Concerns regulation of grease recycling industry.

Introduced Pending Technical Review by Legislative Counsel

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

1. (New section) a. No later than 90 days after the date of enactment of P.L. , c. (C. ) (pending before the Legislature as this bill), any business concern that engages in grease recycling services shall register with the Attorney General. The registration shall include:

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

b. No more than 180 days after submission of all information required to be submitted pursuant to subsection a. of this section, the Attorney General shall issue a grease recycling registration to a business concern that registers pursuant to subsection a. of this section.

2. (New section) No business concern shall engage in grease recycling services unless the business concern holds a grease recycling license approved pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

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

   a. "Applicant" means any business concern which has filed a disclosure statement with the department and the Attorney General and is seeking an initial license, provided that the business concern has furnished the department and the Attorney General with any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et al.) , or (2) has been issued a grease recycling registration, has filed a disclosure statement with the department and the Attorney General, and is seeking a grease recycling license .
   b. "Application" means the forms and accompanying documents filed in connection with an applicant's or permittee's request for a license or a grease recycling license.
   c. "Business concern" means any corporation, association, firm, partnership, sole proprietorship, trust or other form of commercial organization.

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

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

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

(2) The full name, business address and social security number disclosed in the disclosure statement and the names and addresses of all persons holding any equity in or the debt liability of any business concern so disclosed, except that (a) where the business concern is a publicly traded corporation, the applicant or permittee need only supply the name and business address of the publicly traded corporation and copies of its annual filings with the Securities and Exchange Commission, or its foreign equivalent, (b) where the equity in or debt liability of that business concern is held by an institutional investor, the applicant or permittee need only supply the name, business address and the basis upon which the institutional investor qualifies as an institutional investor, and (c) where the debt liability is held by a chartered lending institution, the applicant or permittee need only supply the name and business address of the lending institution;

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

(4) A description of the experience and credentials in, including any past or present licenses for, the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, or the provision of grease recycling services, possessed by the applicant or the permittee, as the case may be, and by the key employees, officers, directors, or partners thereof:
(5) A listing and explanation of any notices of violation or prosecution, administrative orders or license revocations issued by this State or any other state or federal authority, in the 10 years immediately preceding the filing of the application or disclosure statement, whichever is later, which are pending or have resulted in a finding or a settlement of a violation of any law or rule and regulation relating to the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, or the provision of grease recycling services, by the applicant or the permittee, as the case may be, or by any key employee, grease recycling employee, officer, director, or partner thereof;

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

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

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

(9) The full name and business address of any individual or business concern that leases real property or equipment used for the provision of grease recycling services, to the applicant for a grease recycling license or to a grease recycling licensee;

(10) A listing and explanation of any civil litigation pending between the applicant for a grease recycling license, grease recycling licensee, grease recycling employee, key employee, officer, director, or partner thereof, and any other person engaged in the provision of grease recycling services; and

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

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

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

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

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

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

(e) A listing and explanation of any notices of violation or prosecution, administrative orders or license revocations issued by this State or any other state or federal authority to the applicant or permittee in the 10 years immediately preceding the filing of the application or disclosure statement, whichever is later, which are pending or have resulted in a finding or a settlement of a violation of any law or rule or regulation relating to the collection, transportation, treatment, storage, recycling, processing, transfer or disposal of solid waste or hazardous waste, or the provision of grease recycling services, by the applicant or permittee;
(f) A listing and explanation of any judgment, decree or order, whether by consent or not, issued against the applicant or permittee in the 10 years immediately preceding the filing of the application, and of any pending civil complaints against the applicant or permittee pertaining to a violation or alleged violation of federal or state antitrust laws, trade regulations or securities regulations;

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

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

f. "Key employee" means any individual employed by the applicant, the permittee or the licensee in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste, or grease recycling operations of the business concern; any family member of an officer, director, partner, or key employee, employed by a grease recycling applicant; or any broker, consultant or sales person employed by, or who does business with, a grease recycling applicant with respect to grease recycling operations of the business concern; but shall not include employees, who are not family members employed by a grease recycling applicant, exclusively engaged in the physical or mechanical collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, or the provision of grease recycling services.

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

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

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

(2) Any person solely for the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste generated by that person;
(3) Any person for the operation of a hazardous waste facility, if at least 75% of the total design capacity of that facility is utilized to treat, store or dispose of hazardous waste generated by that person;

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

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

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

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

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

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

i. "Permittee" means and shall include:

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

(2) Any business concern which has filed a disclosure statement with the department and the Attorney General and to which a temporary license has been approved, issued or renewed by the department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135), but which has not otherwise completed the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application for a license has not been approved by the department pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133), provided that the temporary license remains valid, and provided further that the business concern has furnished the department and the Attorney General with any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et al.);
(3) Any business concern which has filed a disclosure statement with the department and the Attorney General and to which a valid registration statement or engineering design approval for the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the department between February 20, 1985 and January 23, 1986, inclusive, provided that the registration statement or engineering design approval remains valid, and provided further that the business concern has furnished the department and the Attorney General with any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et al.).

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

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

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

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

l. "Institutional investor" means a retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees; government or government-owned entity; investment company registered under the "Investment Company Act of 1940" (15 U.S.C. s.80a-1 et seq.); collective investment trust organized by banks under Part Nine of the Rules of the Comptroller...
of the Currency; closed end investment trust; chartered or licensed
life insurance company or property and casualty insurance
company; banking or other chartered or licensed lending institution;
partnerships, funds or trusts managed by or directed in conjunction
with an investment adviser registered under the "Investment
Advisers Act of 1940" (15 U.S.C. s.80b-1 et seq.) or an institutional
investment manager required to make filings under subsection (f) of
(15 U.S.C. s.78m); institutional buyer, as defined pursuant to
section 2 of the "Uniform Securities Law (1997)," P.L.1967, c.93
(C.49:3-49); small business investment company licensed by the
United States Small Business Administration under subsection (c)
of section 301 of the "Small Business Investment Act of 1958," as
amended (15 U.S.C. s.681); private equity or venture capital entity
having or managing aggregate capital commitments in excess of
$25,000,000; and other persons as the department may determine
for reasons consistent with the policies of P.L.1983, c.392
(C.13:1E-126 et seq.).
m. "Publicly traded corporation" means a corporation or other
legal entity, except a natural person, which:
   (1) has one or more classes of security registered pursuant to
(15 U.S.C. s.78l);
   (2) is an issuer subject to subsection (d) of section 15 of the
"Securities Exchange Act of 1934," as amended (15 U.S.C. s.78o); or
   (3) has one or more classes of securities traded in an open
market in any foreign jurisdiction, provided that the department
determines that the foreign exchange provides openness, integrity
and oversight in its operations sufficient to meet the intent of
P.L.1983, c.392 (C.13:1E-126 et seq.), or that the securities traded
on the foreign exchange are regulated pursuant to a statute of a
foreign jurisdiction that is substantially similar, both in form and
effect, to section 12 or subsection (d) of section 15 of the
n. "Grease" means (1) used cooking oil, spent shortenings, or
any other inedible kitchen grease or waste vegetable oil produced
by restaurant and food facilities, and (2) residual yellow grease,
waste water and debris principally derived from food preparation or
processing, or waste that is intercepted by and contained in grease
traps or grease interceptors, in any quantity as generated in
restaurant and food facilities.
o. "Grease recycling employee" means any individual employed
by a business concern engaged in the business of recycling grease.
p. "Grease recycling license" means an approval to operate a
business concern engaged in grease recycling services issued
"Grease recycling services" means the services provided by persons engaging in the business of grease recycling, including the collection, transportation, processing, storage, purchase, sale or disposition, or any combination thereof, of grease.

"Recyclable materials" means those materials which would otherwise become solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products, including grease.

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

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

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

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

   (3) The Attorney General shall, upon the receipt of the disclosure statement from an applicant for an initial license or from a permittee, or from an applicant for a grease recycling license, prepare and transmit to the department an investigative report on the applicant or the permittee, as the case may be, based in part upon the disclosure statement. In preparing this report, the Attorney General may request and receive criminal history information from the State Commission of Investigation or the Federal Bureau of Investigation;

   (4) In conducting a review of the application, the department shall include a review of the disclosure statement and investigative report;

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

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

      (b) The person required to be listed in the disclosure statement is (i) a director or chief executive officer; or (ii) an individual who does not have any responsibility for, or control of, the commercial solid waste or hazardous waste operations, or the provision of grease recycling services, of the applicant, permittee or licensee.
conducted in New Jersey, and who will not exercise any such responsibility or control upon the issuance of a license or a grease recycling license by the department;

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

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

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

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

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

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

b. All applicants, permittees and licensees, and all business concerns that have been issued a grease recycling license, shall have the continuing duty to provide any assistance or information requested by the department or the Attorney General, and to cooperate in any inquiry or investigation conducted by the Attorney General or the State Commission of Investigation and any inquiry, investigation, or hearing conducted by the department. Except as otherwise determined by the Superior Court pursuant to subsection d. of this section, if, upon issuance of a formal request to answer any inquiry or produce information, evidence or testimony, any applicant, permittee or licensee, or any business concern that has been issued a grease recycling license, refuses to comply, the application of the business concern for a license or a grease recycling license, as the case may be, may be denied, or the license or grease recycling license of that business concern may be revoked by the department.

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

d. The provisions of paragraphs (5) and (6) of subsection a. of this section to the contrary notwithstanding, the Attorney General may at any time require any person required to be listed in the disclosure statement to file a completed personal history disclosure
form and a full disclosure statement with the department and the
Attorney General pursuant to paragraphs (1) through (11) of
subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127), or to
be fingerprinted for identification and investigation purposes
pursuant to paragraph (2) of subsection a. of this section, if the
Attorney General determines that there exists a reasonable
suspicion that the additional information is likely to lead to
information relevant to a determination regarding the approval of a
license or a grease recycling license pursuant to section 8 of
P.L.1983, c.392 (C.13:1E-133), the revocation of a license or a
grease recycling license pursuant to section 9 of P.L.1983, c.392
(C.13:1E-134), or the severance of a disqualifying person pursuant
If the Attorney General requires any or all of this information, a
written request for the additional information shall be served upon
the applicant, permittee or licensee, or the business concern that has
been issued a grease recycling license. Within 60 days of receipt of
a written request for additional information, the applicant, permittee
or licensee, or the business concern that has been issued a grease
recycling license may seek review of the Attorney General's
determination in the Superior Court. If the applicant, permittee or
licensee, or the business concern that has been issued a grease
recycling license fails to provide the additional information to the
Attorney General within 60 days of receipt of the written request,
the Attorney General may file with the Superior Court a petition for
an order requiring the applicant, permittee or licensee, or the
business concern that has been issued a grease recycling license to
provide the additional information. In a proceeding brought by
either party, the applicant, permittee or licensee, or the business
concern that has been issued a grease recycling license shall
demonstrate that the additional information requested is not likely
to lead to information relevant to a determination regarding the
approval of a license or grease recycling license pursuant to section
8 of P.L.1983, c.392 (C.13:1E-133), the revocation of a license or
grease recycling license pursuant to section 9 of P.L.1983, c.392
(C.13:1E-134), or the severance of a disqualifying person pursuant
shown, the court may review in camera the submission of the
Attorney General or the applicant, permittee or licensee, or the
business concern that has been issued a grease recycling license, or
any part thereof.
(cf: P.L.2011, c.68, s.2)

5. Section 8 of P.L.1983, c.392 (13:1E-133) is amended to
read as follows:
8. The provisions of any law to the contrary notwithstanding, no license or grease recycling license shall be approved by the department:

a. Unless the department finds that the applicant, or the permittee, as the case may be, in any prior performance record in the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, or the provision of grease recycling services, has exhibited sufficient integrity, reliability, expertise, and competency to engage in the collection or transportation of solid waste or hazardous waste, or to operate the solid waste facility or hazardous waste facility, or engage in grease recycling services, given the potential economic consequences for affected counties, municipalities and ratepayers or significant adverse impacts upon human health and the environment which could result from the irresponsible participation therein or operation thereof, or if no prior record exists, that the applicant or the permittee is likely to exhibit that integrity, reliability, expertise and competence.

b. If any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, the permittee or the licensee, or shown to have rented or leased at any or no cost real property, vehicles or other equipment used for the provision of grease recycling services, to the applicant for a grease recycling license, has been barred from the provision of grease recycling services in any other jurisdiction outside of the State, or has been convicted of any of the following crimes under the laws of New Jersey or the equivalent thereof under the laws of any other jurisdiction:

(1) Murder;
(2) Kidnapping;
(3) Gambling;
(4) Robbery;
(5) Bribery;
(6) Extortion;
(7) Criminal usury;
(8) Arson;
(9) Burglary;
(10) Theft and related crimes;
(11) Forgery and fraudulent practices;
(12) Fraud in the offering, sale or purchase of securities;
(13) Alteration of motor vehicle identification numbers;
(14) Unlawful manufacture, purchase, use or transfer of firearms;
(15) Unlawful possession or use of destructive devices or explosives;
(16) Violation of N.J.S.2C:35-5, except possession of 84 grams or less of marijuana, or of N.J.S.2C:35-10;
(17) Racketeering, P.L.1981, c.167 (C.2C:41-1 et seq.);
2. (19) Any purposeful or reckless violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations, including, but not limited to, solid waste or hazardous waste management laws, rules, or regulations;
3. (20) Violation of N.J.S.2C:17-2;
4. (21) Any offense specified in chapter 28 of Title 2C; [or]
6. (23) Any offense related to the theft of grease.

C. If the Attorney General determines that there is a reasonable suspicion to believe that a person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, the permittee or the licensee, or to have rented or leased at any cost or at no cost real property, vehicles or other equipment used for the provision of grease recycling services, to the applicant for a grease recycling license, or to a business concern that holds a grease recycling license, does not possess a reputation for good character, honesty and integrity, and that person or the applicant, the permittee or the licensee fails, by clear and convincing evidence, to establish his reputation for good character, honesty and integrity.

D. With respect to the approval of an initial license, or a grease recycling license, if there are current prosecutions or pending charges in any jurisdiction against any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant or the permittee, or to have rented or leased at any cost or at no cost real property, vehicles or other equipment used for the provision of grease recycling services, to the applicant for a grease recycling license, or to a business concern that holds a grease recycling license, for any of the crimes enumerated in subsection b. of this section, provided, however, that at the request of the applicant, permittee, or the person charged, the department shall defer decision upon such application during the pendency of such charge.

E. If any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or the licensee, or to have rented or leased at any cost or at no cost real property, vehicles or other equipment used for the provision of grease recycling services, to the applicant for a grease recycling license, or to a business concern that holds a grease recycling license, has pursued economic gain in an occupational manner or context which is in violation of the criminal or civil public policies of this State, where such pursuit creates a reasonable belief that the participation of that person in
any activity required to be licensed under this act would be inimical to the policies of this act. For the purposes of this section, "occupational manner or context" means the systematic planning, administration, management, or execution of an activity for financial gain.

f. If the Attorney General determines that any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or the licensee, or to have rented or leased at any cost or at no cost real property, vehicles or other equipment used for the provision of grease recycling services, to the applicant for a grease recycling license, or to a business concern that holds a grease recycling license, has been identified by the State Commission of Investigation or the Federal Bureau of Investigation as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel, where such identification, membership or association creates a reasonable belief that the participation of that person in any activity required to be licensed under this act would be inimical to the policies of this act. For the purposes of this section, "career offender" means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this State; and a "career offender cartel" means any group of persons who operate together as career offenders.

A license or a grease recycling license may be approved by the department for any applicant or permittee if the information contained within the disclosure statement and investigative report, including any determination made by the Attorney General concerning the character, honesty and integrity of any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant or permittee, or to have rented or leased at any cost or at no cost real property, vehicles or other equipment used for the provision of grease recycling services, to the applicant for a grease recycling license, or to a business concern that holds a grease recycling license, would not require disqualification pursuant to subsection a., b. c., e. or f. of this section.

A license or a grease recycling license approved by the department for any applicant or permittee pursuant to this section is non-transferable and shall be valid only for the length of time for which it is given.

Any applicant or permittee who is denied an initial license or a grease recycling license pursuant to this section shall, upon a written request transmitted to the department within 30 days of that denial, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the

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

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

7. a. Notwithstanding the conviction of any person required to be listed in a disclosure statement, or otherwise shown to have a beneficial interest in the business of an applicant, permittee or licensee, or a business concern that holds a grease recycling license or to have rented or leased at any cost or at no cost real property, vehicles or other equipment used for the provision of grease recycling services, to the applicant for a grease recycling license, or to a business concern that holds a grease recycling license, for any of the crimes enumerated in subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a license to an applicant, permittee or licensee, or to a business concern that holds a grease recycling license if the department determines in a writing setting forth findings of fact that the convicted person has affirmatively demonstrated rehabilitation by clear and convincing evidence pursuant to the provisions of this section. If the department determines that the nature and seriousness of the crime creates a reasonable doubt that an applicant, permittee, or licensee, or a business concern that holds a grease recycling license will engage in the activity for which a license or grease recycling license is sought in a lawful and responsible manner, the department shall make a determination in a writing setting forth findings of fact that the convicted person cannot affirmatively demonstrate rehabilitation.

b. In determining whether a convicted individual has affirmatively demonstrated rehabilitation, the department shall request a recommendation thereon from the Attorney General, which recommendation shall be in writing and based upon a consideration of at least the following factors:

(1) The nature and responsibilities of the position which a convicted individual would hold;
(2) The nature and seriousness of the crime;
(3) The circumstances under which the crime was committed;
(4) The date of the crime;
(5) The age of the convicted individual when the crime was committed;
(6) Whether the crime was an isolated or repeated act;
(7) Any evidence of good conduct in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, or the recommendation of persons who have supervised the convicted individual since the conviction; and
(8) The full criminal record of the convicted individual, any
record of civil or regulatory violations or notices or any complaints
alleging any such civil or regulatory violations, or any other
allegations of wrongdoing.

Notwithstanding any other provision of this subsection, a
convicted individual shall have affirmatively demonstrated
rehabilitation pursuant to the provisions of this section if the
convicted individual produces evidence of a pardon issued by the
Governor of this or any other state, or evidence of the expungement
of every conviction for any of the crimes enumerated in subsection

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

(1) The nature and seriousness of the crime;
(2) The circumstances under which the crime was committed;
(3) The date of the crime;
(4) Whether the crime was an isolated or repeated act; and
(5) The full criminal record of the convicted business concern,
any record of civil or regulatory violations or notices or any
complaints alleging any such civil or regulatory violations, or any
other allegations of wrongdoing.

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

The Attorney General may require, on the basis of this
investigation and as a condition of recommending that a convicted
business concern has affirmatively demonstrated rehabilitation, that
a convicted business concern comply, or agree in writing to comply,
with any of the following:
(1) changes in the convicted business concern's organizational structure to reduce the opportunity and motivation of individual employees to engage in criminal activity, including procedures for informing employees of the requirements of relevant state and federal law;

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

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

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

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

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

e. The department shall not determine that a convicted business concern has affirmatively demonstrated rehabilitation if the convicted business concern has not complied, or agreed in writing to comply, with every requirement imposed by the Attorney General pursuant to subsection d. of this section. (cf: P.L.1991, c.269, s.7)

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

8. a. Notwithstanding any current prosecutions or pending charges in any jurisdiction against any person required to be listed in a disclosure statement, or otherwise shown to have a beneficial interest in the business of an applicant, permittee or licensee, or a business concern that holds a grease recycling license or to have rented or leased at any cost or at no cost real property, vehicles or other equipment used for the provision of grease recycling services, to the applicant for a grease recycling license, or business concern that holds a grease recycling license, for any of the crimes enumerated in subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a license or a grease recycling license to an applicant, permittee or licensee, or to
a business concern that holds a grease recycling license if the
department determines in a writing setting forth findings of fact that
the person against whom there are current prosecutions or pending
charges has affirmatively reestablished a reputation for good
character, honesty and integrity by clear and convincing evidence
pursuant to the provisions of this section. If the department
determines that the nature and seriousness of the crime alleged in a
current prosecution or pending charge creates a reasonable doubt
that an applicant, permittee, or licensee, or a business concern that
holds a grease recycling license will engage in the activity for
which a license is sought in a lawful and responsible manner, the
department shall make a determination in a writing setting forth
findings of fact that the person against whom there are current
prosecutions or pending charges cannot reestablish a reputation for
good character, honesty and integrity.

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

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

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

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

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

(4) The date of the alleged crime;

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

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

(7) Any evidence of good conduct in the community, counseling
or psychiatric treatment received, acquisition of additional
academic or vocational schooling, or the recommendation of
persons who have supervised the individual since the date of the
alleged crime; and
(8) The full criminal record of the individual against whom there are current prosecutions or pending charges, any record of civil or regulatory violations or notices or any complaints alleging any such civil or regulatory violations, or any other allegations of wrongdoing.

(c) In determining whether a business concern against whom there are current prosecutions or pending charges has affirmatively reestablished a reputation for good character, honesty and integrity, the department shall request a recommendation thereon from the Attorney General, which recommendation shall be in writing and based upon a consideration of at least the following factors:

(1) The nature and seriousness of the alleged crime;
(2) The circumstances under which the alleged crime was committed;
(3) The date of the alleged crime;
(4) Whether the alleged crime was an isolated or repeated act; and
(5) The full criminal record of the business concern against whom there are current prosecutions or pending charges, any record of civil or regulatory violations or notices or any complaints alleging any such civil or regulatory violations, or any other allegations of wrongdoing.

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

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

(1) changes in the business concern’s organizational structure to reduce the opportunity and motivation of individual employees to
engage in criminal activity, including procedures for informing
employees of the requirements of relevant state and federal law;
(2) changes in the business concern's long and short term
planning to ensure that the business concern implements procedures
and policies to prevent future violations of state or federal law;
(3) changes in the business concern's legal, accounting, or other
internal or external control and monitoring procedures to discourage
or prevent future violations of state or federal law;
(4) changes in the business concern's ownership, control,
personnel, and personnel selection practices, including the removal
of any person shown to have a beneficial interest in the business
concern, and the imposition of a reward or disincentive system in
order to encourage employees to comply with relevant state and
federal law;
(5) post-licensing monitoring of the business concern's activities
relating to any changes in policy, procedure, or structure required
by the Attorney General pursuant to this subsection, the cost of such
monitoring to be borne by the business concern; and
(6) any other requirements deemed necessary by the Attorney
General.
e. The department shall not determine that a business concern
against which there are current prosecutions or pending charges has
affirmatively reestablished a reputation for good character, honesty
and integrity if the business concern has not complied, or agreed in
writing to comply, with every requirement imposed by the Attorney
General pursuant to subsection d. of this section.
(cf: P.L.1991, c.269, s.8)
8. Section 9 of P.L.1983, c.392 (C.13:1E-134) is amended to
read as follows:
9. Any license or grease recycling license may be revoked by
the department pursuant to the "Administrative Procedure Act,"
P.L.1968, c.410 (C.52:14B-1 et seq.) for any of the following
causes:
a. Any cause which would require disqualification, pursuant to
subsection a., b., c., e. or f. of section 8 of P.L.1983, c.392
(C.13:1E-133), from receiving a license or grease recycling license
upon original application;
b. Fraud, deceit or misrepresentation in securing the license or
grease recycling license, or in the conduct of the licensed activity;
c. Offering, conferring or agreeing to confer any benefit to
induce any other person to violate the provisions of P.L.1983, c.392
(C.13:1E-126 et seq.), or of any other law relating to the collection,
transportation, treatment, storage, transfer or disposal of solid waste
or hazardous waste, or the provision of grease recycling services, or
of any rule or regulation adopted pursuant thereto;
d. Coercion of a customer by violence or economic reprisal or the threat thereof to utilize the services of any permittee or licensee, or a business concern that holds a grease recycling license; or

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

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

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

STATEMENT

This bill would require business concerns that provide grease recycling services to be registered and licensed by the Department of Environmental Protection under the "A-901 program." The bill would amend the existing laws by requiring the same oversight and regulation under the program of the grease recycling industry as that required of the solid waste industry.