

[First Reprint]

SENATE, No. 3521

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED NOVEMBER 9, 2017

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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)

1 AN ACT concerning the use of recycled asphalt pavement, and
2 supplementing P.L.1987, c.102 (C.13:1E-99.11 et seq.).

3

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

6

7 1. a. Notwithstanding the provisions of any law, or any rule or
8 regulation adopted pursuant thereto, to the contrary, ¹a person may
9 use¹ recycled asphalt pavement ¹[may be used]¹, subject to the
10 limitations in ¹[subsections b. and c. of]¹ this section ¹as follows¹:

11 (1) unbound ¹[, as a surface material for a parking lot, farm road,
12 or pathway,]¹ in ¹bedrock¹ quarry reclamation ¹[, or underneath a
13 guardrail]¹; ¹[or]¹

14 (2) ¹[mixed with other materials as a base or subbase material]
15 unbound underneath a guardrail of a public road or highway;

16 (3) unbound or mixed with other materials for use as a base or
17 subbase material in accordance with applicable engineering designs;

18 (4) unbound as a surface material for a parking lot, farm road, or
19 pathway, or in any other location as authorized by the Department of
20 Environmental Protection; or

21 (5) in any other use authorized by the Department of
22 Environmental Protection¹ .

23 b. ¹[Unbound recycled asphalt pavement may be used as
24 authorized in subsection a. of this section, provided that the user
25 demonstrates to the Department of Environmental Protection that the
26 environment in which the material is used has a pH level greater than
27 four] A person shall not use recycled asphalt pavement as authorized
28 in subsection a. of this section in an environment in which the pH is
29 less than or equal to four, unless the person demonstrates to the
30 Department of Environmental Protection that the level of any
31 contaminant in the material is at or below a concentration such that, if
32 leaching occurs, the dissolved concentration of the contaminant in the
33 leachate is:

34 (1) at or below applicable drinking water quality standards
35 established by the Department of Environmental Protection and the
36 United States Environmental Protection Agency; and

37 (2) at or below all applicable groundwater quality standards
38 established by the Department of Environmental Protection¹ .

39 c. ¹[Recycled asphalt pavement may be used as authorized in
40 subsection a. of this section in environments where the pH level is less
41 than or equal to four if the user demonstrates to the Department of
42 Environmental Protection that:

43 (1) releasable levels of polycyclic aromatic hydrocarbons and
44 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:

¹Senate floor amendments adopted December 18, 2017.

1 water quality standards established by the Department of
2 Environmental Protection and the United States Environmental
3 Protection Agency; or

4 (2) releasable levels of polycyclic aromatic hydrocarbons and
5 metals in the material to be used are above drinking water quality
6 standards established by the Department of Environmental Protection
7 and the United States Environmental Protection Agency, and a soil
8 layer at a depth determined by the Department of Environmental
9 Protection is installed between the recycled asphalt pavement and the
10 groundwater aquifer. If a person fails to demonstrate to the
11 Department of Environmental Protection pursuant to subsection b. of
12 this section that the dissolved concentration of any contaminant in the
13 leachate of recycled asphalt pavement proposed for use in an
14 environment in which the pH is less than or equal to four, is at or
15 below the drinking water quality standards established by the
16 Department of Environmental Protection and the United States
17 Environmental Protection Agency and the applicable groundwater
18 quality standards established by the Department of Environmental
19 Protection, as a condition for the use of the recycled asphalt pavement,
20 the department shall require the installation of a soil layer between the
21 recycled asphalt pavement and the groundwater aquifer at a depth to
22 be determined by the department¹ .

23 d. The Department of Environmental Protection, in consultation
24 with the Department of Transportation, shall adopt rules and
25 regulations pursuant to the “Administrative Procedure Act,” P.L.1968,
26 c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.
27

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