anticipates an indeterminate increase in State revenue from application, license, and other fees the Department of Environmental Protection (DEP) may establish to defray licensing costs associated with this bill.

- The OLS estimates that the State, local boards of health, and county health departments may incur an expenditure increase from costs associating with enforcing the provisions of the bill. However, the bill may also increase annual State and local revenue collections by an indeterminate amount from the assessment of penalties.

BILL DESCRIPTION

This bill would expand the requirement for background checks to a broader range of persons involved in the solid waste and hazardous waste industries, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry. The bill requires any business concern that actively engages in, or otherwise provides, soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. No more than 90 days after submission of a registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license with the Attorney General. A temporary soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application.

The bill permits the DEP, a local board of health, and a county health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill and any other applicable law, rule, or regulation.

The bill prohibits the issuance of an approval under the program to persons debarred from operating in other states, and prohibits individuals deemed unsuitable for the solid waste, hazardous waste, or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in these industries.

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to share information on the solid waste and soil and fill recycling industries and their license and permit holders and applicants. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste, hazardous waste, and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation.

The bill would authorize the DEP to establish application, license, and other fees to defray licensing costs associated with this legislation. Annual fees will be assessed based on a percentage of the licensee's gross operating revenue from intrastate operations during the preceding calendar year, and the collections will be deposited into a special account to be administered by the DEP for associated licensing costs.

Finally, the bill adds a penalty section to the "A-901" licensing law to provide the DEP, local boards of health, and county health departments with enforcement options, including bringing a

civil action, levying a civil administrative penalty, bringing an action for a civil penalty, and petitioning the Attorney General to bring a criminal action.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the State would incur an indeterminate increase in labor and technology costs to establish and administer the reciprocal information exchange system and centralized debarment list required by the bill. The OLS also estimates additional ongoing costs of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill.

The bill will also result in increased State revenue, indeterminate in amount, from application, license, and other fees imposed by the DEP pursuant to the bill. These fees could be established at a level to offset most, if not all, of the costs incurred by the State. Lastly, the OLS estimates that the State, local boards of health, and county health departments could realize an indeterminate increase in revenue from any penalties collected pursuant to the bill. However, the State, local boards of health, and county health departments may incur an expenditure increase from costs associated with enforcing the provisions of the bill. The OLS lacks the information needed to quantify any potential expenditures or revenue increases from the collection of penalties or the costs associated with pursuing criminal, civil, or civil administrative actions for violations.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Carrie Anne Calvo-Hahn
Principal Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4267

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 27, 2018

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblywoman Pinkin

SYNOPSIS

Concerns regulation of solid waste, hazardous waste, and soil and debris recycling industries.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning regulation of the solid waste, hazardous waste,
2 and soil and debris recycling industries, amending and
3 supplementing P.L.1983, c.392, and amending P.L.1991, c.269,
4 P.L.1970, c.40, and P.L.1971, c.461.

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

8
9 1. (New section) a. No later than 90 days after the date of
10 enactment of P.L. , c. (C.) (pending before the Legislature as
11 this bill), any business concern that engages in, or otherwise
12 provides, soil and debris recycling services shall register with the
13 Attorney General. The registration shall include:

14 (1) the name of the business concern; and
15 (2) the address of the business concern and the addresses of any
16 other locations where trucks or equipment used by the business
17 concern are kept.

18 b. No more than 90 days after submission of all information
19 required to be submitted pursuant to subsection a. of this section,
20 the Attorney General shall issue a soil and debris recycling
21 registration to the business concern that registers pursuant to
22 subsection a. of this section.

23
24 2. (New section) No business concern shall engage in soil and
25 debris recycling services unless it holds a soil and debris recycling
26 license issued pursuant to section 8 of P.L.1983, c.392 (C.13:1E-
27 133).

28
29 3. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to
30 read as follows:

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

33 a. "Applicant" means any business concern **[which] that (1)**
34 has filed a disclosure statement with the **[department and the]**
35 Attorney General and is seeking **[an initial] a** license, provided that
36 the business concern has furnished the department and the Attorney
37 General with any information required pursuant to P.L.1991,
38 c.269 (C.13:1E-128.1 et al.), or (2) has been issued a soil and
39 debris recycling registration, has filed a disclosure statement with
40 the department and the Attorney General, and is seeking a soil and
41 debris recycling license.

42 b. "Application" means the forms and accompanying
43 documents filed in connection with an applicant's or permittee's
44 request for a license or a soil and debris recycling license.

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

Matter underlined thus is new matter.

1 c. "Business concern" means any corporation, association,
2 firm, partnership, sole proprietorship, trust or other form of
3 commercial organization.

4 d. "Department" means the Department of Environmental
5 Protection.

6 e. "Disclosure statement" means a statement submitted to the
7 **【department and the】** Attorney General by an applicant or a
8 permittee, which statement shall include:

9 (1) The full name, business address and social security number
10 of the applicant or the permittee, as the case may be, and of any
11 officers, directors, partners, or key employees thereof and all
12 persons holding any equity in or debt liability of the applicant or
13 permittee, or, if the applicant or permittee is a publicly traded
14 corporation, all persons holding more than 5% of the equity in or
15 the debt liability of the applicant or permittee, except that (a) where
16 the equity in or debt liability of the applicant or permittee is held by
17 an institutional investor, the applicant or permittee need only supply
18 the name, business address and the basis upon which the
19 institutional investor qualifies as an institutional investor, and (b)
20 where the debt liability is held by a chartered lending institution,
21 the applicant or permittee need only supply the name and business
22 address of the lending institution;

23 (2) The full name, business address and social security number
24 of all officers, directors, or partners of any business concern
25 disclosed in the disclosure statement and the names and addresses
26 of all persons holding any equity in or the debt liability of any
27 business concern so disclosed, except that (a) where the business
28 concern is a publicly traded corporation, the applicant or permittee
29 need only supply the name and business address of the publicly
30 traded corporation and copies of its annual filings with the
31 Securities and Exchange Commission, or its foreign equivalent, (b)
32 where the equity in or debt liability of that business concern is held
33 by an institutional investor, the applicant or permittee need only
34 supply the name, business address and the basis upon which the
35 institutional investor qualifies as an institutional investor, and (c)
36 where the debt liability is held by a chartered lending institution,
37 the applicant or permittee need only supply the name and business
38 address of the lending institution;

39 (3) The full name and business address of any business concern
40 which collects, transports, treats, stores, transfers or disposes of
41 solid waste or hazardous waste, or that engages in soil and debris
42 recycling services, in which the applicant or the permittee holds an
43 equity interest;

44 (4) A description of the experience and credentials in, including
45 any past or present licenses for, the collection, transportation,
46 treatment, storage, transfer or disposal of solid waste or hazardous
47 waste, or the provision of soil and debris recycling services,

1 possessed by the applicant or the permittee, as the case may be, and
2 by the key employees, officers, directors, or partners thereof;

3 (5) A listing and explanation of any notices of violation or
4 prosecution, administrative orders or license revocations issued by
5 this State or any other state or federal authority, in the 10 years
6 immediately preceding the filing of the application or disclosure
7 statement, whichever is later, which are pending or have resulted in
8 a finding or a settlement of a violation of any law or rule and
9 regulation relating to the collection, transportation, treatment,
10 storage, transfer or disposal of solid waste or hazardous waste, or
11 the provision of soil and debris recycling services, by the applicant
12 or the permittee, as the case may be, or by any key employee,
13 officer, director, or partner thereof;

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

22 (7) A listing of all labor unions and trade and business
23 associations in which the applicant or the permittee was a member
24 or with which the applicant or the permittee had a collective
25 bargaining agreement during the 10 years preceding the date of the
26 filing of the application or disclosure statement, whichever is later;

27 (8) A listing of any agencies outside of New Jersey which had
28 regulatory responsibility over the applicant or the permittee, as the
29 case may be, in connection with the collection, transportation,
30 treatment, storage, transfer or disposal of solid waste or hazardous
31 waste or in connection with the provision of soil and debris
32 recycling services; [and]

33 (9) The full name and business address of any individual or
34 business concern that leases real property or equipment used for the
35 collection, transportation, treatment, processing, storage, transfer,
36 or disposal of solid waste or hazardous waste, or the provision of
37 soil and debris recycling services, to the applicant, permittee, or
38 licensee;

39 (10) A listing and explanation of any civil litigation pending
40 between the applicant, permittee, licensee, key employee, officer,
41 director, or partner thereof and any other person engaged in the
42 collection, transportation, treatment, processing, storage, transfer,
43 or disposal of solid waste or hazardous waste or in the provision of
44 soil and debris recycling services, related to the provision of solid
45 waste, hazardous waste or soil and debris recycling services; and

46 (11) Any other information the Attorney General **[**or the
47 department**]** may require that relates to the competency, reliability
48 or integrity of the applicant or the permittee.

1 The provisions of paragraphs (1) through ~~[(9)]~~ (11) of this
2 subsection to the contrary notwithstanding, if an applicant or a
3 permittee is a secondary business activity corporation, "disclosure
4 statement" means a statement submitted to the ~~department and~~
5 ~~the~~ Attorney General by an applicant or a permittee, which
6 statement shall include:

7 (a) The full name, primary business activity, office or position
8 held, business address, home address, date of birth and federal
9 employer identification number of the applicant or the permittee, as
10 the case may be, and of all officers, directors, partners, or key
11 employees of the business concern; and of all persons holding more
12 than 5% of the equity in or debt liability of that business concern,
13 except that where the debt liability is held by a chartered lending
14 institution, the applicant or permittee need only supply the name
15 and business address of the lending institution. The Attorney
16 General or the department may request the social security number
17 of any individual identified pursuant to this paragraph;

18 (b) The full name, business address and federal employer
19 identification number of any business concern in any state, territory
20 or district of the United States, which (i) engages in soil and debris
21 recycling services, or (ii) collects, transports, treats, stores,
22 recycles, brokers, transfers or disposes of solid waste or hazardous
23 waste on a commercial basis, in which the applicant or the
24 permittee holds an equity interest of 25% or more, and the type,
25 amount and dates of the equity held in such business concern;

26 (c) A listing of every license, registration, permit, certificate of
27 public convenience and necessity, uniform tariff approval or
28 equivalent operating authorization held by the applicant or
29 permittee within the last five years under any name for the
30 collection, transportation, treatment, storage, recycling, processing,
31 transfer or disposal of solid waste or hazardous waste, or the
32 provision of soil and debris recycling services, on a commercial
33 basis in any state, territory or district of the United States, and the
34 name of every agency issuing such operating authorization;

35 (d) If the applicant or the permittee is a subsidiary of a parent
36 corporation, or is the parent corporation of one or more subsidiaries,
37 or is part of a group of companies in common ownership, as the
38 case may be, a chart, or, if impractical or burdensome, a list
39 showing the names, federal employer identification numbers and
40 relationships of all parent, sister, subsidiary and affiliate
41 corporations, or members of the group;

42 (e) A listing and explanation of any notices of violation or
43 prosecution, administrative orders or license revocations issued by
44 this State or any other state or federal authority to the applicant or
45 permittee in the 10 years immediately preceding the filing of the
46 application or disclosure statement, whichever is later, which are
47 pending or have resulted in a finding or a settlement of a violation
48 of any law or rule or regulation relating to the collection,

1 transportation, treatment, storage, recycling, processing, transfer or
2 disposal of solid waste or hazardous waste, or the provision of soil
3 and debris recycling services, by the applicant or permittee;

4 (f) A listing and explanation of any judgment, decree or order,
5 whether by consent or not, issued against the applicant or permittee
6 in the 10 years immediately preceding the filing of the application,
7 and of any pending civil complaints against the applicant or
8 permittee pertaining to a violation or alleged violation of federal or
9 state antitrust laws, trade regulations or securities regulations;

10 (g) A listing and explanation of any conviction issued against
11 the applicant or permittee for a felony resulting in a plea of nolo
12 contendere, or any conviction in the 10 years immediately
13 preceding the filing of the application, and of any pending
14 indictment, accusation, complaint or information for any felony
15 issued to the applicant or the permittee pursuant to any state or
16 federal statute; and

17 (h) A completed personal history disclosure form shall be
18 submitted to the [department and the] Attorney General by every
19 person required to be listed in this disclosure statement, except for
20 those individuals who are exempt from the personal history
21 disclosure requirements pursuant to paragraph (5) of subsection a.
22 of section 3 of P.L.1983, c.392 (C.13:1E-128).

23 f. "Key employee" means any individual employed by the
24 applicant, the permittee or the licensee in a supervisory capacity or
25 empowered to make discretionary decisions with respect to the solid
26 waste [or], hazardous waste, or soil and debris recycling operations
27 of the business concern; any family member of an officer, director,
28 partner, or key employee, employed by the applicant or permittee;
29 or any broker, consultant or sales person employed by, or who do
30 business with, the applicant, permittee, or licensee, with respect to
31 the solid waste, hazardous waste, or soil and debris recycling
32 operations of the business concern; but shall not include employees,
33 who are not family members, exclusively engaged in the physical or
34 mechanical collection, transportation, treatment, storage, transfer or
35 disposal of solid waste or hazardous waste, or the provision of soil
36 and debris recycling services.

37 g. "License" means the initial approval and first renewal by the
38 department of any registration statement or engineering design
39 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981,
40 c.279 (C.13:1E-49 et seq.), for the collection, transportation,
41 treatment, storage, transfer or disposal of solid waste or hazardous
42 waste in this State.

43 A "license" shall not include any registration statement or
44 engineering design approved for:

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

1 (2) Any person solely for the collection, transportation,
2 treatment, storage or disposal of solid waste or hazardous waste
3 generated by that person;

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

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

12 (5) Any person solely for the transportation of hazardous wastes
13 which are or contain precious metals to a hazardous waste facility
14 described in paragraph (4) of this subsection for the purposes of
15 reclamation.

16 A "license" shall include any registration statement approved for
17 any person who transports any other hazardous waste in addition to
18 hazardous wastes which are or contain precious metals;

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

22 (7) Any regulated medical waste generator for the treatment or
23 disposal of regulated medical waste at any noncommercial
24 incinerator or noncommercial facility in this State that accepts
25 regulated medical waste for disposal.

26 h. "Licensee" means any business concern which has
27 completed the requirements of section 3 of P.L.1983,
28 c.392 (C.13:1E-128) and whose application for the issuance or
29 renewal of a license has been approved by the **【department】**
30 Attorney General pursuant to section 8 of P.L.1983,
31 c.392 (C.13:1E-133).

32 i. "Permittee" means and shall include:

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

40 (2) Any business concern which has filed a disclosure statement
41 with the department and the Attorney General and to which a
42 temporary license has been approved, issued or renewed by the
43 department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-
44 135), but which has not otherwise completed the requirements of
45 section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application
46 for a license has not been approved by the department pursuant to
47 section 8 of P.L.1983, c.392 (C.13:1E-133), provided that the
48 temporary license remains valid, and provided further that the

1 business concern has furnished the department and the Attorney
2 General with any information required pursuant to P.L.1991,
3 c.269 (C.13:1E-128.1 et al.);

4 (3) Any business concern which has filed a disclosure statement
5 with the department and the Attorney General and to which a valid
6 registration statement or engineering design approval for the
7 collection, transportation, treatment, storage, transfer or disposal of
8 solid waste or hazardous waste pursuant to P.L.1970,
9 c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has
10 been given by the department between February 20, 1985 and
11 January 23, 1986, inclusive, provided that the registration statement
12 or engineering design approval remains valid, and provided further
13 that the business concern has furnished the department and the
14 Attorney General with any information required pursuant to
15 P.L.1991, c.269 (C.13:1E-128.1 et al.); **[or]**

16 (4) Any business concern to which a temporary approval of
17 registration has been given by the department at any time after
18 January 23, 1986 pursuant to statute or rule and regulation,
19 provided that such temporary approval of registration, statute, or
20 rule and regulation remains valid, and provided further that the
21 business concern has furnished the department and the Attorney
22 General with any information required pursuant to P.L.1991,
23 c.269 (C.13:1E-128.1 et al.) and filed a disclosure statement with
24 the department and the Attorney General; or

25 (5) Any business concern that has been issued a prior approval
26 to operate as a soil and debris recycling center from the Department
27 of Environmental Protection pursuant to section 41 of P.L.1987,
28 c.102 (C.13:1E-99.34) but whose application for a soil and debris
29 recycling license has not been approved .

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

31 k. "Secondary business activity corporation" means any
32 business concern which has derived less than 5% of its annual gross
33 revenues in each of the three years immediately preceding the one
34 in which the application for a license or a soil and debris recycling
35 license is being made from the collection, transportation, treatment,
36 storage, recycling, processing, transfer or disposal of solid waste or
37 hazardous waste, or the provision of soil and debris recycling
38 services, whether directly or through other business concerns
39 partially or wholly owned or controlled by the applicant or the
40 permittee, as the case may be, and which (1) has one or more
41 classes of security registered pursuant to section 12 of the
42 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78l),
43 or (2) is an issuer subject to subsection (d) of section 15 of the
44 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78o).

45 l. "Institutional investor" means a retirement fund administered
46 by a public agency for the exclusive benefit of federal, state, or
47 local public employees; government or government-owned entity;
48 investment company registered under the "Investment Company Act

1 of 1940" (15 U.S.C. s.80a-1 et seq.); collective investment trust
2 organized by banks under Part Nine of the Rules of the Comptroller
3 of the Currency; closed end investment trust; chartered or licensed
4 life insurance company or property and casualty insurance
5 company; banking or other chartered or licensed lending institution;
6 partnerships, funds or trusts managed by or directed in conjunction
7 with an investment adviser registered under the "Investment
8 Advisers Act of 1940" (15 U.S.C. s.80b-1 et seq.) or an institutional
9 investment manager required to make filings under subsection (f) of
10 section 13 of the "Securities Exchange Act of 1934," as amended
11 (15 U.S.C. s.78m); institutional buyer, as defined pursuant to
12 section 2 of the "Uniform Securities Law (1997)," P.L.1967,
13 c.93 (C.49:3-49); small business investment company licensed by
14 the United States Small Business Administration under subsection
15 (c) of section 301 of the "Small Business Investment Act of 1958,"
16 as amended (15 U.S.C. s.681); private equity or venture capital
17 entity having or managing aggregate capital commitments in excess
18 of \$25,000,000; and other persons as the **【department】** Attorney
19 General may determine for reasons consistent with the policies of
20 P.L.1983, c.392 (C.13:1E-126 et seq.).

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

23 (1) has one or more classes of security registered pursuant to
24 section 12 of the "Securities Exchange Act of 1934," as amended
25 (15 U.S.C. s.781);

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

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

38 n. "Broker" means a person who arranges agreements between
39 a business concern and its customers for the collection,
40 transportation, treatment, storage, recycling, processing, transfer or
41 disposal of solid waste or hazardous waste, or the provision of soil
42 and debris recycling services.

43 o. "Consultant" means a person who performs functions for a
44 business concern engaged in the collection, transportation,
45 treatment, storage, recycling, processing, transfer or disposal of
46 solid waste or hazardous waste, or the provision of soil and debris
47 recycling services, provided that "consultant" shall not include a
48 person who performs functions for a business concern and holds a

1 professional license from the State in order to perform those
2 functions.

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

9 q. "Recyclable materials" means (1) source-separated, non-
10 putrescible, waste material resulting from construction, remodeling,
11 repair, and demolition operations on houses, commercial buildings,
12 pavements and other structures, (2) source-separated, non-
13 putrescible waste concrete, asphalt, brick, block, asphalt-based
14 roofing, scrap wood, and wood waste, and (3) soil, which would
15 otherwise become solid waste, and which may be collected,
16 separated or processed and returned to the economic mainstream in
17 the form of raw materials or products. For the purposes of
18 P.L.1983, c.392 (C.13:1E-126 et seq.), "recyclable materials" shall
19 not include metal, glass, or plastic containers, paper, or corrugated
20 cardboard.

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

26 s. "Soil and debris recycling license" means an approval to
27 operate a business concern engaged in soil and debris recycling
28 services issued pursuant to section 8 of P.L.1983, c.392 (C.13:1E-
29 133).

30 t. "Soil and debris recycling services" means the services
31 provided by persons engaging in the business of the collection,
32 transportation, processing, storage, purchase, sale or disposition, or
33 any combination thereof, of recyclable materials.

34 (cf: P.L.2011, c.68, s.1)

35

36 4. Section 3 of P.L.1983, c.392 (C.13:1E-128) is amended to
37 read as follows:

38 3. In addition to any other procedure, condition or information
39 required pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.),
40 P.L.1981, c.279 (C.13:1E-49 et seq.) or any other law:

41 a. (1) Every applicant and permittee shall file a disclosure
42 statement with the **【department and the】** Attorney General;

43 (2) Except as otherwise provided in this subsection, any person
44 required to be listed in the disclosure statement shall be
45 fingerprinted for identification and investigation purposes in
46 accordance with procedures therefor established by the Attorney
47 General;

1 (3) The Attorney General shall, upon the receipt of the
2 disclosure statement from an applicant for an initial license **【or】** ,
3 from a permittee, or from an applicant for a soil and debris
4 recycling license, prepare **【and transmit to the department】** an
5 investigative report on the applicant or the permittee, as the case
6 may be, based in part upon the disclosure statement. In preparing
7 this report, the Attorney General may request and receive criminal
8 history information from the State Commission of Investigation or
9 the Federal Bureau of Investigation;

10 (4) In conducting a review of the application, the **【department】**
11 Attorney General shall include a review of the disclosure statement
12 and investigative report;

13 (5) An applicant or permittee may file a limited disclosure
14 statement pursuant to the provisions of paragraphs (a) through (h)
15 of subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127); and
16 a person required to be listed in the disclosure statement is exempt
17 from the fingerprint and personal history disclosure requirements;
18 if:

19 (a) The applicant or permittee is a secondary business activity
20 corporation; and

21 (b) The person required to be listed in the disclosure statement
22 is (i) a director or chief executive officer; or (ii) an individual who
23 does not have any responsibility for, or control of, the commercial
24 solid waste or hazardous waste operations, or the provision of soil
25 and debris recycling services, of the applicant, permittee or licensee
26 conducted in New Jersey, and who will not exercise any such
27 responsibility or control upon the issuance of a license or soil and
28 debris recycling license by the **【department】** Attorney General;

29 (6) (a) A person who is a director or chief executive officer of a
30 business concern that is a secondary business activity corporation, a
31 publicly traded corporation or an institutional investor, including
32 limited partnership interests, that is not the applicant or permittee
33 but which is listed in a disclosure statement pursuant to subsection
34 e. of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt
35 from the fingerprint and personal history disclosure requirements;

36 (b) An individual who is an officer or partner of, or who holds
37 any equity in or debt liability of, a business concern that is a
38 secondary business activity corporation, a publicly traded
39 corporation or an institutional investor, including limited
40 partnership interests, that is not the applicant or permittee but which
41 is listed in a disclosure statement pursuant to subsection e. of
42 section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from
43 the fingerprint and personal history disclosure requirements,
44 provided that the person or secondary business activity corporation
45 or publicly traded corporation or institutional investor is not and
46 will not be engaged in active management of the commercial solid
47 waste or hazardous waste operations or the soil and debris recycling
48 operations of the applicant or permittee conducted in New Jersey;

1 (c) A business concern that is a secondary business activity
2 corporation or an institutional investor, including limited
3 partnership interests, that is not the applicant, licensee, or permittee
4 but which is listed in a disclosure statement pursuant to subsection
5 e. of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt
6 from disclosure requirements established in subsection e. of section
7 2 of P.L.1983, c.392 (C.13:1E-127) provided that the secondary
8 business activity corporation or institutional investor is not and will
9 not be engaged in active management of the commercial solid waste
10 or hazardous waste operations or the soil and debris recycling
11 operations of the applicant, licensee, or permittee conducted in New
12 Jersey;

13 (d) A business concern that is a publicly traded corporation that
14 is not the applicant, licensee, or permittee but which is listed in a
15 disclosure statement pursuant to subsection e. of section 2 of
16 P.L.1983, c.392 (C.13:1E-127), shall be exempt from disclosure
17 requirements established in subsection e. of section 2 of
18 P.L.1983, c.392 (C.13:1E-127) provided that the name and business
19 address of the publicly traded corporation and copies of its annual
20 filings with the Securities and Exchange Commission, or its foreign
21 equivalent, are filed with the disclosure forms of the applicant,
22 licensee, or permittee. Subsidiaries intervening in the chain of
23 equity between the publicly traded corporation and the applicant,
24 licensee, or permittee, and the officers and directors of those
25 intervening subsidiaries, shall also be exempt from the disclosure
26 requirements established in subsection e. of section 2 of
27 P.L.1983, c.392 (C.13:1E-127) provided that the intervening
28 subsidiary is not and will not be engaged in active management of
29 the commercial solid waste or hazardous waste operations or the
30 soil and debris recycling operations of the applicant, licensee, or
31 permittee conducted in New Jersey;

32 (e) An individual exempt from disclosure requirements under
33 subparagraph (b) of this paragraph, a secondary business activity
34 corporation or institutional investor exempt from disclosure
35 requirements under subparagraph (c) of this paragraph, and a
36 publicly traded corporation exempt from disclosure requirements
37 under subparagraph (d) of this paragraph, may be required by the
38 Attorney General to file disclosure forms and be fingerprinted in the
39 circumstances described in subsection d. of this section; and

40 (f) A person that holds equity in, or debt liability of, a business
41 concern that is exempt from the disclosure requirements established
42 in subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127) shall
43 also be exempt from the disclosure requirements established in
44 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127).

45 b. All applicants, permittees and licensees, and all business
46 concerns that have been issued a soil and debris recycling license,
47 shall have the continuing duty to provide any assistance or
48 information requested by the department or the Attorney General,

1 and to cooperate in any inquiry or investigation conducted by the
2 Attorney General or the State Commission of Investigation and any
3 inquiry, investigation, or hearing conducted by the department.
4 Except as otherwise determined by the Superior Court pursuant to
5 subsection d. of this section, if, upon issuance of a formal request to
6 answer any inquiry or produce information, evidence or testimony,
7 any applicant, permittee or licensee, or any business concern that
8 has been issued a soil and debris recycling license, refuses to
9 comply, the application of the business concern for a license, or a
10 soil and debris recycling license, as the case may be, may be
11 denied, or the license or soil and debris recycling license of that
12 business concern may be revoked by the **【department】** Attorney
13 General.

14 c. If any of the information required to be included in the
15 disclosure statement changes, or if any information provided
16 concerning the applicability of an exemption under subsection d. of
17 this section changes, or if any additional information should be
18 added to the disclosure statement after it has been filed, the
19 applicant, permittee or licensee, or the business concern that has
20 been issued a soil and debris recycling license, shall provide that
21 information to the department and the Attorney General, in writing,
22 within 30 days of the change or addition.

23 d. The provisions of paragraphs (5) and (6) of subsection a. of
24 this section to the contrary notwithstanding, the Attorney General
25 may at any time require any person required to be listed in the
26 disclosure statement to file a completed personal history disclosure
27 form and a full disclosure statement with the **【department and the】**
28 Attorney General pursuant to paragraphs (1) through (9) of
29 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127), or to
30 be fingerprinted for identification and investigation purposes
31 pursuant to paragraph (2) of subsection a. of this section, if the
32 Attorney General determines that there exists a reasonable
33 suspicion that the additional information is likely to lead to
34 information relevant to a determination regarding the approval of a
35 license or a soil and debris recycling license pursuant to section 8 of
36 P.L.1983, c.392 (C.13:1E-133), the revocation of a license or soil
37 and debris recycling license pursuant to section 9 of P.L.1983,
38 c.392 (C.13:1E-134), or the severance of a disqualifying person
39 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).

40 If the Attorney General requires any or all of this information, a
41 written request for the additional information shall be served upon
42 the applicant, permittee or licensee, or the business concern that has
43 been issued a soil and debris recycling license. Within 60 days of
44 receipt of a written request for additional information, the applicant,
45 permittee or licensee, or the business concern that has been issued a
46 soil and debris recycling license may seek review of the Attorney
47 General's determination in the Superior Court. If the applicant,
48 permittee or licensee, or the business concern that has been issued a

1 soil and debris recycling license fails to provide the additional
2 information to the Attorney General within 60 days of receipt of the
3 written request, the Attorney General may file with the Superior
4 Court a petition for an order requiring the applicant, permittee or
5 licensee, or the business concern that has been issued a soil and
6 debris recycling license to provide the additional information. In a
7 proceeding brought by either party, the applicant, permittee or
8 licensee, or the business concern that has been issued a soil and
9 debris recycling license shall demonstrate that the additional
10 information requested is not likely to lead to information relevant to
11 a determination regarding the approval of a license or soil and
12 debris recycling license pursuant to section 8 of P.L.1983, c.392
13 (C.13:1E-133), the revocation of a license or soil and debris
14 recycling license pursuant to section 9 of P.L.1983, c.392 (C.13:1E-
15 134), or the severance of a disqualifying person pursuant to section
16 10 of P.L.1983, c.392 (C.13:1E-135). For good cause shown, the
17 court may review in camera the submission of the Attorney General
18 or the applicant, permittee or licensee, or the business concern that
19 has been issued a soil and debris recycling license, or any part
20 thereof.

21 (cf: P.L.2011, c.68, s.2)

22

23 5. Section 4 of P.L.1983, c.392 (C.13:1E-129) is amended to
24 read as follows:

25 4. a. Whenever the Attorney General determines that there
26 exists a reasonable suspicion that any person may have information
27 or be in possession, custody, or control of any documentary
28 materials relevant to an investigation of an applicant, permittee or
29 licensee conducted pursuant to this act, he may issue in writing, and
30 cause to be served upon that person an investigative interrogatory
31 requiring that person to answer questions under oath and produce
32 material for examination.

33 b. Each interrogatory shall:

34 (1) Identify the licensee, permittee or applicant who is the
35 subject of the investigation;

36 (2) Advise the person that he has the right to discuss the
37 interrogatory with legal counsel prior to returning it to the Attorney
38 General or prior to making material available, as provided in
39 subsection f. of this section, and that he has the right to file in
40 Superior Court a petition to modify or set aside the interrogatory, as
41 provided in subsection j. of this section;

42 (3) Describe the class or classes of documentary material to be
43 produced thereunder with sufficient particularity as to permit the
44 material to be reasonably identified;

45 (4) Prescribe a return date, which date shall provide a
46 reasonable period of time within which answers may be made and
47 material so demanded may be assembled and made available for

1 inspection and copying or reproduction, as provided in subsection f.
2 of this section.

3 c. No interrogatory shall:

4 (1) Contain any requirement which would be held to be
5 unreasonable if contained in a **【subpena】** subpoena duces tecum
6 issued in aid of a grand jury investigation; or

7 (2) Require the production of any documentary evidence which
8 would be otherwise privileged from disclosure if demanded by a
9 **【subpena】** subpoena duces tecum issued in aid of a grand jury
10 investigation.

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

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

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

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

22 e. A verified return by the individual serving any interrogatory,
23 setting forth the manner of service, shall be prima facie proof of
24 service. In the case of service by registered or certified mail, the
25 return shall be accompanied by the return post office receipt of
26 delivery of the interrogatory.

27 f. Any person upon whom any interrogatory issued under this
28 section has been duly served which requires the production of
29 materials shall make the material available for inspection and
30 copying or reproduction to the Attorney General at the principal
31 place of business of that person in the State of New Jersey or at any
32 other place as the Attorney General and the person thereafter may
33 agree and prescribe in writing, on the return date specified in the
34 interrogatory or on a later date as the Attorney General may
35 prescribe in writing. Upon written agreement between the person
36 and the Attorney General, copies may be substituted for all or any
37 part of the original materials. The Attorney General may cause the
38 preparation of any copies of documentary material as may be
39 required for official use by the Attorney General.

40 No material produced pursuant to this section shall be available
41 for examination, without the consent of the person who produced
42 the material, by an individual other than the Attorney General or
43 any person retained by the Attorney General in connection with the
44 enforcement of this act. Under reasonable terms and conditions as
45 the Attorney General shall prescribe, documentary material while in
46 his possession shall be available for examination by the person who
47 produced the material or any of his duly authorized representatives.

1 In any investigation conducted pursuant to this act, the Attorney
2 General may present before the **【department,】** court or grand jury
3 any documentary material in his possession pursuant to this section,
4 subject to any protective order deemed proper by the Superior
5 Court.

6 g. Upon completion of:

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

9 (2) Any case or proceeding arising from the investigation, the
10 Attorney General shall return to the person who produced the
11 material all the material, other than copies thereof made by the
12 Attorney General pursuant to this section, which has not passed into
13 the control of **【the department or】** any court or grand jury through
14 the introduction thereof into the record of the case or proceeding.

15 h. When any documentary material has been produced by any
16 person under this section for use in an investigation, and no case or
17 proceeding arising therefrom has been instituted within two years
18 after completion of the examination and analysis of all evidence
19 assembled in the course of the investigation, the person shall be
20 entitled, upon written demand made upon the Attorney General, to
21 the return of all documentary material, other than copies thereof
22 made pursuant to this section so produced by him.

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

29 j. At any time before the return date specified in the
30 interrogatory, the person served with the interrogatory may file in
31 the Superior Court a petition for an order modifying or setting aside
32 the interrogatory. The time allowed for compliance with the
33 interrogatory shall not run during the pendency of this petition. The
34 petition shall specify each ground upon which the petition relies in
35 seeking relief, and may be based upon any failure of the
36 interrogatory to comply with the provisions of this section or upon
37 any constitutional or other legal right or privilege of the petitioner.
38 In this proceeding, the Attorney General shall establish the
39 existence of an investigation pursuant to this act and the nature and
40 subject matter of the investigation.

41 (cf: P.L.1991, c.269, s.4)

42
43 6. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to
44 read as follows:

45 5. a. Whenever the Attorney General determines that there
46 exists a reasonable suspicion that any person may have information
47 or knowledge relevant to an investigation conducted pursuant to this
48 act, he may issue in writing and cause to be served upon that person

1 a **【subpena】 subpoena** to appear and be examined under oath before
2 the Attorney General.

3 b. The **【subpena】 subpoena** shall:

4 (1) Identify the licensee, permittee or applicant who is the
5 subject of the investigation;

6 (2) Advise that person that he may have an attorney present
7 when he appears and testifies or otherwise responds to the
8 **【subpena】 subpoena**, that he has a right, at any time before the
9 return date of the **【subpena】 subpoena**, to file in Superior Court a
10 petition to modify or set aside the **【subpena】 subpoena**, as provided
11 in subsection f. of this section;

12 (3) Prescribe a date and time at which that person must appear
13 to testify, under oath, provided that this date shall not be less than
14 seven days from the date of service of the **【subpena】 subpoena**.

15 c. Except as otherwise provided in this section, no information
16 derived pursuant to the **【subpena】 subpoena** shall be disclosed by
17 the Attorney General **【or the department】** without the consent of the
18 person testifying.

19 In any investigation conducted pursuant to this act, the Attorney
20 General may present before the **【department,】** court or grand jury
21 any information disclosed pursuant to the **【subpena】 subpoena**,
22 subject to any protective order deemed proper by the Superior
23 Court.

24 d. Service of a **【subpena】 subpoena** pursuant to this section
25 shall be by any of those methods specified in the New Jersey Court
26 Rules for service of summons and complaint in a civil action.

27 e. Whenever any person fails to comply with any **【subpena】**
28 **subpoena** duly served upon him under this section, or whenever
29 satisfactory copying or reproduction of any material cannot be done
30 and he refuses to surrender the material, the Attorney General may
31 file in the Superior Court a petition for an order of the court for the
32 enforcement of the **【subpena】 subpoena**.

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

46 (cf: P.L.1991, c.269, s.5)

1 7. Section 8 of P.L.1983, c.392 (13:1E-133) is amended to read
2 as follows:

3 8. The provisions of any law to the contrary notwithstanding,
4 no license or soil and debris recycling license shall be approved by
5 the **【department】** Attorney General:

6 a. Unless the **【department】** Attorney General finds that the
7 applicant, or the permittee, as the case may be, in any prior
8 performance record in the collection, transportation, treatment,
9 storage, transfer or disposal of solid waste or hazardous waste, or
10 the provision of soil and debris recycling services, has exhibited
11 sufficient integrity, reliability, expertise, and competency to engage
12 in the collection or transportation of solid waste or hazardous waste,
13 or to operate the solid waste facility or hazardous waste facility, or
14 engage in soil and debris recycling services, given the potential
15 economic consequences for affected counties, municipalities and
16 ratepayers or significant adverse impacts upon human health and
17 the environment which could result from the irresponsible
18 participation therein or operation thereof, or if no prior record
19 exists, that the applicant or the permittee is likely to exhibit that
20 integrity, reliability, expertise and competence.

21 b. If any person required to be listed in the disclosure
22 statement, or otherwise shown to have a beneficial interest in the
23 business of the applicant, the permittee or the licensee, or to have
24 rented or leased at any or no cost real property, vehicles or other
25 equipment used for the collection, transportation, treatment,
26 processing, storage, transfer, or disposal of solid waste or hazardous
27 waste, or the provision of soil and debris recycling services, to the
28 applicant, the permittee, or the licensee, has been barred from the
29 provision of solid waste, hazardous waste or soil and debris
30 recycling services in any other jurisdiction outside of the State, or
31 has been convicted of any of the following crimes under the laws of
32 New Jersey or the equivalent thereof under the laws of any other
33 jurisdiction:

- 34 (1) Murder;
35 (2) Kidnapping;
36 (3) Gambling;
37 (4) Robbery;
38 (5) Bribery;
39 (6) Extortion;
40 (7) Criminal usury;
41 (8) Arson;
42 (9) Burglary;
43 (10) Theft and related crimes;
44 (11) Forgery and fraudulent practices;
45 (12) Fraud in the offering, sale or purchase of securities;
46 (13) Alteration of motor vehicle identification numbers;
47 (14) Unlawful manufacture, purchase, use or transfer of firearms;

- 1 (15) Unlawful possession or use of destructive devices or
2 explosives;
- 3 (16) Violation of N.J.S.2C:35-5, except possession of 84 grams
4 or less of marijuana, or of N.J.S.2C:35-10;
- 5 (17) Racketeering, P.L.1981, c.167 (C.2C:41-1 et seq.);
- 6 (18) Violation of criminal provisions of the "New Jersey
7 Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.);
- 8 (19) Any purposeful or reckless violation of the criminal
9 provisions of any federal or state environmental protection laws,
10 rules, or regulations, including, but not limited to, solid waste or
11 hazardous waste management laws, rules, or regulations;
- 12 (20) Violation of N.J.S.2C:17-2;
- 13 (21) Any offense specified in chapter 28 of Title 2C; or
- 14 (22) Violation of the "Solid Waste Utility Control Act of 1970,"
15 P.L.1970, c.40 (C.48:13A-1 et seq.) or P.L.1981, c.221 (C.48:13A-
16 6.1).
- 17 c. If the Attorney General determines that there is a reasonable
18 suspicion to believe that a person required to be listed in the
19 disclosure statement, or otherwise shown to have a beneficial
20 interest in the business of the applicant, the permittee or the
21 licensee, or to have rented or leased at any cost or at no cost real
22 property, vehicles or other equipment used for the collection,
23 transportation, treatment, processing, storage, transfer, or disposal
24 of solid waste or hazardous waste, or the provision of soil and
25 debris recycling services, to the applicant, the permittee, or the
26 licensee, does not possess a reputation for good character, honesty
27 and integrity, and that person or the applicant, the permittee or the
28 licensee fails, by clear and convincing evidence, to establish his
29 reputation for good character, honesty and integrity.
- 30 d. With respect to the approval of an initial license or a soil and
31 debris recycling license, if there are current prosecutions or pending
32 charges in any jurisdiction against any person required to be listed
33 in the disclosure statement, or otherwise shown to have a beneficial
34 interest in the business of the applicant or the permittee, or to have
35 rented or leased at any or no cost real property, vehicles or other
36 equipment used for the collection, transportation, treatment,
37 processing, storage, transfer, or disposal of solid waste or hazardous
38 waste, or the provision of soil and debris recycling services, to the
39 applicant or the permittee, for any of the crimes enumerated in
40 subsection b. of this section, provided, however, that at the request
41 of the applicant, permittee, or the person charged, the **【department】**
42 Attorney General shall defer decision upon such application during
43 the pendency of such charge.
- 44 e. If any person required to be listed in the disclosure
45 statement, or otherwise shown to have a beneficial interest in the
46 business of the applicant, permittee or the licensee, or to have
47 rented or leased at any or no cost real property, vehicles or other
48 equipment used for the collection, transportation, treatment,

1 processing, storage, transfer, or disposal of solid waste or
2 hazardous waste, or the provision of soil and debris recycling
3 services, to the applicant, the permittee, or the licensee, has pursued
4 economic gain in an occupational manner or context which is in
5 violation of the criminal or civil public policies of this State, where
6 such pursuit creates a reasonable belief that the participation of that
7 person in any activity required to be licensed under this act would
8 be inimical to the policies of this act. For the purposes of this
9 section, "occupational manner or context" means the systematic
10 planning, administration, management, or execution of an activity
11 for financial gain.

12 f. If the Attorney General determines that any person required
13 to be listed in the disclosure statement, or otherwise shown to have
14 a beneficial interest in the business of the applicant, permittee or the
15 licensee, or to have rented or leased at any or no cost real property,
16 vehicles or other equipment used for the collection, transportation,
17 treatment, processing, storage, transfer, or disposal of solid waste
18 or hazardous waste, or the provision of soil and debris recycling
19 services, to the applicant, the permittee, or the licensee, has been
20 identified by the State Commission of Investigation or the Federal
21 Bureau of Investigation as a career offender or a member of a career
22 offender cartel or an associate of a career offender or career
23 offender cartel, where such identification, membership or
24 association creates a reasonable belief that the participation of that
25 person in any activity required to be licensed under this act would
26 be inimical to the policies of this act. For the purposes of this
27 section, "career offender" means any person whose behavior is
28 pursued in an occupational manner or context for the purpose of
29 economic gain, utilizing such methods as are deemed criminal
30 violations of the public policy of this State; and a "career offender
31 cartel" means any group of persons who operate together as career
32 offenders.

33 A license or a soil and debris recycling license may be approved
34 by the **【department】** Attorney General for any applicant or
35 permittee if the information contained within the disclosure
36 statement and investigative report, including any determination
37 made by the Attorney General concerning the character, honesty
38 and integrity of any person required to be listed in the disclosure
39 statement, or otherwise shown to have a beneficial interest in the
40 business of the applicant or permittee, or to have rented or leased at
41 any or no cost real property, vehicles or other equipment used for
42 the collection, transportation, treatment, processing, storage,
43 transfer, or disposal of solid waste or hazardous waste, or the
44 provision of soil and debris recycling services, to the applicant, the
45 permittee, or the licensee, would not require disqualification
46 pursuant to subsection a., b. c., e. or f. of this section.

47 A license or a soil and debris recycling license approved by the
48 **【department】** Attorney General for any applicant or permittee

1 pursuant to this section is non-transferable and shall be valid only
2 for the length of time for which it is given.

3 Any applicant or permittee who is denied **【an initial】** a license or
4 a soil and debris recycling license pursuant to this section shall,
5 upon a written request transmitted to the **【department】** Attorney
6 General within 30 days of that denial, be afforded the opportunity
7 for a hearing thereon in the manner provided for contested cases
8 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.).
10 (cf: P.L.1991, c.269, s.6)

11

12 8. Section 7 of P.L.1991, c.269 (C.13:1E-133.1) is amended to
13 read as follows:

14 7. a. Notwithstanding the conviction of any person required to
15 be listed in a disclosure statement, or otherwise shown to have a
16 beneficial interest in the business of an applicant, permittee or
17 licensee or to have rented or leased at any or no cost real property,
18 vehicles or other equipment used for the collection, transportation,
19 treatment, processing, storage, transfer, or disposal of solid waste
20 or hazardous waste, or the provision of soil and debris recycling
21 services, to the applicant, the permittee, or the licensee, for any of
22 the crimes enumerated in subsection b. of section 8 of P.L.1983,
23 c.392 (C.13:1E-133), the **【department】** Attorney General may issue
24 or renew a license or a soil and debris recycling license to an
25 applicant, permittee or licensee if the **【department】** Attorney
26 General determines in a writing setting forth findings of fact that
27 the convicted person has affirmatively demonstrated rehabilitation
28 by clear and convincing evidence pursuant to the provisions of this
29 section. If the **【department】** Attorney General determines that the
30 nature and seriousness of the crime creates a reasonable doubt that
31 an applicant, permittee, or licensee will engage in the activity for
32 which a license or soil and debris recycling license is sought in a
33 lawful and responsible manner, the **【department】** Attorney General
34 shall make a determination in a writing setting forth findings of fact
35 that the convicted person cannot affirmatively demonstrate
36 rehabilitation.

37 b. In determining whether a convicted individual has
38 affirmatively demonstrated rehabilitation, the **【department shall**
39 **request a recommendation thereon from the】** Attorney General **【,**
40 **which recommendation shall be】** shall make a finding, in writing
41 **【and】**, based upon a consideration of at least the following factors:

- 42 (1) The nature and responsibilities of the position which a
43 convicted individual would hold;
44 (2) The nature and seriousness of the crime;
45 (3) The circumstances under which the crime was committed;
46 (4) The date of the crime;

1 (5) The age of the convicted individual when the crime was
2 committed;

3 (6) Whether the crime was an isolated or repeated act;

4 (7) Any evidence of good conduct in the community, counseling
5 or psychiatric treatment received, acquisition of additional
6 academic or vocational schooling, or the recommendation of
7 persons who have supervised the convicted individual since the
8 conviction; and

9 (8) The full criminal record of the convicted individual, any
10 record of civil or regulatory violations or notices or any complaints
11 alleging any such civil or regulatory violations, or any other
12 allegations of wrongdoing.

13 Notwithstanding any other provision of this subsection, a
14 convicted individual shall have affirmatively demonstrated
15 rehabilitation pursuant to the provisions of this section if the
16 convicted individual produces evidence of a pardon issued by the
17 Governor of this or any other state, or evidence of the expungement
18 of every conviction for any of the crimes enumerated in subsection
19 b. of section 8 of P.L.1983, c.392 (C.13:1E-133).

20 c. In determining whether a convicted business concern has
21 affirmatively demonstrated rehabilitation, the [department shall
22 request a recommendation thereon from the] Attorney General [,
23 which recommendation shall be] shall make a finding, in writing
24 [and], based upon a consideration of at least the following factors:

25 (1) The nature and seriousness of the crime;

26 (2) The circumstances under which the crime was committed;

27 (3) The date of the crime;

28 (4) Whether the crime was an isolated or repeated act; and

29 (5) The full criminal record of the convicted business concern,
30 any record of civil or regulatory violations or notices or any
31 complaints alleging any such civil or regulatory violations, or any
32 other allegations of wrongdoing.

33 d. The Attorney General may require, as a predicate to a
34 determination that a convicted business concern has affirmatively
35 demonstrated rehabilitation, that the convicted business concern
36 agree, in writing, to an investigation of the crime or crimes
37 committed by the convicted business concern which caused
38 disqualification pursuant to subsection b. of section 8 of P.L.1983,
39 c.392 (C.13:1E-133), the persons involved in the crime, and any
40 corporate policies, procedures, and organizational structure that
41 may have led to the crime. At the conclusion of this investigation a
42 report shall be prepared identifying the underlying conduct giving
43 rise to any criminal convictions and any steps that have
44 subsequently been taken by the convicted business concern to
45 prevent a recurrence of the criminal activity, and recommending
46 any steps that may be deemed necessary to prevent a recurrence of
47 the criminal activity. The investigation shall be conducted by, or on

1 behalf of, the Attorney General, and the cost thereof shall be borne
2 by the convicted business concern.

3 The Attorney General may require, on the basis of this
4 investigation and as a condition of **【recommending】** determining
5 that a convicted business concern has affirmatively demonstrated
6 rehabilitation, that a convicted business concern comply, or agree in
7 writing to comply, with any of the following:

8 (1) changes in the convicted business concern's organizational
9 structure to reduce the opportunity and motivation of individual
10 employees to engage in criminal activity, including procedures for
11 informing employees of the requirements of relevant state and
12 federal law;

13 (2) changes in the convicted business concern's long and short
14 term planning to ensure that the convicted business concern
15 implements procedures and policies to prevent future violations of
16 the law;

17 (3) changes in the convicted business concern's legal,
18 accounting, or other internal or external control and monitoring
19 procedures to discourage or prevent future violations of state or
20 federal law;

21 (4) changes in the convicted business concern's ownership,
22 control, personnel, and personnel selection practices, including the
23 removal of any person shown to have a beneficial interest in the
24 convicted business concern, and the imposition of a reward or
25 disincentive system in order to encourage employees to comply
26 with relevant state and federal law;

27 (5) post-licensing monitoring of the convicted business
28 concern's activities relating to any changes in policy, procedure, or
29 structure required by the Attorney General pursuant to this
30 subsection, the cost of such monitoring to be borne by the convicted
31 business concern; and

32 (6) any other requirements deemed necessary by the Attorney
33 General.

34 e. The **【department】** Attorney General shall not determine that
35 a convicted business concern has affirmatively demonstrated
36 rehabilitation if the convicted business concern has not complied, or
37 agreed in writing to comply, with every requirement imposed by the
38 Attorney General pursuant to subsection d. of this section.

39 (cf: P.L.1991, c.269, s.7)

40

41 9. Section 8 of P.L.1991, c.269 (C.13:1E-133.2) is amended to
42 read as follows:

43 8. a. Notwithstanding any current prosecutions or pending
44 charges in any jurisdiction against any person required to be listed
45 in a disclosure statement, or otherwise shown to have a beneficial
46 interest in the business of an applicant, permittee or licensee, or to
47 have rented or leased at any or no cost real property, vehicles or
48 other equipment used for the collection, transportation, treatment,

1 processing, storage, transfer, or disposal of solid waste or hazardous
2 waste, or the provision of soil and debris recycling services, to the
3 applicant, the permittee, or the licensee, for any of the crimes
4 enumerated in subsection b. of section 8 of P.L.1983,
5 c.392 (C.13:1E-133), the **【department】** Attorney General may issue
6 or renew a license or a soil and debris recycling license to an
7 applicant, permittee or licensee if the **【department】** Attorney
8 General determines in a writing setting forth findings of fact that
9 the person against whom there are current prosecutions or pending
10 charges has affirmatively reestablished a reputation for good
11 character, honesty and integrity by clear and convincing evidence
12 pursuant to the provisions of this section. If the **【department】**
13 Attorney General determines that the nature and seriousness of the
14 crime alleged in a current prosecution or pending charge creates a
15 reasonable doubt that an applicant, permittee, or licensee will
16 engage in the activity for which a license is sought in a lawful and
17 responsible manner, the **【department】** Attorney General shall make
18 a determination in a writing setting forth findings of fact that the
19 person against whom there are current prosecutions or pending
20 charges cannot reestablish a reputation for good character, honesty
21 and integrity.

22 A person may affirmatively reestablish a reputation for good
23 character, honesty and integrity pursuant to this section in advance
24 of the disposition of the current prosecutions or pending charges
25 provided that this reestablishment consists of evidence of good
26 character, honesty and integrity rather than any defenses to the
27 current prosecutions or pending charges. A reestablishment of a
28 reputation for good character, honesty and integrity pursuant to this
29 section shall not be deemed insufficient due to a lack of admission
30 of guilt to the current prosecutions or pending charges.

31 b. In determining whether an individual against whom there are
32 current prosecutions or pending charges has affirmatively
33 reestablished a reputation for good character, honesty and integrity,
34 the **【department shall request a recommendation thereon from the】**
35 **Attorney General 【, which recommendation shall be】** shall make a
36 finding, in writing, and based upon a consideration of at least the
37 following factors:

38 (1) The nature and responsibilities of the position which the
39 individual against whom there are current prosecutions or pending
40 charges would hold;

41 (2) The nature and seriousness of the alleged crime;

42 (3) The circumstances under which the alleged crime was
43 committed;

44 (4) The date of the alleged crime;

45 (5) The age of the individual against whom there are current
46 prosecutions or pending charges when the alleged crime was
47 committed;

1 (6) Whether the alleged crime was an isolated or repeated act;

2 (7) Any evidence of good conduct in the community, counseling
3 or psychiatric treatment received, acquisition of additional
4 academic or vocational schooling, or the recommendation of
5 persons who have supervised the individual since the date of the
6 alleged crime; and

7 (8) The full criminal record of the individual against whom
8 there are current prosecutions or pending charges, any record of
9 civil or regulatory violations or notices or any complaints alleging
10 any such civil or regulatory violations, or any other allegations of
11 wrongdoing.

12 c. In determining whether a business concern against whom
13 there are current prosecutions or pending charges has affirmatively
14 reestablished a reputation for good character, honesty and integrity,
15 the [department shall request a recommendation thereon from the]
16 Attorney General [, which recommendation shall be] shall make a
17 finding, in writing, and based upon a consideration of at least the
18 following factors:

19 (1) The nature and seriousness of the alleged crime;

20 (2) The circumstances under which the alleged crime was
21 committed;

22 (3) The date of the alleged crime;

23 (4) Whether the alleged crime was an isolated or repeated act;
24 and

25 (5) The full criminal record of the business concern against
26 whom there are current prosecutions or pending charges, any record
27 of civil or regulatory violations or notices or any complaints
28 alleging any such civil or regulatory violations, or any other
29 allegations of wrongdoing.

30 d. The Attorney General may require, as a predicate to a
31 determination that a business concern against which there are
32 current prosecutions or pending charges has affirmatively
33 reestablished a reputation for good character, honesty and integrity,
34 that the business concern agree, in writing, to an investigation of the
35 alleged crime or crimes committed by the business concern, the
36 persons involved in the alleged crime, and any corporate policies,
37 procedures, and organizational structure that may have led to the
38 alleged crime. At the conclusion of this investigation a report shall
39 be prepared identifying the underlying conduct giving rise to any
40 alleged criminal activity and any steps that have subsequently been
41 taken by the business concern to prevent a recurrence of the alleged
42 criminal activity, and recommending any steps that may be deemed
43 necessary to prevent a recurrence of the alleged criminal activity.
44 The investigation shall be conducted by, or on behalf of, the
45 Attorney General, and the cost thereof shall be borne by the
46 business concern.

47 The Attorney General may require, on the basis of this
48 investigation and as a condition of [recommending] finding that a

1 business concern against which there are current prosecutions or
2 pending charges has affirmatively reestablished a reputation for
3 good character, honesty and integrity, that a business concern
4 comply, or agree in writing to comply, with any of the following:

5 (1) changes in the business concern's organizational structure to
6 reduce the opportunity and motivation of individual employees to
7 engage in criminal activity, including procedures for informing
8 employees of the requirements of relevant state and federal law;

9 (2) changes in the business concern's long and short term
10 planning to ensure that the business concern implements procedures
11 and policies to prevent future violations of state or federal law;

12 (3) changes in the business concern's legal, accounting, or other
13 internal or external control and monitoring procedures to discourage
14 or prevent future violations of state or federal law;

15 (4) changes in the business concern's ownership, control,
16 personnel, and personnel selection practices, including the removal
17 of any person shown to have a beneficial interest in the business
18 concern, and the imposition of a reward or disincentive system in
19 order to encourage employees to comply with relevant state and
20 federal law;

21 (5) post-licensing monitoring of the business concern's activities
22 relating to any changes in policy, procedure, or structure required
23 by the Attorney General pursuant to this subsection, the cost of such
24 monitoring to be borne by the business concern; and

25 (6) any other requirements deemed necessary by the Attorney
26 General.

27 e. The **【department】** Attorney General shall not determine that
28 a business concern against which there are current prosecutions or
29 pending charges has affirmatively reestablished a reputation for
30 good character, honesty and integrity if the business concern has
31 not complied, or agreed in writing to comply, with every
32 requirement imposed by the Attorney General pursuant to
33 subsection d. of this section.

34 (cf: P.L.1991, c.269, s.8)

35

36 10. Section 17 of P.L.1991, c.269 (C.13:1E-133.3) is amended
37 to read as follows:

38 17. The Department of Environmental Protection shall not issue
39 any permits required pursuant to P.L.1954, c.212 (C.26:2C-1 et
40 seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1975,
41 c.232 (C.13:1D-29 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.),
42 P.L.1981, c.262 (C.58:1A-1 et seq.), or any other law, or any rules
43 and regulations adopted thereto, to any person proposing to own or
44 operate a resource recovery facility prior to the completion by the
45 Attorney General **【and the department】** of the requirements of
46 sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133),
47 and unless the person proposing to own or operate the resource
48 recovery facility has received a license approved by the

1 **【department】** Attorney General pursuant to section 8 of
2 P.L.1983, c.392 (C.13:1E-133); except that the department may
3 issue such permits if the **【department】** Attorney General has
4 approved, issued or renewed a temporary license for such person
5 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).
6 (cf: P.L.1991, c.269, s.17)

7

8 11. Section 9 of P.L.1983, c.392 (C.13:1E-134) is amended to
9 read as follows:

10 9. Any license or soil and debris recycling license may be
11 revoked by the **【department】** Attorney General pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.) for any of the following causes:

14 a. Any cause which would require disqualification, pursuant to
15 subsection a., b., c., e. or f. of section 8 of P.L.1983,
16 c.392 (C.13:1E-133), from receiving a license or a soil and debris
17 recycling license upon original application;

18 b. Fraud, deceit or misrepresentation in securing the license or
19 soil and debris recycling license, or in the conduct of the licensed
20 activity;

21 c. Offering, conferring or agreeing to confer any benefit to
22 induce any other person to violate the provisions of P.L.1983,
23 c.392 (C.13:1E-126 et seq.), or of any other law relating to the
24 collection, transportation, treatment, storage, transfer or disposal of
25 solid waste or hazardous waste, or the provision of soil and debris
26 recycling services, or of any rule or regulation adopted pursuant
27 thereto;

28 d. Coercion of a customer by violence or economic reprisal or
29 the threat thereof to utilize the services of any permittee or licensee,
30 or a business concern that holds a soil and debris recycling license;
31 or

32 e. Preventing, without authorization of the department, any
33 permittee or licensee from disposing of solid waste or hazardous
34 waste at a licensed, authorized or approved treatment, storage,
35 transfer or disposal facility.

36 (cf: P.L.1991, c.269, s.9)

37

38 12. Section 10 of P.L.1991, c.269 (C.13:1E-135) is amended to
39 read as follows:

40 10. a. (1) Notwithstanding the disqualification of the applicant
41 or permittee pursuant to subsection a., b., c., e. or f. of section 8 of
42 P.L.1983, c.392 (C.13:1E-133), the department may issue or renew
43 a license or a soil and debris recycling license if the applicant or
44 permittee severs the interest of or affiliation with the person who
45 would otherwise cause that disqualification.

46 (2) The department may issue or renew a temporary license to
47 any applicant or permittee for periods not to exceed six months if

1 the department determines that the issuance or renewal of a
2 temporary license is necessitated by the public interest.

3 b. After July 1, 1992, the provisions of any other law to the
4 contrary notwithstanding, no temporary license shall be approved,
5 issued or renewed by the department for any applicant or permittee,
6 as the case may be, to own or operate a resource recovery facility or
7 other solid waste facility approved by the department for the long-
8 term solid waste disposal requirements of a district or districts
9 pursuant to the "Solid Waste Management Act," P.L.1970,
10 c.39 (C.13:1E-1 et seq.) prior to the completion by the Attorney
11 General **[and the department]** of the requirements of sections 3 and
12 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the
13 department may issue a temporary license to an applicant or renew
14 the temporary license of a permittee if the Commissioner of the
15 Department of Environmental Protection determines, in writing,
16 that the issuance of a temporary license for that applicant or
17 renewal of the temporary license for that permittee is necessitated
18 by the public interest.

19 (cf: P.L.1991, c.269, s.10)

20

21 13. Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to read
22 as follows:

23 7. a. No person shall engage, or be permitted to engage, in the
24 business of solid waste collection or solid waste disposal until
25 found by the Department of Environmental Protection to be
26 qualified by experience, training or education to engage in such
27 business, is able to furnish proof of financial responsibility, and
28 unless that person holds a certificate of public convenience and
29 necessity issued by the Department of Environmental Protection.

30 (1) No certificate shall be issued for solid waste collection or
31 solid waste disposal until the person proposing to engage in solid
32 waste collection or solid waste disposal, as the case may be, has
33 been registered with and approved by the Department of
34 Environmental Protection as provided by section 5 of P.L.1970,
35 c.39 (C.13:1E-5).

36 (2) No certificate of public convenience and necessity shall be
37 issued by the Department of Environmental Protection to any
38 person who has been denied approval of a license under the
39 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or whose
40 license has been revoked by the **[Department of Environmental
41 Protection]** Attorney General, as the case may be.

42 b. No person shall transport regulated medical waste until
43 found by the Department of Environmental Protection to be
44 qualified by experience, training or education to engage in such
45 business, and is able to furnish proof of financial responsibility, and
46 holds a certificate of public convenience and necessity issued by the
47 Department of Environmental Protection. No certificate shall be
48 issued for the transportation of regulated medical waste until the

1 proposed transporter has obtained a registration statement required
2 by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed
3 under section 9 of P.L.1989, c.34 (C.13:1E-48.9).

4 c. Notwithstanding the provisions of subsection b. of this
5 section, the department shall not have jurisdiction over rates or
6 charges for the transportation of regulated medical waste.
7 (cf: P.L.2003, c.169, s.13)

8
9 14. Section 10 of P.L.1970, c.40 (C.48:13A-9) is amended to
10 read as follows:

11 10. The Department of Environmental Protection shall revoke or
12 suspend the certificate of public convenience and necessity issued
13 to any person engaged in the solid waste collection business or the
14 solid waste disposal business upon the finding that such person:

15 a. Has violated any provision of P.L.1970, c.40 (C.48:13A-1 et
16 seq.) or P.L.1991, c.381 (C.48:13A-7.1 et al.), or any rule,
17 regulation or administrative order adopted or issued pursuant
18 thereto; or

19 b. Has violated any provision of any laws related to pollution
20 of the air, water or lands of this State; or

21 c. Has refused or failed to comply with any lawful order of the
22 department; or

23 d. Has had its registration revoked by the Department of
24 Environmental Protection; or

25 e. Has been denied approval of a license under the provisions
26 of P.L.1983, c.392 (C.13:1E-126 et seq.), or has had its license
27 revoked by the **【Department of Environmental Protection】** Attorney
28 General, as the case may be.

29 (cf: P.L.2003, c.169, s.19)

30
31 15. Section 3 of P.L.1971, c.461 (C.13:1E-18) is amended to
32 read as follows:

33 3. a. The department may in accordance with a fee schedule
34 adopted as a rule or regulation establish and charge annual or
35 periodic fees for any of the services to be performed in connection
36 with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1
37 et seq.) **【**, except that the annual or periodic fees charged by the
38 department to cover the costs incurred by any State agency relevant
39 to pre-licensing investigations, post-licensing compliance
40 monitoring or related activities under the provisions of P.L.1983,
41 c.392 (C.13:1E-126 et seq.) shall be based upon the size of the
42 business concern. For the purposes of this subsection, "business
43 concern" means any corporation, association, firm, partnership, sole
44 proprietorship, trust or other form of commercial organization;
45 "size" means the number of key employees or persons required to
46 be listed in the disclosure statement, or otherwise shown to have a
47 beneficial interest in the business of the applicant, permittee or
48 licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127);

1 and "State agency" means any State department, division, agency,
2 commission or authority.

3 The department, upon receipt of standard billing, shall provide
4 reimbursement in full to the Attorney General or any other State
5 agency for all expenses incurred by that State agency in the
6 performance of pre-licensing investigations, post-licensing
7 compliance monitoring or any other related activities consistent
8 with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)**】**.

9 b. The fee schedule shall reasonably reflect the duration or
10 complexity of the specific service rendered, permit application
11 reviewed, or registration statement or engineering design
12 application approval sought.
13 (cf: P.L.1991, c.269, s.15)

14

15 16. (New section) a. The Attorney General shall establish
16 application and license fees for any license or soil and debris
17 recycling license issued pursuant to P.L.1983, c.392 (C.13:1E-126
18 et seq.). The fees shall be based upon the cost of investigation and
19 consideration of the license application, and the actual and
20 prospective costs of the investigative and enforcement functions of
21 the office. The annual or periodic fees shall cover the costs incurred
22 by any State agency relevant to pre-licensing investigations, post-
23 licensing compliance monitoring or related activities under the
24 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.) and shall be
25 based upon the size of the business concern. For the purposes of
26 this section, "business concern" means any corporation, association,
27 firm, partnership, sole proprietorship, trust or other form of
28 commercial organization; "size" means the number of key
29 employees or persons required to be listed in the disclosure
30 statement, or otherwise shown to have a beneficial interest in the
31 business of the applicant, permittee or licensee as defined in section
32 2 of P.L.1983, c.392 (C.13:1E-127); and "State agency" means any
33 State department, division, agency, commission or authority.

34 The Attorney General shall provide reimbursement in full to any
35 State agency for all expenses incurred by that State agency in the
36 performance of pre-licensing investigations, post-licensing
37 compliance monitoring or any other related activities consistent
38 with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)

39 b. The Attorney General shall prepare and submit, pursuant to
40 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature an
41 annual report on the establishment and implementation of the fee
42 schedule adopted pursuant to this section.

43

44 17. (New section) No later than 90 days after the date of
45 enactment of P.L. , c. (C.) (pending before the Legislature as
46 this bill), the Department of Environmental Protection, the
47 Department of the Treasury, and the Attorney General shall enter
48 into a memorandum of agreement that provides for the

1 establishment of a records and information management system to
2 provide State regulators at each department and other relevant
3 government agencies in New Jersey and elsewhere with effective
4 and efficient access to information concerning individuals and
5 business concerns that are applicants, license holders, and
6 permittees in the solid waste, hazardous waste and recycling
7 industries. The information in the system shall include license and
8 permit information, records of violations, criminal charges and
9 convictions, debarment determinations and any other information
10 deemed to be relevant.

11

12 18. (New section) The State Treasurer shall establish a list to be
13 maintained in the Department of the Treasury of individuals and
14 business concerns that have:

15 a. been debarred from contracting with or receiving funds from
16 any unit in the Executive branch of State government, including any
17 entity exercising executive branch authority or independent State
18 authority, or any unit of local government or board of education;

19 b. had a permit, license, or soil and debris recycling license
20 denied or revoked pursuant to P.L.1983, c.392 (C.13:1E-126 et
21 seq.); or

22 c. had any license denied or revoked pursuant to
23 P.L.1977, c.110 (C.5:12-1 et seq.).

24

25 19. (New section) The Attorney General shall seek to establish
26 with the State of New York and other states in the region a
27 reciprocal information exchange system to facilitate the sharing of
28 information among the states on the solid waste, hazardous waste,
29 and recycling industries in the respective states. Each year for the
30 first three years after the date of enactment of P.L. ,
31 c. (C.) (pending before the Legislature as this bill), the
32 Attorney General shall prepare and submit, pursuant to section 2 of
33 P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report on the
34 progress made toward establishing and implementing this interstate
35 cooperative effort.

36

37 20. Section 2 of this act shall take effect on the 180th day after
38 the date of enactment, and the remainder of this act shall take effect
39 immediately.

40

41

42

STATEMENT

43

44 This bill amends the existing law to expand the requirement for
45 background checks to a broader range of persons involved in the
46 solid waste industry, such as sales persons, consultants, and
47 brokers. The bill also subjects persons or business concerns
48 engaging in soil and debris recycling services to the same regulation

1 and oversight under the law as that which applies to the solid waste
2 industry. Soil and debris recycling services include the recycling
3 of: (1) source-separated, non-putrescible, waste material resulting
4 from construction, remodeling, repair, and demolition operations on
5 houses, commercial buildings, pavements and other structures; (2)
6 source-separated, non-putrescible waste concrete, asphalt, brick,
7 block, asphalt-based roofing, scrap wood, and wood waste; and (3)
8 soil. For the purposes of P.L.1983, c.392 (C.13:1E-126 et seq.),
9 “recyclable materials” does not include metal, glass, or plastic
10 containers, paper, or corrugated cardboard. The bill prohibits the
11 issuance of an A-901 license to persons debarred from operating in
12 other states, and prohibits individuals otherwise deemed unsuitable
13 for the solid waste or recycling industries, convicted felons, and
14 others of questionable character from holding an indirect, non-
15 licensed stake in a solid waste or recycling industry (for example,
16 those involved in vehicle leasing arrangements or property rental
17 agreements with legitimate licensees). The bill consolidates A-901
18 responsibilities within the Office of the Attorney General.
19 Currently, these responsibilities are divided between the
20 Department of Environmental Protection and the Office of the
21 Attorney General.

22 The bill requires the Department of Environmental Protection,
23 the Department of the Treasury, and the Attorney General to enter
24 into a memorandum of agreement to provide for the establishment
25 of a records management system to provide regulators with more
26 effective and efficient access to information on the solid waste and
27 soil and debris recycling industries and their license and permit
28 holders and license and permit applicants, and to facilitate
29 appropriate sharing of such information among relevant government
30 agencies in New Jersey and elsewhere. The bill requires the
31 Attorney General to establish a reciprocal information exchange
32 system with the State of New York and other states in the region to
33 facilitate sharing of information on the solid waste and soil and
34 debris recycling industries among the states in the region. The bill
35 also requires the establishment of a centralized list in the
36 Department of the Treasury of individuals and corporate entities
37 who have been debarred by various State agencies from
38 participation in a number of regulated industries apart from solid
39 waste and recycling, such as construction, the casino gaming
40 industry, and transportation. This requirement ensures that the
41 status of persons and businesses deemed unfit to work under one
42 agency’s purview is made known to all other appropriate agencies.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4267

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2019

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 4267.

This bill, as amended, amends existing law to expand the requirement for background checks to a broader range of persons involved in the solid waste industry, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry.

Under the bill “soil and fill recycling services” means the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable material. “Soil and fill recyclable material” means non-putrescible aggregate substitute, including broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material. “Soil and fill recyclable material” would not include: (1) Class A recyclable material (i.e., metal, glass, paper, plastic containers, and corrugated cardboard); (2) Class B recyclable material, such as construction and demolition debris, that is shipped to a Class B recycling center approved by the Department of Environmental Protection (DEP); (3) beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination; and (4) virgin quarry products.

The bill requires any business concern that actively engages in, or otherwise provides soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. The bill establishes the information that must be provided in the registration form. No more than 90 days after submission of a registration form, the DEP would be required to issue a temporary soil

and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license with the Attorney General. A soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application. The bill would prohibit a business concern from engaging in soil and fill recycling services without a soil and fill recycling registration, soil and fill recycling license, or a prior approval issued by the department pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The registration program established in the bill is temporary in nature, and any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to file an application for a soil and fill recycling license.

The bill prohibits the issuance of an A901 approval to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in a solid waste or recycling industry (for example, those involved in vehicle leasing arrangements or property rental agreements with legitimate licensees).

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to provide each agency with more effective and efficient access to information on the solid waste and soil and fill recycling industries and their license and permit holders and license and permit applicants, and to facilitate appropriate sharing of such information among relevant government agencies in New Jersey and elsewhere. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation.

The bill also adds a penalty section to P.L.1983, c.392 (C.13:1E-126 et seq.) (the "A901" licensing law). The bill requires any person who collects, transports, treats, stores, brokers, transfers, or disposes of solid waste or hazardous waste, or who engages in soil and fill recycling services, to furnish the appropriate license or registration

upon the request of any law enforcement officer or any agent of the DEP, a local board of health, or a county health department. In addition, the bill permits the DEP, a local board of health, and a county health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill, P.L.1983, c.392 (C.13:1E-133), and any other applicable law, rule, or regulation.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1683 (1R) as also amended and reported by the committee.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

(1) Replace the term “recyclable material” with “soil and fill recyclable material,” and exclude from the definition: Class A recyclable materials, Class B recyclable materials that are shipped to a licensed Class B recycling center, beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination, and virgin quarry products;

(2) Specify that the registration established in section 1 of the bill is a temporary registration, which allows the registrant to provide soil and fill recycling services pending the approval of the registrant’s application for a soil and fill recycling license, and establish timeframes for obtaining both the registration and the license;

(3) Provide that a soil and fill recycling registration would expire upon a failure by the registrant to submit a soil and fill recycling license application, or upon a final determination by the DEP regarding the registrant’s application;

(4) Provide that a business concern must submit additional information in its registration form, including its corporate filing number, contact information, and a statement that the business concern is actively engaged in soil and fill recycling services;

(5) Provide that a business concern must certify to the truth and accuracy of the information contained in its registration form;

(6) Provide that, beginning 180 days after the effective date of the bill, a business concern would be prohibited from engaging in soil and fill recycling services unless it holds a soil and fill recycling registration, a soil and fill recycling license, or an A901 approval;

(7) Provide that any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to apply for a soil and fill recycling license;

(8) Amend the definition of a “key employee” to specify that the term includes “any individual employed *or otherwise engaged* by the applicant,” and exclude from the definition sales persons employed by

publicly traded corporations or direct or indirect subsidiaries of publicly traded corporations;

(9) Revise the definition of “license” to include certain approvals issued by the DEP for “processing” and “brokering” of solid waste or hazardous waste, and add the terms “processing” and “brokering” into various applicable sections of existing law;

(10) Revise the definition of “business concern” to include limited liability companies;

(11) Provide that the term “soil and fill recycling services” does not include the operation of a solar electric power generation facility at a properly closed sanitary landfill where soil and fill materials have been previously deposited for permanent disposal;

(12) Remove from the bill amendments to the law providing that the Attorney General would be responsible for issuing licenses and for certain other responsibilities, thus maintaining the provisions in existing law that the department is responsible for these things;

(13) Specify that a business concern that is issued a soil and fill recycling license is subject to the same requirements as licensees under existing law;

(14) Add aggravated assault to the list of crimes that, if committed by the applicant or certain persons associated with the applicant, disqualify the applicant from receiving an A901 approval or soil and fill recycling license under the bill;

(15) Provide that the DEP may bar a person who would otherwise cause the disqualification of an applicant for an A901 approval from participation in the solid and hazardous waste industries and the soil and fill recycling industry;

(16) Provide that, notwithstanding the debarment of a person, the DEP may issue or renew an A901 approval or soil and fill recycling license to the person if he or she can affirmatively demonstrate rehabilitation by clear and convincing evidence;

(17) Provide that the DEP may establish annual fees and any other fees it determines necessary to defray the cost of administration of the soil and fill recycling registration and licensing programs, and provide what purposes fee revenues may be used for;

(18) Provide that the DEP may adopt rules and regulations to effectuate monitoring and enforcement of the bill’s provisions;

(19) Provide that, no later than 90 days after the date of enactment, the DEP, the Department of the Treasury, and Attorney General, would be required to establish a reciprocal information exchange method, as opposed to a records and information management system;

(20) Add a penalty section to P.L.1983, c.392 (C.13:1E-126 et seq.) (the “A901” licensing law);

(21) Require any person who collects, transports, treats, stores, brokers, transfers, or disposes of solid waste or hazardous waste, or who engages in soil and fill recycling services, to furnish the appropriate license or registration upon the request of any law

enforcement officer or any agent of the DEP, a local board of health, or a county health department;

(22) Permit the DEP, a local board of health, and a county health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill, P.L.1983, c.392 (C.13:1E-133), and any other applicable law, rule, or regulation; and

(23) Make technical amendments.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4267

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4267 (1R).

This bill amends existing law to expand the requirement for background checks to a broader range of persons involved in the solid waste industry, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry.

Under the bill “soil and fill recycling services” means the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable material. “Soil and fill recyclable material” means non-putrescible aggregate substitute, including broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material. “Soil and fill recyclable material” would not include: (1) Class A recyclable material (i.e., metal, glass, paper, plastic containers, and corrugated cardboard); (2) Class B recyclable material, such as construction and demolition debris, that is shipped to a Class B recycling center approved by the Department of Environmental Protection (DEP); (3) beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination; and (4) virgin quarry products.

The bill requires any business concern that actively engages in, or otherwise provides soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. The bill establishes the information that must be provided in the registration form. No more than 90 days after submission of a registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license

with the Attorney General. A soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application. The bill would prohibit a business concern from engaging in soil and fill recycling services without a soil and fill recycling registration, soil and fill recycling license, or a prior approval issued by the department pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The registration program established in the bill is temporary in nature, and any business concern that seeks to engage in soil and fill recycling services later than 90 days after the effective date of the bill that has not submitted a registration form would be required to file an application for a soil and fill recycling license.

The bill prohibits the issuance of an A901 approval to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in a solid waste or recycling industry (for example, those involved in vehicle leasing arrangements or property rental agreements with legitimate licensees).

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to provide each agency with more effective and efficient access to information on the solid waste and soil and fill recycling industries and their license and permit holders and license and permit applicants, and to facilitate appropriate sharing of such information among relevant government agencies in New Jersey and elsewhere. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation.

The bill also adds a penalty section to P.L.1983, c.392 (C.13:1E-126 et seq.) (the "A901" licensing law). The bill requires any person who collects, transports, treats, stores, brokers, transfers, or disposes of solid waste or hazardous waste, or who engages in soil and fill recycling services, to furnish the appropriate license or registration upon the request of any law enforcement officer or any agent of the DEP, a local board of health, or a county health department. In addition, the bill permits the DEP, a local board of health, and a county

health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill, P.L.1983, c.392 (C.13:1E-133), and any other applicable law, rule, or regulation.

As reported by the committee, this bill is identical to Senate Bill No. 1683 (3R) as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the State would incur an indeterminate increase in expenditures to establish and administer the reciprocal information exchange system and centralized debarment list required by the bill.

The OLS also estimates additional ongoing expenditures of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill.

The OLS anticipates an indeterminate increase in State revenue from application, license, and other fees the Department of Environmental Protection (DEP) may establish to defray licensing costs associated with this bill.

The OLS estimates that the State, local boards of health, and county health departments may incur an expenditure increase from costs associating with enforcing the provisions of the bill. However, the bill may also increase annual State and local revenue collections by an indeterminate amount from the assessment of penalties.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4267

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: DECEMBER 16, 2019

SUMMARY

- Synopsis:** Concerns regulation of solid waste, hazardous waste, and soil and fill recycling industries.
- Type of Impact:** State expenditure increase; State revenue increase; local government expenditure increase; local government revenue increase.
- Agencies Affected:** Department of Environmental Protection, Department of the Treasury, Office of the Attorney General, local boards of health, and county health departments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue Increase		Indeterminate	
State Expenditure Increase		Indeterminate	
Local Revenue Increase		Indeterminate	
Local Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates the State would incur an indeterminate increase in expenditures to establish and administer the reciprocal information exchange system and centralized debarment list required by the bill.
- The OLS also estimates additional ongoing expenditures of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill.
- The OLS anticipates an indeterminate increase in State revenue from application, license, and other fees the Department of Environmental Protection (DEP) may establish to defray licensing costs associated with this bill.

- The OLS estimates that the State, local boards of health, or county health departments may incur an expenditure increase from costs associating with enforcing the provisions of the bill. However, the bill may also increase annual State and local revenue collections by an indeterminate amount from the assessment of penalties.

BILL DESCRIPTION

This bill would expand the requirement for background checks to a broader range of persons involved in the solid waste and hazardous waste industries, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaged in soil and fill recycling services to the same regulation and oversight under the law as that which applies to the solid waste industry. The bill requires any business concern that actively engages in, or otherwise provides, soil and fill recycling services to register with the DEP no later than 90 days after the date of enactment of the bill. No more than 90 days after submission of a registration form, the DEP would be required to issue a temporary soil and fill recycling registration to the business concern. No more than 270 days after the effective date of the bill, a registrant would be required to submit an application for a soil and fill recycling license with the Attorney General. A temporary soil and fill recycling registration issued under the bill would expire upon a failure by the registrant to submit an application for a soil and fill recycling license or upon a final determination by the DEP regarding the registrant's application. The soil and fill recycling registration would authorize a registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application.

The bill permits the DEP, a local board of health, and a county health department to enter, inspect, and take samples at or from any facility or premises used in connection with the provision of soil and fill recycling services in order to determine compliance with the provisions of the bill and any other applicable law, rule, or regulation.

The bill prohibits the issuance of an approval under the program to persons debarred from operating in other states, and prohibits individuals deemed unsuitable for the solid waste, hazardous waste, or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in these industries.

The bill requires the DEP, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for a reciprocal information exchange method to share information on the solid waste and soil and fill recycling industries and their license and permit holders and applicants. The bill requires the Attorney General to establish a reciprocal information exchange method with the State of New York and other states in the region to facilitate sharing of information on the solid waste, hazardous waste, and soil and fill recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation.

The bill would authorize the DEP to establish application, license, and other fees to defray licensing costs associated with this legislation. Annual fees will be assessed based on a percentage of the licensee's gross operating revenue from intrastate operations during the preceding calendar year, and the collections will be deposited into a special account to be administered by the DEP for associated licensing costs.

Finally, the bill adds a penalty section to the "A-901" licensing law to provide the DEP, local boards of health, and county health departments with enforcement options, including bringing a

civil action, levying a civil administrative penalty, bringing an action for a civil penalty, and petitioning the Attorney General to bring a criminal action.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the State would incur an indeterminate increase in labor and technology costs to establish and administer the reciprocal information exchange system and centralized debarment list required by the bill. The OLS also estimates additional ongoing costs of an indeterminate amount from the regulation and oversight of persons and business concerns engaged in soil and fill recycling services, from expanded investigations and background checks on persons in the solid waste and hazardous waste industries, and from the additional regulatory reporting requirements in the bill.

The bill will also result in increased State revenue, indeterminate in amount, from application, license, and other fees imposed by the DEP pursuant to the bill. These fees could be established at a level to offset most, if not all, of the costs incurred by the State. Lastly, the OLS estimates that the State, local boards of health, and county health departments could realize an indeterminate increase in revenue from any penalties collected pursuant to the bill. However, the State, local boards of health, and county health departments may incur an expenditure increase from costs associated with enforcing the provisions of the bill. The OLS lacks the information needed to quantify any potential expenditures or revenue increases from the collection of penalties or the costs associated with pursuing criminal, civil, or civil administrative actions for violations.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Carrie Anne Calvo-Hahn
Principal Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

01/21/2020

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-62/A-2478 (Singleton, Oroho/DeAngelo, Houghtaling, Space) – Requires certain contractors to register under "The Public Works Contractor Registration Act"

S-358/A-4587 (Rice/Sumter, Reynolds-Jackson) – Establishes database with certain information about individuals elected to public office in this State

S-376/A-3839 (Madden, Gopal/Moriarty, Lagana, Mukherji, Murphy) – Eliminates eligibility time limit on tuition benefits for spouses of certain public safety workers killed in performance of their duties

S-497/A-4626 (Vitale, Madden/Mosquera, McKnight, Vainieri Huttle) – Allows certain prior statements by children to be admitted into evidence in child abuse and termination of parental rights cases

S-498/ACS for A-3391 (Vitale, Oroho/DeCroce, Johnson, DiMaso) – Makes various changes to "Criminal Injuries Compensation Act of 1971"

S-521/A-4378 (T. Kean, C.A. Brown, Pou, Ruiz/Caputo, Mukherji, Vainieri Huttle) – Requires NJ State Council on Arts to establish "Artist District" designation and select certain municipalities or areas within municipalities for such designation

S-589/ACS for A-422 (Weinberg/Mosquera, Jones, Moriarty) – Requires Secretary of State to establish secure Internet website for online voter registration; authorizes use of digitized signatures from New Jersey Motor Vehicle Commission's database

S-700/A-3836 (Ruiz, Cunningham/Schaer, Mukherji, Jasey) – "Higher Education Citizenship Equality Act"; defines domicile for dependent students for purpose of eligibility for State student grants and scholarships, and resident tuition rate

S-721/A-1751 (Greenstein, Cunningham, Diegnan/Quijano, Benson) – Authorizes use of certain electric school buses

S-758/A-1987 (Cunningham, Cruz-Perez/Sumter, Mukherji, Quijano) – Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes

S-765/A-541 (Cunningham, T. Kean, Ruiz/Mazzeo, Jasey, Vainieri Huttle, Sumter, Benson) – Prohibits Higher Education Student Assistance Authority from referring defaulted loans under New Jersey College Loans to Assist State Students (NJCLASS) Loan Program for certain actions if authority and borrower have entered into settlement agreement

S-782/A-1110 (Sarlo, Scutari/Downey, Houghtaling, Dancer) – Increases workers' compensation for loss of hand or foot

S-834 wGR/A-4186 (Scutari, Greenstein/Jones, Pintor Marin) – Prohibits resale of non-prescription diabetes test devices by pharmacists

S-939/A-3331 (Pou/Vainieri Huttle, Lopez, McKnight) – Requires forms and materials for individuals with developmental disabilities to be available in languages other than English

S-974/A-3040 (Singleton, T. Kean/Vainieri Huttle, Timberlake, Mosquera) – Requires newborn infants be screened for spinal muscular atrophy

- S-1032/A-2389 (Vitale, Gopal/Schaer, Benson, Verrelli)** – Concerns expansion of services provided by DHS mental health screening services
- S-1146/A-2365 (Codey, Rice/Vainieri Huttle, Mukherji, Downey)** – Requires hospital patient's medical record to include notation if patient is at increased risk of confusion, agitation, behavioral problems, and wandering due to dementia related disorder
- S-1298/ACS for A-2972 (A.M. Bucco, Singleton/Mazzeo, Dunn, Space)** – Permits municipalities to provide information on property tax bills concerning amount of local tax dollars saved through shared services
- S-1318/A-3156 (Ruiz, Scutari/Lampitt, Mosquera)** – Permits counties and non-governmental, community-based agencies to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, including domestic violence, and their family members
- S-1505/A-1707 (Vitale/Vainieri Huttle, Lampitt, Benson, Mosquera)** – Expands membership of NJ Task Force on Child Abuse and Neglect
- S-1647/A-3181 (Diegnan, Codey/Conaway, Vainieri Huttle, Benson, Murphy)** – Prohibits use of coupons, price rebates, and price reduction promotions in sales of tobacco and vapor products
- S-1683/A-4267 (Smith, Greenstein/McKeon, Space, Wirths)** – Concerns regulation of solid waste, hazardous waste, and soil and fill recycling industries
- S-1703/A-715 (Connors, Holzapfel/Gove, Rumpf, DiMaso)** – Exempts disabled veterans from beach buggy permit fees
- S-1791/A-3414 (Weinberg/Johnson, Vainieri Huttle, Houghtaling)** – Requires employers to disclose certain wage information to employees
- S-1796/A-4693 (Addiego, Sweeney/Murphy)** – Permits school district of residence to provide aid in-lieu-of transportation to pupil attending Marine Academy of Science and Technology provided certain conditions are met
- S-1832/A-211 (Ruiz, Sarlo/Chiaravalloti, Zwicker, Pintor Marin)** – Establishes loan redemption program and tuition reimbursement program for certain teachers of science, technology, engineering, and mathematics
- S-2267/A-3616 (Sweeney, Corrado/Burzichelli, Holley, Calabrese)** – Gives State lottery winners option of remaining anonymous indefinitely
- S-2303/A-4843 (Sweeney, Ruiz, Cunningham/Wimberly, Karabinchak, Calabrese)** – Requires establishment of Work and Learn Consortiums by certain educational institutions to establish certificate and degree programs identified in high labor-demand industries
- S-2389 wGR/A-5449 (Singleton/Quijano, Downey, Houghtaling, Moriarty)** – Requires New Jersey State Board of Pharmacy to establish prescription drug pricing disclosure website and certain pharmaceutical manufacturing companies to provide prescription drug price information
- S-2428/A-4965 (Scutari/Quijano, Vainieri Huttle)** – Requires that massage and bodywork therapists and employers carry professional liability insurance
- S-2469/A-3745 (Singleton, Oroho/Wirths, Mazzeo, Space)** – Prohibits person from contracting for public work if person is federally debarred from receiving federal contract
- S-2511/A-4020 (Madden/Mazzeo, Murphy, Johnson)** – Changes title of DEP "conservation officer" to "conservation police officer"
- S-2521/A-4087 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Requires reporting of inmate abuse by employees of State correctional facilities and establishes reporting and investigation program
- S-2522/A-4090 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Limits cross gender strip searches in

State correctional facilities

S-2532/A-4086 (Greenstein, Cruz-Perez/Vainieri Huttie, Lopez, Timberlake) – Requires correctional police officers receive 20 hours in-service training, including four hours in prevention of sexual misconduct, non-fraternization, and manipulation

S-2555/A-3990 (Gopal, Ruiz/Mukherji, Benson, Karabinchak) – Allows dependent students whose parents or guardians hold H-1B visas to qualify for in-State tuition at public institutions of higher education provided they meet certain criteria

S-2564/A-3519 (Turner, Singleton/Benson, McKnight, Jasey) – Establishes "Restorative Justice in Education Pilot Program" in Department of Education

SCS for S-2599/ACS for A-1268 (Bateman, Beach/Tucker, Conaway, Lampitt, Quijano) – Authorizes veterans' property tax exemption and veterans' property tax deduction for honorably discharged veterans of United States Armed Forces who did not serve in time of war or other emergency

S-2826/A-3274 (Greenstein/Vainieri Huttie, Dancer, Benson) – Requires institutions of higher education to offer cats and dogs no longer used for educational, research, or scientific purposes for adoption; designated the "Homes for Animal Heroes Act"

S-2849/A-4590 (A.M. Bucco/DiMaio, Caputo, Dunn) – Designates Seeing Eye® dog as State Dog

S-3036/A-1697 (Lagana, Scutari/Dancer, Downey) – Prohibits medical providers from reporting certain workers' compensation medical charges to collection and credit reporting agencies

S-3061/A-4603 (Ruiz, Greenstein/Lampitt, Mukherji, Benson) – Provides corporation business tax and gross income tax credits for businesses that participate in DOL registered apprenticeship programs; establishes grant program for tax-exempt organizations participating in DOL registered apprenticeship programs

S-3065/A-4657 (Ruiz, Singleton/Armato, Benson, Timberlake) – Establishes youth apprenticeship pilot program in Department of Education

S-3067/A-4602 (Ruiz, Singleton/Lampitt, Reynolds-Jackson, Sumter) – Establishes five year Apprentice Assistance and Support Services Pilot Program

S-3116/A-4683 (Ruiz/Speight, Munoz, Tucker) – Requires certain medical facilities to undertake end-of-life planning and training

S-3117/A-4685 (Ruiz/Speight, Pinkin, Munoz) – Requires emergency departments to take certain measures concerning palliative care for patients

S-3126/A-4107 (Gopal/Benson, DeCroce, Chiaravalloti) – Requires drivers to stop at railroad crossing when on-track equipment is approaching railroad crossing

S-3170/A-5145 (Cryan, Pou/Quijano, Milam, Land) – Increases prenotification time and requires severance pay in certain plant closings, transfers, and mass layoffs

S-3227/A-5261 (Gopal/Tully, Pinkin, Swain) – Requires restaurants to post signs advising customers to notify servers of food allergies; requires restaurant managers to complete food allergen training

S-3265/A-3178 (Turner, Codey, Vitale/Conaway, Murphy, Vainieri Huttie) – Prohibits sale or distribution of flavored vapor products

[Copy of Statement](#)

S-3330 wGR/A-5066 (Addiego, Singleton/Jones, Vainieri Huttie, Lampitt, Murphy) – Establishes pilot program in DCF to study impact of child care services provided by community providers operating in public school facilities; requires community providers to meet certain criteria

S-3422/A-6056 (Singer, T. Kean/Houghtaling, Downey, Vainieri Huttie) – Requires declaration of Code Blue

alert when National Weather Service predicts temperatures of 32 degrees Fahrenheit or lower

S-3468/A-5105 (Sweeney, Singleton/Murphy, Karabinchak, Vainieri Huttle) – Establishes Task Force on Maximizing Employment for People with Disabilities

S-3511/A-5298 (Singer, T. Kean/Mukherji, Vainieri Huttle, Downey) – Authorizes certain health care and social service resources to be made available during Code Blue alert

S-3581/A-5963 (Singleton/Lopez, Quijano) – Prohibits certain business financing contracts that contain judgment by confession provisions

S-3685/A-5345 (Sarlo, Singleton/Mukherji, Conaway, McKnight) – Establishes program to increase participation of underrepresented students in New Jersey's science and engineering workforce

S-3756/A-6115 (Ruiz, Sarlo, O'Scanlon/Jasey, Jones, Wirths) – Requires limited purpose regional school districts to coordinate with constituent districts regarding school calendar and curriculum

S-3763/A-6116 (Addiego, Bateman, Sarlo/DeAngelo, Dancer, Space) – Renames joint meetings as regional service agencies; grandfathers existing joint meetings

S-3869/A-5561 (Sarlo/Burzichelli, Houghtaling) – Prohibits local governments from imposing fines on alarm companies in certain circumstances

S-3871/A-5427 (Bateman, Scutari/DePhillips, McKeon) – Adds member from Retired Judges Association of New Jersey to State Investment Council

SCS for S-3878/ACS for A-5394 (Ruiz, Weinberg, Cunningham/Moriarty, McKnight, Pinkin) – Reaffirms and clarifies that Attorney General and Division on Civil Rights may initiate actions in Superior Court to enforce "Law Against Discrimination"

S-3920 wGR/A-5552 (Pou/Wimberly, Sumter) – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes

S-3923/A-5680 (Madden, Singleton/Giblin, Timberlake, Murphy) – Concerns labor harmony agreements for hospitality projects

SCS for S-3939 and 3944/ACS for A-5681 and 5682 (Smith, Greenstein, Bateman, Codey/Pinkin, Lopez, McKeon) – Establishes Recycling Market Development Council

S-3985/A-5663 (Smith/McKeon, Pinkin, Vainieri Huttle) – Amends "Electric Discount and Energy Competition Act" to add definition of "open access offshore wind transmission facility" and revises law concerning "qualified offshore wind projects"

S-4025/A-5695 (Pou/Wimberly, Sumter) – Makes FY 2020 language allocation of \$1,000,000 appropriated to Grants for Urban Parks to Hinchliffe Stadium in Paterson

S-4162/A-6014 (Smith, Greenstein/Vainieri Huttle, Pinkin, Houghtaling) – Establishes NJ Climate Change Resource Center at Rutgers University; appropriates up to \$500,000

S-4165/A-4364 (Rice/Giblin, Caputo, Tucker) – Expands University Hospital board of directors membership from 11 to 13 members

S-4188/A-6075 (Beach/Murphy, Dancer, Lampitt) – "Lindsay's Law"; provides tax benefits to organ and bone marrow donors and their employers, and provides paid time off to donors who are State or local government employees

S-4200/A-5855 (Ruiz, Turner/Coughlin, Lampitt, Holley) – Requires State to pay difference between federal allocation and total cost of reduced price breakfast or lunch; appropriates \$4.5 million

S-4247/A-6049 (Gopal, O'Scanlon/Conaway, Houghtaling, Downey) – Establishes criteria for distribution of Fiscal Year 2020 funding to Community Food Bank of New Jersey and partner organizations

S-4264/A-5962 (Pou/Wimberly, Sumter, Calabrese) – Designates State Highway Route 19 as "William J. Pascrell Jr. Highway"

S-4275/A-6088 (Smith, Greenstein/Burzichelli) – Allows BPU to increase cost to customers of Class I renewable energy requirement for energy years 2022 through 2024, under certain conditions

S-4276/A-6109 (Corrado, Bateman/Armato, Calabrese, Land) – Appropriates \$32,153,936 to State Agriculture Development Committee, and amends 2017 appropriations for stewardship activities, for farmland preservation purposes

S-4277/A-6112 (Greenstein, Bateman/Freiman, Danielsen, Downey) – Appropriates \$5,000,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

S-4278/A-6108 (Greenstein, Bateman/Taliaferro, Karabinchak, Kennedy) – Appropriates \$21 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

S-4279/A-6106 (Smith, Bateman/Houghtaling, Reynolds-Jackson, Pinkin) – Appropriates \$1,350,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

S-4286/A-5890 (Vitale/Swain, Jones) – Clarifies procedures concerning collection of child support on behalf of child over age 19 when court has ordered such support

S-4309/A-6107 (Turner, Cruz-Perez/Mejia, Vainieri Huttie, Zwicker) – Appropriates \$13,902,723 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

S-4310/A-6114 (Codey, Bateman/Carter, Murphy, Lopez) – Appropriates \$8,872,682 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

S-4311/A-6113 (Greenstein, Bateman/Speight, Mukherji, Verrelli) – Appropriates \$77,450,448 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

S-4312/A-6111 (Smith, Bateman/Giblin, Mazzeo, Land) – Appropriates \$36.143 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

S-4313/A-6110 (Corrado, Bateman/Moriarty, McKeon, Swain) – Appropriates \$33.915 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects

SCS for S-4315/ACS for A-6063 (Beach, Turner/Jones, Zwicker) – Creates fund to reimburse local units of government for cost of certain mail-in ballot procedures; appropriates \$3,000,000

SJR-51/AJR-189 (Rice, Turner/Verrelli, Reynolds-Jackson, Sumter) – Establishes the "New Jersey State Commission on Urban Violence"

SJR-65/AJR-90 (Weinberg, Addiego/DiMaso, Vainieri Huttie, Schepisi) – Designates March 19th "Women in Public Office Day" in New Jersey

SJR-80/AJR-121 (Lagana, Weinberg/Jones, Benson, Chiaravalloti, DeCroce) – Urges federal government to adhere to commitment to improve Northeast Corridor rail infrastructure by providing funding to complete Gateway Program

SJR-125/AJR-169 (Gopal, Codey/Wolfe, Pinkin) – Designates the second week of October of each year as "Obesity Care Week" in NJ

- A-344/S-1575 (Murphy, McKeon, Timberlake/Cruz-Perez, Singleton)** – Revises certain aspects of the New Jersey Individual Development Account Program
- A-1040/S-3928 (Houghtaling, Taliaferro/Andrzejczak)** – Establishes NJ "Landowner of the Year" award program
- A-1146/S-4330 (Wimberly, Holley/Pou, Singleton)** – Establishes "New Jersey Investing in You Promise Neighborhood Commission"
- A-1277/S-2629 (Tucker, Holley, Lopez/Singleton, Gopal)** – Requires hospitals and homeless shelters to provide information on services and resources to individuals who are homeless or military veterans
- A-1449/S-3168 (Benson, DeAngelo/Greenstein, Turner)** – Provides job security to certain organ and bone marrow donors
- A-1477/S-3228 (Chaparro, Vainieri Huttle, Benson, Jimenez, Mukherji, Downey/Gopal, Scutari)** – Establishes Statewide Hit and Run Advisory Program to facilitate apprehension of persons fleeing motor vehicle accident scene; designated as "Zackhary's Law"
- A-1478/S-1648 (Chaparro, Vainieri Huttle/Diegnan, T. Kean)** – Revises law governing theater liquor licenses
- A-1604/S-2734 (Conaway, Murphy, Jimenez/Singleton)** – "Recreational Therapists Licensing Act"
- A-1796/S-2609 (McKeon, Downey/Lagana, Gopal)** – Prevents criminal defendant from asserting "gay and transgender panic" defense to murder charge in order to reduce charge to manslaughter committed in heat of passion
- A-1924/S-2930 (Mukherji, A.M. Bucco, DeAngelo, DeCroce/Beach)** – Exempts certain honorably discharged United States military veterans from initial insurance producer licensing fee
- A-1992/S-1780 (Sumter, Benson, Vainieri Huttle, Houghtaling, Wimberly/Diegnan, Turner)** – "New Jersey Call Center Jobs Act"
- A-2183/S-1687 (Land, Johnson/Cruz-Perez, Andrzejczak)** – "Music Therapist Licensing Act"
- ACS for A-2431 wGR/SCS for S-1865 (Benson, Jimenez, DeCroce/Weinberg, T. Kean)** – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage
- ACS for A-2444 and S-2656/S-2081 (Benson, Lampitt, Pinkin, Mukherji/Turner, Singleton)** – Provides for coverage of comprehensive tobacco cessation benefits in Medicaid
- A-2767/S-2924 (Greenwald, Mosquera, McKnight/Greenstein, Singleton)** – Amends certain provisions of sexual assault statute to clarify elements necessary for conviction
- A-3312/S-1972 (Murphy, Lagana, Downey, Sumter/Gopal, Corrado)** – Requires Legislature to adopt and distribute policy prohibiting sexual harassment; requires members, officers, and employees of Legislature to complete online training on policy once every two years
- A-3670/S-995 (Benson, Giblin, Murphy/Vitale, Weinberg)** – Provides for designation of acute stroke ready hospitals, establishes Stroke Care Advisory Panel and Statewide stroke database, and requires development of emergency medical services stroke care protocols
- ACS for A-4136/SCS for S-2675 (Land, Milam/Andrzejczak, Van Drew)** – Establishes Possession In Excess of Daily Limit Vessel License for black sea bass and summer flounder; dedicates fees therefrom to marine fisheries programs
- A-4147/S-2744 (Lampitt, Houghtaling, Zwicker/Ruiz, Corrado)** – Requires school districts and nonpublic schools to conduct audit of security features of buildings, grounds, and communication systems and to submit audit to NJ Office of Homeland Security and Preparedness and DOE

- A-4150/S-2742 (Lampitt, Jones, Timberlake/Ruiz, Corrado)** – Requires meeting between student and appropriate school personnel after multiple suspensions or proposed expulsion from public school to identify behavior or health difficulties
- A-4151/S-2745 (Swain, Tully, Jasey/Ruiz, Corrado)** – Requires school security training for persons employed by public and nonpublic schools in substitute capacity and for employees and volunteers of youth programs operated in school buildings
- A-4260/S-4335 (Timberlake, Giblin, Tucker, Caputo/Pou, Scutari)** – Prohibits sale of certain toy guns and imitation firearms
- A-4370/S-2919 (Carroll/A.M. Bucco)** – Increases membership of board of trustees of Washington Association of New Jersey
- A-4377/S-2934 (Benson, Land, DeCroce/Greenstein)** – Requires DOT and OIT to develop materials concerning capabilities of airports in NJ and establishes "Public Use Airports Task Force"
- A-4517/S-4341 (Wimberly, Speight, Reynolds-Jackson/Singleton, Cunningham)** – Establishes "New Jersey Eviction Crisis Task Force"
- A-4529/S-3191 (Mazzeo, Armato/Gopal, Andrezejczak)** – Concerns reimbursements to Superstorm Sandy-impacted homeowners subjected to contractor fraud
- A-4563/S-3096 (Zwicker, Benson/Greenstein, Gill)** – Prohibits use of bots to deceive person about origin and content of communication for certain commercial or election purposes
- A-4564/S-3087 (Zwicker, Freiman/Greenstein)** – Establishes "Voting Precinct Transparency Act;" requires filing of election district, county district, and municipal ward boundary data with Secretary of State for posting and download on official website with matching election results data
- A-4699/S-2938 (Moriarty, Burzichelli, Bramnick/Turner)** – Regulates annual report filing services
- A-4803/S-4211 (Greenwald, Johnson, Pintor Marin/Cryan, Vitale)** – Authorizes certain entities to directly bill Victims of Crime Compensation Office for counseling services provided to victims of firearm and stabbing crimes
- A-4822/S-3408 (Wimberly, Tully, Swain/Singleton, Greenstein)** – Permits municipalities to lease vacant municipal land for tiny home occupancy; directs DCA to enhance regulatory guidance on acceptable tiny home construction and use
- A-4904 wGR/S-3347 (Mukherji, Quijano, Mazzeo/Cryan, Sweeney)** – Concerns property taxes due and owing on real property owned by certain federal employees or contractors under certain circumstances
- A-4954/S-3368 (Quijano, Murphy, Carter/Singleton, Greenstein)** – Revises requirements for provision of counseling and support services to emergency services personnel
- ACS for A-4972/SCS for S-1490 (Moriarty/Beach, Scutari)** – Establishes certain consumer protections related to arbitration organizations
- A-4978 wGR/S-3498 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan)** – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances
- A-5023/S-3467 (McKnight, Mukherji, Chaparro, Chiaravalloti/Cunningham)** – Exempts from DOT permitting requirements certain signs not located in protected areas that have been approved by municipality
- A-5028/S-3523 (Mukherji, Conaway, Pintor Marin/Vitale, Diegnan)** – Establishes "James Nicholas Rentas's Law," revises "New Jersey SmokeFree Air Act"
- A-5029/S-3522 (Sumter, Reynolds-Jackson, Johnson/Rice, T. Kean)** – Requires New Jersey Office on Minority and Multicultural Health to study racial disparities on sexual and reproductive health of African-American women

A-5031/S-3455 (Speight, McKnight, Timberlake/Ruiz) – Requires hospital emergency departments to ask person of childbearing age about recent pregnancy history

A-5314/S-3692 (Zwicker, Milam, Mazzeo/Cryan, Ruiz) – Requires DHS to study social isolation occurring in certain population groups

A-5344/S-3833 (Mukherji, Vainieri Huttel, Milam/Gopal, Corrado) – Establishes uniform standard for acceptable proof of veteran status for veteran's ID cards and various State and local programs

A-5388/S-3895 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires specialized in-service training regarding crime victims for police departments in certain high-crime areas

A-5389/S-3896 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires training or experience in crime victims' rights for certain members of Victims of Crime Compensation Review Board

A-5432/S-3796 (Milam, Land/Andrzejczak) – Requires DEP Commissioner to establish individual transferable quota system for menhaden purse seine fishery

A-5445/S-3909 (Swain, Tully, Spearman/T. Kean, Corrado) – Requires AG to establish program to detect fentanyl in State's illegal drug supply and make information related to presence of fentanyl available in database accessible by law enforcement

A-5511/S-1852 (Spearman, Jones, Reynolds-Jackson/Turner, Cruz-Perez) – Revises certain penalties for illegal operation of snowmobile, all-terrain vehicle, or dirt bike

A-5580/S-3842 (Johnson, Moriarty, Greenwald/Weinberg, Sarlo) – Extends availability period for tax credits for certain expenses incurred for production of certain film and digital media content, raises annual cap related to film production, and provides for annual administration of film tax credits

A-5583/S-3919 (Pinkin, Lopez, Mukherji/Smith, Bateman) – Prohibits sale, lease, rent, or installation of certain equipment or products containing hydrofluorocarbons or other greenhouse gases

A-5630/S-3981 (Pintor Marin, Munoz, Reynolds-Jackson/Weinberg, Corrado) – Requires Civil Service Commission to establish and maintain hotline for State employees to submit reports of workplace discrimination and harassment

[Copy of Statement](#)

A-5667/S-3933 (Mukherji, Vainieri Huttel, Armato, DeCroce, Karabinchak/Singer, Scutari) – "Charlie's Law"; requires pharmacy practice sites and hospice programs to furnish patients with information and means to safely dispose of unused prescription drugs and medications

A-5801/S-4064 (Coughlin, Houghtaling, Verrelli/Singleton, Sweeney) – Concerns responsibility of contractors for wage claims against subcontractors

A-5817/S-4263 (Mazzeo, Armato/Cunningham, Sweeney, C.A. Brown) – Allows certain persons to qualify for casino key employee license and casino employee registration

A-5916/S-4255 (Chiaravalloti, McKnight, Karabinchak/Cunningham, Weinberg) – Authorizes DOH to notify elected officials of financial distress of certain hospitals

A-5918/SCS for S-3741 and 4253 (Chiaravalloti, McKnight/Weinberg, Cunningham, Vitale) – Expands hospital reporting requirements

A-5970/S-4201 (Lopez, Speight, Chaparro/Codey) – Amends list of environmental infrastructure projects approved for long-term funding for FY2020 to include new projects, remove certain projects, and modify estimated loan amounts for certain projects

A-5971/S-4202 (Mukherji, Pintor Marin, Spearman/Bateman, Corrado) – Authorizes NJ Infrastructure Bank to expend additional sums to make loans for environmental infrastructure projects for FY2020

A-5972/S-4203 (Pinkin, Benson, Zwicker/Greenstein, Singleton) – Makes changes to New Jersey Infrastructure Bank's enabling act

A-5977/S-4282 (Greenwald, Downey, Vainieri Huttie/Vitale, Singleton) – Provides for establishment of Regional Health Hub Program as replacement to Accountable Care Organization Demonstration Project, and designates existing accountable care organizations and look-alike organizations as Regional Health Hubs

A-6119/S-4336 (Egan, Houghtaling/Madden) – Revises "The Public Works Contractor Registration Act" and amends definition of registered apprenticeship program

AJR-35/SJR-159 (McKnight, Chaparro, Chiaravalloti, DeCroce/Cunningham, Greenstein) – Designates third full week in March as "Domestic Violence Services Awareness Week" to bring awareness of services available to domestic violence victims

AJR-103/SJR-70 (Rooney, DePhillips, Murphy/Corrado) – Permanently designates January as "NUT Carcinoma Awareness Month" in New Jersey

AJR-118/SJR-157 (McKnight, Timberlake, McKeon/Pou, Madden) – Designates April of each year as "Financial Literacy Month" in New Jersey

AJR-180/SJR-112 (DeAngelo, McKnight, Murphy/Singleton, Corrado) – Designates February in each year as "Career and Technical Education Month" in New Jersey

Governor Murphy declined to sign the following bills, meaning they expire without becoming law:

S-691/A-657 (Ruiz, Pou/Jasey, Caputo, Pintor Marin, Sumter, Wimberly) – Requires that if a school district satisfies 80% or more of the required NJ Quality Single Accountability Continuum standards in an area of district effectiveness under State intervention, the State must return that area to local control

S-1083/A-544 (Cruz-Perez, Gopal/Mazzeo, Houghtaling, Holley, Dancer) – Establishes loan program and provides corporation business tax and gross income tax credits for establishment of new vineyards and wineries

S-2421/A-1030 (Smith, Bateman/Johnson, Kennedy, Benson, DeAngelo) – Concerns installation of electric vehicle charging stations in common interest communities

S-2425/A-3851 (Singleton, Andrzejczak/Conaway) – Revises law relating to common interest communities

S-2429/A-4028 (Scutari, Pou/Bramnick, Downey) – Requires automobile insurers to disclose policy limits upon request by an attorney under certain circumstances

S-2835/A-3926 (Singleton, Ruiz/Conaway, Lampitt, Murphy) – Requires public schools to administer written screenings for depression for students in certain grades

S-2897/A-1433 (Madden, Singer/Benson, Wimberly, Carter) – Requires DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers

S-2957/A-4712 (Stack/Mukherji, Chaparro) – Establishes five-year moratorium on conversions of certain residential rental premises in qualified counties

S-2958/A-4535 (Sarlo, Oroho/Zwicker, DePhillips, DeCroce) – Establishes the "Energy Infrastructure Public-Private Partnership Act"

S-3062/A-2049 (Ruiz, Greenstein/Howarth, Benson, Murphy) – Provides corporation business tax and gross income tax credits for businesses that employ apprentices in DOL registered apprenticeships

S-3063/A-4655 (Ruiz/Armato, Vainieri Huttie, DeAngelo) – Provides tuition fee waiver apprenticeship courses

S-3137/A-1308 (Sweeney, Oroho, Singleton/Greenwald, Milam, Land) – The "Electronic Construction Procurement Act"

S-3252/A-4713 (Greenstein, Stack/DeAngelo, Quijano) – "New Townhouse Fire Safety Act"; requires automatic fire sprinkler systems in new townhomes

S-3263/A-4837 (T. Kean, Diegnan/Vainieri Huttie, Chiaravalloti, McKnight) – Revises and updates membership and purpose of Advisory Council on the Deaf and Hard of Hearing in DHS

S-3270/A-5095 (Pou/McKeon, Freiman, DeCroce) – Establishes certain requirements for stop loss insurance offered to small employers

S-3393/ACS for A-5384 and 5157 (Sarlo, Addiego/Mazzeo, Murphy, Houghtaling, Calabrese, Armato, Dancer) – Allows certain preserved farms to hold 14 special occasion events per year; imposes further event restrictions on residentially-exposed preserved farms

S-3770/A-6118 (Sarlo, Oroho, Sweeney/Greenwald, Jones) – Establishes "New Jersey Economic and Fiscal Policy Review Commission" to provide ongoing review of State and local tax structure, economic conditions, and related fiscal issues

S-3888/A-5585 (Ruiz/Dancer, Pintor Marin) – Extends document submission deadlines under Economic Redevelopment and Growth Grant program and Urban Transit Hub Tax Credit program

S-4035/A-5702 (Pou, Singleton/Wimberly, Reynolds-Jackson, Sumter) – Makes Fiscal Year 2020 supplemental appropriation of \$1,700,000 for Thomas Edison State University

S-4281/A-6094 (Smith, Diegnan/Danielsen, Pinkin) – Requires State to sell and convey to Educational Services Commission of New Jersey certain land and improvements known as Piscataway Regional Day School

S-4331/A-4727 (Diegnan, Madden/Karabinchak, Holley, Jones) – Requires person taking written examination for permit to watch video of rights and responsibilities of driver stopped by law enforcement; requires testing on rights and responsibilities of driver stopped by law enforcement

A-491/S-4340 (Jimenez/Sacco, Stack) – Enhances PFRS accidental death pension for surviving spouse by providing for minimum of \$50,000 annually

A-1044/S-1441 (Houghtaling, Downey, DiMaio, Space/Doherty, Madden) – Requires Director of Division of Taxation to examine feasibility of centralized property tax information system to verify property taxes paid by homestead property tax reimbursement claimants

A-1045/S-2856 (Houghtaling, Downey, Dancer/Gopal, Oroho) – Clarifies sales tax collection responsibilities of horse-boarding businesses in New Jersey

A-1526/S-1048 (Zwicker, Johnson/Vitale) – Concerns payment of independent contractors

A-2731/S-3407 (Taliaferro, Space/Sweeney, Oroho) – Removes statutory limitation on number of permits that may be issued by Division of Fish and Wildlife for the taking of beaver

A-4382/S-2815 (Pinkin, Lopez, Kennedy/Beach, Smith) – Requires paint producers to implement or participate in paint stewardship program

A-4463/S-3927 (Freiman, Egan, Karabinchak/Oroho, Andrzejczak) – Establishes "Electronic Permit Processing Review System"

A-4788/S-3880 (Karabinchak, Freiman, Calabrese/Diegnan) – Establishes expedited construction inspection program

A-5072/S-3496 (Karabinchak, Johnson, Mukherji/Greenstein, Cryan) – "Defense Against Porch Pirates Act"; creates new category of theft, with penalties including mandatory restitution and community service, for taking package delivered to residence by cargo carrier

A-5446/S-3907 (Land, Reynolds-Jackson, Verrelli/T. Kean, Lagana) – Requires reporting of opioid deaths

A-5629/S-3980 (Pintor Marin, Munoz/Weinberg, Corrado) – Clarifies provisions concerning disclosure of existence and content of discrimination or harassment complaints; requires certain disclosures to person against whom complaint is made

[Copy of Statement](#)

ACS for A-5922 and 5923/SCS for S-4223 and 4224 (Conaway, Vainieri Huttle, Lopez, Pinkin/Vitale, Sweeney) – Revises requirements for sale of tobacco and vapor products; increases penalties for prohibited sales; increases fees for cigarette and vapor business licensure

[Copy of Statement](#)