SYNOPSIS
Allows expanded use of recycled asphalt pavement.

CURRENT VERSION OF TEXT
As amended by the Senate on December 18, 2017.

(Sponsorship Updated As Of: 1/9/2018)
AN ACT concerning the use of recycled asphalt pavement, and
supplementing P.L.1987, c.102 (C.13:1E-99.11 et seq.).

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

1. a. Notwithstanding the provisions of any law, or any rule or
regulation adopted pursuant thereto, to the contrary, a person may
use recycled asphalt pavement, subject to the
limitations in this section as follows:

1. unbound, as a surface material for a parking lot, farm road,
or pathway, in bedrock quarry reclamation, or underneath a guardrail.

2. mixed with other materials as a base or subbase material.

3. unbound underneath a guardrail of a public road or highway.

4. unbound or mixed with other materials for use as a base or
subbase material in accordance with applicable engineering designs.

5. unbound as a surface material for a parking lot, farm road,
or pathway, or in any other location as authorized by the Department of
Environmental Protection; or

6. in any other use authorized by the Department of
Environmental Protection.

b. Unbound recycled asphalt pavement may be used as
authorized in subsection a. of this section, provided that the user
demonstrates to the Department of Environmental Protection that the
environment in which the material is used has a pH level greater than
four. A person shall not use recycled asphalt pavement as authorized
in subsection a. of this section in an environment in which the pH is
less than or equal to four, unless the person demonstrates to the
Department of Environmental Protection that the level of any
contaminant in the material is at or below a concentration such that, if
leaching occurs, the dissolved concentration of the contaminant in the
leachate is:

1. at or below applicable drinking water quality standards
established by the Department of Environmental Protection and the
United States Environmental Protection Agency; and

2. at or below all applicable groundwater quality standards
established by the Department of Environmental Protection.

c. Recycled asphalt pavement may be used as authorized in
subsection a. of this section in environments where the pH level is less
than or equal to four if the user demonstrates to the Department of
Environmental Protection that:

1. releasable levels of polycyclic aromatic hydrocarbons and
metals in the material to be used are at or below all applicable drinking

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:

Senate floor amendments adopted December 18, 2017.
water quality standards established by the Department of Environmental Protection and the United States Environmental Protection Agency; or

(2) releasable levels of polycyclic aromatic hydrocarbons and metals in the material to be used are above drinking water quality standards established by the Department of Environmental Protection and the United States Environmental Protection Agency, and a soil layer at a depth determined by the Department of Environmental Protection is installed between the recycled asphalt pavement and the groundwater aquifer.] If a person fails to demonstrate to the Department of Environmental Protection pursuant to subsection b. of this section that the dissolved concentration of any contaminant in the leachate of recycled asphalt pavement proposed for use in an environment in which the pH is less than or equal to four, is at or below the drinking water quality standards established by the Department of Environmental Protection and the United States Environmental Protection Agency and the applicable groundwater quality standards established by the Department of Environmental Protection, as a condition for the use of the recycled asphalt pavement, the department shall require the installation of a soil layer between the recycled asphalt pavement and the groundwater aquifer at a depth to be determined by the department.

d. The Department of Environmental Protection, in consultation with the Department of Transportation, shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

2. This act shall take effect on the first day of the ninth month next following the date of enactment, except the Commissioner of Environmental Protection may take any anticipatory action in advance thereof as shall be necessary for the implementation of this act.