

[First Reprint]
SENATE, No. 1683

STATE OF NEW JERSEY
218th LEGISLATURE

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Sponsored by:

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District 17 (Middlesex and Somerset)

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District 14 (Mercer and Middlesex)

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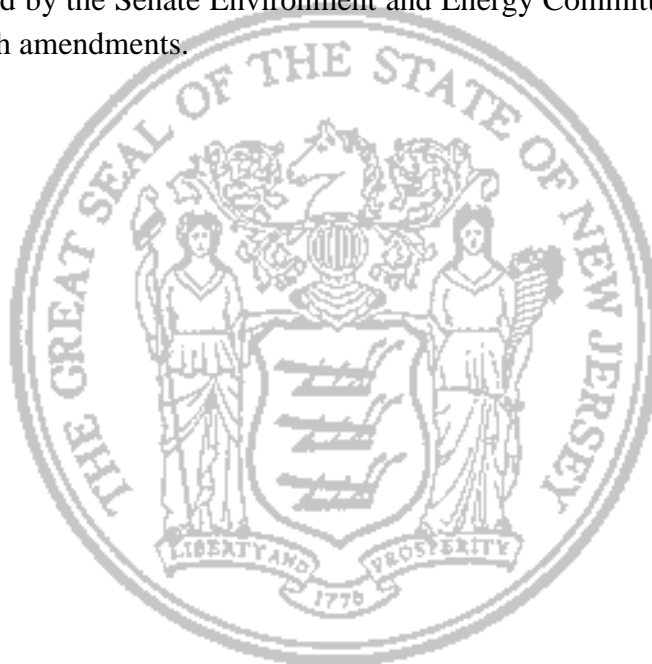
Senators Bateman and Oroho

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on February 14, 2019, with amendments.



(Sponsorship Updated As Of: 3/26/2019)

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 ¹[date 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 ¹[Attorney General]
15 department¹. The registration shall include ¹, but need not be limited
16 to¹:

17 (1) the name of the business concern ¹;; and] and its New Jersey
18 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 not
23 limited to, a valid phone number and email address; and

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

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

30 c.¹ No more than 90 days after submission of ¹[all information
31 required to be submitted] a registration form¹ pursuant to ¹[subsection
32 a. of]¹ this section, the ¹[Attorney General] department¹ shall issue a
33 soil and ¹debris fill¹ recycling registration to the business concern
34 ¹[that registers pursuant to subsection a. of this section] . Issuance of
35 a soil and fill recycling registration pursuant to this section shall not
36 preclude the department from subsequently denying a soil and fill
37 recycling license to the registrant.

38 d. No more than 270 days after the effective date of P.L. , c.
39 (C.) (pending before the Legislature as this bill), a registrant shall
40 submit a valid and administratively complete application for a soil and
41 fill recycling license with the Attorney General. Registrants may
42 request a 90-day extension to file a soil and fill 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted February 14, 2019.

1 application pursuant to this section, and the Attorney General may
2 grant the request upon a showing of good cause.

3 e. A soil and fill recycling registration issued pursuant to this
4 section shall automatically expire and become invalid upon: (1)
5 failure by the registrant to submit a valid and administratively
6 complete application for a soil and fill recycling license within the
7 required timeframe; or (2) a final determination by the department
8 regarding the registrant's application for a soil and fill recycling
9 license.

10 f. A soil and fill recycling registration issued pursuant to this
11 section is non-transferable and shall authorize the registrant to provide
12 soil and fill recycling services pending the approval or denial of the
13 registrant's application for a soil and fill recycling license.

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

19 h. As used in this section, "registrant" means any person who
20 applies for and is issued a soil and fill recycling registration pursuant
21 to this section¹.

22
23 2. (New section) ¹**[No]** Beginning 180 days after the effective
24 date of P.L. , c. (C.) (pending before the Legislature as this bill),
25 no¹ business concern shall engage in soil and ¹**[debris] fill¹** recycling
26 services unless it holds a soil and ¹**[debris] fill¹** recycling ¹**[license]**
27 registration¹ issued pursuant to ¹section 1 of P.L. , c. (C.)
28 (pending before the Legislature as this bill), a soil and fill recycling
29 license issued pursuant to¹ section 8 of P.L.1983, c.392 (C.13:1E-
30 133) ¹, or is a licensee pursuant to section 8 of P.L.1983, c.392 (C.13:1
31 E-133)¹.

32
33 3. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to read
34 as follows:

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

37 a. "Applicant" means any business concern **[which]** that (1) has
38 filed a disclosure statement with the **[department and the]** Attorney
39 General and is seeking **[an initial]** a license, provided that the business
40 concern has furnished the department and the Attorney General with
41 any information required pursuant to ¹**[P.L.1991, c.269 (C.13:1E-**
42 128.1 et al.)] P.L.1983, c.392 (C.13:1E-126 et seq.)¹ , or (2) has been
43 issued a soil and ¹**[debris] fill¹** recycling registration, has filed a
44 disclosure statement with the ¹**[department and the]**¹ Attorney
45 General, and is seeking a soil and ¹**[debris] fill¹** recycling license.

1 b. "Application" means the forms and accompanying documents
2 filed in connection with an applicant's or permittee's request for a
3 license or a soil and ¹ [debris] fill¹ recycling license.

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

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

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

12 (1) The full name, business address ¹, telephone number, email
13 address,¹ and social security number of the applicant or the permittee,
14 as the case may be, and of any officers, directors, partners, or key
15 employees thereof and all persons holding any equity in or debt
16 liability of the applicant or permittee, or, if the applicant or permittee
17 is a publicly traded corporation, all persons holding more than ¹**[5%]**
18 five percent¹ of the equity in or the debt liability of the applicant or
19 permittee, except that (a) where the equity in or debt liability of the
20 applicant or permittee is held by an institutional investor, the applicant
21 or permittee need only supply the name, business address and the basis
22 upon which the institutional investor qualifies as an institutional
23 investor, and (b) where the debt liability is held by a chartered lending
24 institution, the applicant or permittee need only supply the name and
25 business address of the lending institution;

26 (2) The full name, business address ¹, telephone number, email
27 address,¹ and social security number of all officers, directors, or
28 partners of any business concern disclosed in the disclosure statement
29 and the names and addresses of all persons holding any equity in or the
30 debt liability of any business concern so disclosed, except that (a)
31 where the business concern is a publicly traded corporation, the
32 applicant or permittee need only supply the name and business address
33 of the publicly traded corporation and copies of its annual filings with
34 the Securities and Exchange Commission, or its foreign equivalent, (b)
35 where the equity in or debt liability of that business concern is held by
36 an institutional investor, the applicant or permittee need only supply
37 the name, business address and the basis upon which the institutional
38 investor qualifies as an institutional investor, and (c) where the debt
39 liability is held by a chartered lending institution, the applicant or
40 permittee need only supply the name and business address of the
41 lending institution;

42 (3) The full name and business address of any business concern
43 which collects, transports, treats, stores, ¹brokers,¹ transfers or
44 disposes of solid waste or hazardous waste , or that engages in soil and
45 ¹ [debris] fill¹ recycling services, in which the applicant or the
46 permittee holds an equity interest;

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

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

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

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

31 (8) A listing of any agencies outside of New Jersey which had
32 regulatory responsibility over the applicant or the permittee, as the
33 case may be, in connection with the collection, transportation,
34 treatment, storage, 'brokering,' transfer or disposal of solid waste or
35 hazardous waste or in connection with the provision of soil and
36 '【debris】 fill' recycling services; [and]

37 (9) The full name and business address of any individual or
38 business concern that leases real property or equipment used for the
39 collection, transportation, treatment, processing, storage, 'brokering,'
40 transfer, or disposal of solid waste or hazardous waste, or the
41 provision of soil and '【debris】 fill' recycling services, to the
42 applicant, permittee, or licensee;

43 (10) A listing and explanation of any civil litigation pending
44 between the applicant, permittee, licensee, key employee, officer,
45 director, or partner thereof and any other person engaged in the
46 collection, transportation, treatment, processing, storage, 'brokering,'
47 transfer, or disposal of solid waste or hazardous waste or in the

1 provision of soil and ¹【debris】 fill¹ recycling services, related to the
2 provision of solid waste, hazardous waste or soil and ¹【debris】 fill¹
3 recycling services; and

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

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

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

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

33 (c) A listing of every license, registration, permit, certificate of
34 public convenience and necessity, uniform tariff approval or
35 equivalent operating authorization held by the applicant or permittee
36 within the last five years under any name for the collection,
37 transportation, treatment, storage, ¹brokering,¹ recycling, processing,
38 transfer or disposal of solid waste or hazardous waste , or the provision
39 of soil and ¹【debris】 fill¹ recycling services, on a commercial basis in
40 any state, territory or district of the United States, and the name of
41 every agency issuing such operating authorization;

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

1 sister, subsidiary and affiliate corporations, or members of the group ¹,
2 and the equity interest by percentage for each subsidiary company¹;

3 (e) A listing and explanation of any notices of violation or
4 prosecution, administrative orders or license revocations issued by this
5 State or any other state or federal authority to the applicant or
6 permittee in the 10 years immediately preceding the filing of the
7 application or disclosure statement, whichever is later, which are
8 pending or have resulted in a finding or a settlement of a violation of
9 any law or rule or regulation relating to the collection, transportation,
10 treatment, storage, ¹brokering,¹ recycling, processing, transfer or
11 disposal of solid waste or hazardous waste, or the provision of soil and
12 ¹【debris】 fill¹ recycling services, by the applicant or permittee;

13 (f) A listing and explanation of any judgment, decree or order,
14 whether by consent or not, issued against the applicant or permittee in
15 the 10 years immediately preceding the filing of the application, and of
16 any pending civil complaints against the applicant or permittee
17 pertaining to a violation or alleged violation of federal or state antitrust
18 laws, trade regulations or securities regulations;

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

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

31 f. "Key employee" means any individual employed ¹or otherwise
32 engaged¹ by the applicant, the permittee or the licensee in a
33 supervisory capacity or empowered to make discretionary decisions
34 with respect to the solid waste **【or】**, hazardous waste, or soil and
35 ¹【debris】 fill¹ recycling operations of the business concern; any
36 family member of an officer, director, partner, or key employee,
37 employed ¹or otherwise engaged¹ by the applicant or permittee; or any
38 broker, consultant or sales person employed ¹or otherwise engaged¹
39 by, or who do business with, the applicant, permittee, or licensee, with
40 respect to the solid waste, hazardous waste, or soil and ¹【debris】 fill¹
41 recycling operations of the business concern; but shall not include
42 employees, who are not family members, exclusively engaged in the
43 physical or mechanical collection, transportation, treatment, storage,
44 transfer or disposal of solid waste or hazardous waste, or the provision
45 of soil and ¹【debris】 fill¹ recycling services.

1 g. "License" means the ¹**["initial"]**¹ approval ¹**["and first renewal**
2 by the department¹ of any registration statement or engineering
3 design pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981,
4 c.279 (C.13:1E-49 et seq.), for the collection, transportation, treatment,
5 storage, ¹processing, brokering,¹ transfer or disposal of solid waste or
6 hazardous waste in this State.

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

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

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

16 (3) Any person for the operation of a hazardous waste facility, if at
17 least 75 ¹**["%"]** percent¹ of the total design capacity of that facility is
18 utilized to treat, store or dispose of hazardous waste generated by that
19 person;

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

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

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

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

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

39 h. "Licensee" means any business concern which has completed
40 the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and
41 whose application for the issuance or renewal of a license has been
42 approved by the **["department"]** ¹**["Attorney General"]** department¹
43 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

44 i. "Permittee" means and shall include:

45 (1) Any business concern which has filed a disclosure statement
46 with the department and the Attorney General and to which a valid
47 registration statement or engineering design approval for the

1 collection, transportation, treatment, storage, transfer or disposal of
2 solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1
3 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the
4 department prior to June 14, 1984;

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

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

29 (4) Any business concern to which a temporary approval of
30 registration has been given by the department at any time after January
31 23, 1986 pursuant to statute or rule and regulation, provided that such
32 temporary approval of registration, statute, or rule and regulation
33 remains valid, and provided further that the business concern has
34 furnished the department and the Attorney General with any
35 information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et
36 al.) and filed a disclosure statement with the department and the
37 Attorney General ¹**;** or

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

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

44 k. "Secondary business activity corporation" means any business
45 concern which has derived less than ¹**5%** five percent¹ of its annual
46 gross revenues in each of the three years immediately preceding the
47 one in which the application for a license or a soil and ¹**debris** fill¹

1 recycling license is being made from the collection, transportation,
2 treatment, storage, ¹**["recycling,"]**¹ processing, ¹brokering,¹ transfer or
3 disposal of solid waste or hazardous waste, or the provision of soil and
4 ¹**["debris"] fill**¹ recycling services, whether directly or through other
5 business concerns partially or wholly owned or controlled by the
6 applicant or the permittee, as the case may be, and which (1) has one
7 or more classes of security registered pursuant to section 12 of the
8 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78l), or
9 (2) is an issuer subject to subsection (d) of section 15 of the "Securities
10 Exchange Act of 1934," as amended (15 U.S.C. s.78o).

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

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

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

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

41 (3) has one or more classes of securities traded in an open market
42 in any foreign jurisdiction, provided that the **["department"]** Attorney
43 General determines that the foreign exchange provides openness,
44 integrity and oversight in its operations sufficient to meet the intent of
45 P.L.1983, c.392 (C.13:1E-126 et seq.), or that the securities traded on
46 the foreign exchange are regulated pursuant to a statute of a foreign
47 jurisdiction that is substantially similar, both in form and effect, to

1 section 12 or subsection (d) of section 15 of the "Securities Exchange
2 Act of 1934," as amended.

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

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

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

22 q. ¹["Recyclable"] "Soil and fill recyclable¹ materials" means
23 ¹["(1) source-separated, non-putrescible, waste material resulting from
24 construction, remodeling, repair, and demolition operations on houses,
25 commercial buildings, pavements and other structures, (2) source-
26 separated, non-putrescible waste concrete, asphalt, brick, block,
27 asphalt-based roofing, scrap wood, and wood waste, and (3) soil,
28 which would otherwise become solid waste, and which may be
29 collected, separated or processed and returned to the economic
30 mainstream in the form of raw materials or products. For the purposes
31 of P.L.1983, c.392 (C.13:1E-126 et seq.), "recyclable materials" shall
32 not include metal, glass, or plastic containers, paper, or corrugated
33 cardboard"] non-putrescible aggregate substitute, including, but not
34 limited to, broken or crushed brick, block, concrete, or other similar
35 manufactured materials; soil or soil that may contain aggregate
36 substitute or other debris or material, generated from land clearing,
37 excavation, demolition, or redevelopment activities that would
38 otherwise be managed as solid waste, and that may be returned to the
39 economic mainstream in the form of raw materials for further
40 processing or for use as fill material. "Soil and fill recyclable
41 materials" shall not include: (1) Class A recyclable material, as
42 defined by regulation adopted pursuant to section 4 of P.L.1989, c.268
43 (C.13:1E-99.43); (2) Class B recyclable material, as defined by
44 regulation adopted pursuant to section 4 of P.L.1989, c.268 (C.13:1E-
45 99.43), that is shipped to a Class B recycling center approved by the
46 department for receipt, storage, processing, or transfer in accordance
47 with subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34);

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

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

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

16 t. "Soil and ¹["debris"] fill¹ recycling services" means the services
17 provided by persons engaging in the business of the collection,
18 transportation, processing, ¹brokering,¹ storage, purchase, sale or
19 disposition, or any combination thereof, of ¹soil and fill¹ recyclable
20 materials.

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

22
23 4. Section 3 of P.L.1983, c.392 (C.13:1E-128) is amended to read
24 as follows:

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

28 a. (1) Every applicant and permittee shall file a disclosure
29 statement with the **["department and the"]** Attorney General;

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

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

43 (4) In conducting a review of the application, the **["department"]**
44 Attorney General shall include a review of the disclosure statement
45 and investigative report;

46 (5) An applicant or permittee may file a limited disclosure
47 statement pursuant to the provisions of paragraphs (a) through (h) of

1 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127); and a
2 person required to be listed in the disclosure statement is exempt from
3 the fingerprint and personal history disclosure requirements; if:

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

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

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

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

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

1 business concern that has been issued a soil and fill recycling license¹
2 conducted in New Jersey;

3 (d) A business concern that is a publicly traded corporation that is
4 not the applicant, licensee, ¹**[or]**¹ permittee ¹, or business concern that
5 has been issued a soil and fill recycling license¹ but which is listed in
6 a disclosure statement pursuant to subsection e. of section 2 of
7 P.L.1983, c.392 (C.13:1E-127), shall be exempt from disclosure
8 requirements established in subsection e. of section 2 of
9 P.L.1983, c.392 (C.13:1E-127) provided that the name and business
10 address of the publicly traded corporation and copies of its annual
11 filings with the Securities and Exchange Commission, or its foreign
12 equivalent, are filed with the disclosure forms of the applicant,
13 licensee, ¹**[or]**¹ permittee ¹, or business concern that has been issued a
14 soil and fill recycling license¹. Subsidiaries intervening in the chain
15 of equity between the publicly traded corporation and the applicant,
16 licensee, ¹**[or]**¹ permittee ¹, or business concern that has been issued a
17 soil and fill recycling license¹, and the officers and directors of those
18 intervening subsidiaries, shall also be exempt from the disclosure
19 requirements established in subsection e. of section 2 of
20 P.L.1983, c.392 (C.13:1E-127) provided that the intervening
21 subsidiary is not and will not be engaged in active management of the
22 commercial solid waste or hazardous waste operations or the soil and
23 ¹**[debris]** fill¹ recycling ¹service¹ operations of the applicant, licensee,
24 ¹**[or]**¹ permittee ¹, or business concern that has been issued a soil and
25 fill recycling license¹ conducted in New Jersey;

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

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

39 b. All applicants, permittees and licensees, and all business
40 concerns that have been issued a soil and ¹**[debris]** fill¹ recycling
41 license, shall have the continuing duty to provide any assistance or
42 information requested by the department or the Attorney General, and
43 to cooperate in any inquiry or investigation conducted by the Attorney
44 General or the State Commission of Investigation and any inquiry,
45 investigation, or hearing conducted by the department. Except as
46 otherwise determined by the Superior Court pursuant to subsection d.
47 of this section, if, upon issuance of a formal request to answer any

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

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

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

44 If the Attorney General requires any or all of this information, a
45 written request for the additional information shall be served upon the
46 applicant, permittee or licensee, or the business concern that has been
47 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

1 Court a petition to modify or set aside the interrogatory, as provided in
2 subsection j. of this section;

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

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

10 c. No interrogatory shall:

11 (1) Contain any requirement which would be held to be
12 unreasonable if contained in a **[subpena]** subpoena duces tecum
13 issued in aid of a grand jury investigation; or

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

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

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

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

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

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

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

47 No material produced pursuant to this section shall be available for
48 examination, without the consent of the person who produced the

1 material, by an individual other than the Attorney General or any
2 person retained by the Attorney General in connection with the
3 enforcement of this act. Under reasonable terms and conditions as the
4 Attorney General shall prescribe, documentary material while in his
5 possession shall be available for examination by the person who
6 produced the material or any of his duly authorized representatives.

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

12 g. Upon completion of:

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

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

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

30 i. Whenever any person fails to comply with any investigative
31 interrogatory 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 this section.

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

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

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

3 5. a. Whenever the Attorney General determines that there exists
4 a reasonable suspicion that any person may have information or
5 knowledge relevant to an investigation conducted pursuant to this act,
6 he may issue in writing and cause to be served upon that person a
7 **【subpena】 subpoena** to appear and be examined under oath before the
8 Attorney General.

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

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

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

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

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

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

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

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

40 f. At any time before the return date specified in the **【subpena】**
41 subpoena, the person who has been served with the **【subpena】**
42 subpoena may file in the Superior Court a petition for an order
43 modifying or setting aside the **【subpena】 subpoena**. The time allowed
44 for compliance with the **【subpena】 subpoena** shall not run during the
45 pendency of this petition. The petition shall specify each ground upon
46 which the petitioner relies in seeking relief, and may be based upon

1 any failure of the **subpena** subpoena to comply with the provisions
2 of this section or upon any constitutional or other legal right or
3 privilege of the petitioner. In this proceeding, the Attorney General
4 shall establish the existence of an investigation pursuant to this act and
5 the nature and subject matter of the investigation.

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

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

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

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

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

- 43 (1) Murder;
44 (2) Kidnapping;
45 (3) Gambling;
46 (4) Robbery;
47 (5) Bribery;

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

1 beneficial interest in the business of the applicant or the permittee, or
2 to have rented or leased at any or no cost real property, vehicles or
3 other equipment used for the collection, transportation, treatment,
4 processing, storage, ¹brokering,¹ transfer, or disposal of solid waste or
5 hazardous waste, or the provision of soil and ¹【debris】 fill¹ recycling
6 services, to the applicant or the permittee, for any of the crimes
7 enumerated in subsection b. of this section, provided, however, that at
8 the request of the applicant, permittee, or the person charged, the
9 **【department】 ¹【Attorney General】 department¹** shall defer decision
10 upon such application during the pendency of such charge.

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

29 f. If the Attorney General determines that any person required to
30 be listed in the disclosure statement, or otherwise shown to have a
31 beneficial interest in the business of the applicant, permittee or the
32 licensee, ¹or the business concern that has been issued a soil and fill
33 recycling license,¹ or to have rented or leased at any or no cost real
34 property, vehicles or other equipment used for the collection,
35 transportation, treatment, processing, storage, ¹brokering,¹ transfer, or
36 disposal of solid waste or hazardous waste, or the provision of soil
37 and ¹【debris】 fill¹ recycling services, to the applicant, the permittee,
38 ¹【or】¹ the licensee, ¹or the business concern that has been issued a soil
39 and fill recycling license,¹ has been identified by the State
40 Commission of Investigation or the Federal Bureau of Investigation as
41 a career offender or a member of a career offender cartel or an
42 associate of a career offender or career offender cartel, where such
43 identification, membership or association creates a reasonable belief
44 that the participation of that person in any activity required to be
45 licensed under this act would be inimical to the policies of this act.
46 For the purposes of this section, "career offender" means any person

1 whose behavior is pursued in an occupational manner or context for
2 the purpose of economic gain, utilizing such methods as are deemed
3 criminal violations of the public policy of this State; and a "career
4 offender cartel" means any group of persons who operate together as
5 career offenders.

6 A license or a soil and ¹【debris】 fill¹ recycling license may be
7 approved by the **【department】** ¹【Attorney General】 department¹ for
8 any applicant or permittee if the information contained within the
9 disclosure statement and investigative report, including any
10 determination made by the Attorney General concerning the character,
11 honesty and integrity of any person required to be listed in the
12 disclosure statement, or otherwise shown to have a beneficial interest
13 in the business of the applicant or permittee, or to have rented or
14 leased at any or no cost real property, vehicles or other equipment used
15 for the collection, transportation, treatment, processing, storage,
16 ¹brokering,¹ transfer, or disposal of solid waste or hazardous waste, or
17 the provision of soil and ¹【debris】 fill¹ recycling services, to the
18 applicant, the permittee, ¹【or】¹ the licensee, ¹or the business concern
19 that has been issued a soil and fill recycling license,¹ would not require
20 disqualification pursuant to subsection a., b. c., e. or f. of this section.

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

25 A license or a soil and ¹【debris】 fill¹ recycling license approved
26 by the **【department】** ¹【Attorney General】 department¹ for any
27 applicant or permittee pursuant to this section is non-transferable and
28 shall be valid only for the length of time for which it is given.

29 Any applicant or permittee who is denied **【an initial】** a license or a
30 soil and ¹【debris】 fill¹ recycling license pursuant to this section shall,
31 upon a written request transmitted to the **【department】** ¹【Attorney
32 General】 department¹ within 30 days of that denial, be afforded the
33 opportunity for a hearing thereon in the manner provided for contested
34 cases pursuant to the "Administrative Procedure Act," P.L.1968, c.410
35 (C.52:14B-1 et seq.).
36 (cf: P.L.1991, c.269, s.6)

37
38 8. Section 7 of P.L.1991, c.269 (C.13:1E-133.1) is amended to
39 read as follows:

40 7. a. Notwithstanding the ¹debarment pursuant to section 8 of
41 P.L.1983, c.392 (C.13:1E-133) or the¹ conviction of any person
42 required to be listed in a disclosure statement, or otherwise shown to
43 have a beneficial interest in the business of an applicant, permittee or
44 licensee ¹, or business concern that has been issued a soil and fill
45 recycling license¹ or to have rented or leased at any or no cost real
46 property, vehicles or other equipment used for the collection,

1 transportation, treatment, processing, storage, ¹brokering,¹ transfer, or
2 disposal of solid waste or hazardous waste, or the provision of soil
3 and ¹【debris】 fill¹ recycling services, to the applicant, the permittee,
4 or the licensee, ¹or the business concern that has been issued a soil and
5 fill recycling license,¹ for any of the crimes enumerated in subsection
6 b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the 【department】
7 ¹【Attorney General】 department¹ may issue or renew a license or a
8 soil and ¹【debris】 fill¹ recycling license to an applicant, permittee or
9 licensee ¹, or business concern that has been issued a soil and fill
10 recycling license¹ if the 【department】 ¹【Attorney General】
11 department¹ determines in a writing setting forth findings of fact that
12 the ¹debarred or¹ convicted person has affirmatively demonstrated
13 rehabilitation by clear and convincing evidence pursuant to the
14 provisions of this section. If the 【department】 ¹【Attorney General】
15 department¹ determines that the nature and seriousness of the
16 ¹debarment or¹ crime creates a reasonable doubt that an applicant,
17 permittee, or licensee ¹, or business concern that has been issued a soil
18 and fill recycling license¹ will engage in the activity for which a
19 license or soil and ¹【debris】 fill¹ recycling license is sought in a
20 lawful and responsible manner, the 【department】 ¹【Attorney General】
21 department¹ shall make a determination in a writing setting forth
22 findings of fact that the ¹debarred or¹ convicted person cannot
23 affirmatively demonstrate rehabilitation.

24 b. In determining whether a ¹debarred or¹ convicted individual
25 has affirmatively demonstrated rehabilitation, the 【department shall
26 request a recommendation thereon from the】 ¹department shall request
27 a recommendation thereon from the¹ Attorney General 【, which
28 recommendation shall be】 ¹【shall make a finding.】 , which
29 recommendation shall be¹ in writing 【and】. ¹and¹ based upon a
30 consideration of at least the following factors:

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

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

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

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

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

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

41 (7) Any evidence of good conduct in the community, counseling or
42 psychiatric treatment received, acquisition of additional academic or
43 vocational schooling, or the recommendation of persons who have

1 supervised the 'debarred or' convicted individual since the 'debarment
2 or' conviction; and

3 (8) The full criminal record of the 'debarred or' convicted
4 individual, any record of civil or regulatory violations or notices or any
5 complaints alleging any such civil or regulatory violations, or any
6 other allegations of wrongdoing.

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

14 c. In determining whether a 'debarred or' convicted business
15 concern has affirmatively demonstrated rehabilitation, the [department
16 shall request a recommendation thereon from the] 'department shall
17 request a recommendation thereon from the' Attorney General [,
18 which recommendation shall be] '[shall make a finding.]' , which
19 recommendation shall be' in writing [and], 'and' based upon a
20 consideration of at least the following factors:

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

22 (2) The circumstances under which the 'debarment was imposed
23 or the' crime was committed;

24 (3) The date of the 'debarment or' crime;

25 (4) Whether the 'cause of debarment or' crime was an isolated or
26 repeated 'event or' act; and

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

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

1 necessary to prevent a recurrence of the ¹acts leading to debarment or¹
2 criminal activity. The investigation shall be conducted by, or on behalf
3 of, the Attorney General, and the cost thereof shall be borne by the
4 ¹debarred or¹ convicted business concern.

5 The Attorney General may require, on the basis of this
6 investigation and as a condition of **[recommending]** ¹**[determining]**
7 recommending¹ that a ¹debarred or¹ convicted business concern has
8 affirmatively demonstrated rehabilitation, that a ¹debarred or¹
9 convicted business concern comply, or agree in writing to comply,
10 with any of the following:

11 (1) changes in the ¹debarred or¹ convicted business concern's
12 organizational structure to reduce the opportunity and motivation of
13 individual employees to engage in criminal activity, including
14 procedures for informing employees of the requirements of relevant
15 state and federal law;

16 (2) changes in the ¹debarred or¹ convicted business concern's long
17 and short term planning to ensure that the ¹debarred or¹ convicted
18 business concern implements procedures and policies to prevent future
19 violations of the law;

20 (3) changes in the ¹debarred or¹ convicted business concern's
21 legal, accounting, or other internal or external control and monitoring
22 procedures to discourage or prevent future violations of state or federal
23 law;

24 (4) changes in the ¹debarred or¹ convicted business concern's
25 ownership, control, personnel, and personnel selection practices,
26 including the removal of any person shown to have a beneficial
27 interest in the ¹debarred or¹ convicted business concern, and the
28 imposition of a reward or disincentive system in order to encourage
29 employees to comply with relevant state and federal law;

30 (5) post-licensing monitoring of the ¹debarred or¹ convicted
31 business concern's activities relating to any changes in policy,
32 procedure, or structure required by the Attorney General pursuant to
33 this subsection, the cost of such monitoring to be borne by the
34 ¹debarred or¹ convicted business concern; and

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

37 e. The **[department]** ¹**[Attorney General]** department¹ shall not
38 determine that a ¹debarred or¹ convicted business concern has
39 affirmatively demonstrated rehabilitation if the ¹debarred or¹
40 convicted business concern has not complied, or agreed in writing to
41 comply, with every requirement imposed by the Attorney General
42 pursuant to subsection d. of this section.

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

44

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

1 8. a. Notwithstanding any current prosecutions or pending
2 charges in any jurisdiction against any person required to be listed in a
3 disclosure statement, or otherwise shown to have a beneficial interest
4 in the business of an applicant, permittee or licensee ¹, or business
5 concern that has been issued a soil and fill recycling license¹, or to
6 have rented or leased at any or no cost real property, vehicles or other
7 equipment used for the collection, transportation, treatment,
8 processing, storage, ¹brokering,¹ transfer, or disposal of solid waste or
9 hazardous waste, or the provision of soil and ¹【debris】 fill¹ recycling
10 services, to the applicant, the permittee, or the licensee, ¹or business
11 concern that has been issued a soil and fill recycling license,¹ for any
12 of the crimes enumerated in subsection b. of section 8 of P.L.1983,
13 c.392 (C.13:1E-133), the 【department】 ¹【Attorney General】
14 department¹ may issue or renew a license or a soil and ¹【debris】 fill¹
15 recycling license to an applicant, permittee or licensee ¹, or business
16 concern that has been issued a soil and fill recycling license¹ if the
17 【department】 ¹【Attorney General】 department¹ determines in a
18 writing setting forth findings of fact that the person against whom
19 there are current prosecutions or pending charges has affirmatively
20 reestablished a reputation for good character, honesty and integrity by
21 clear and convincing evidence pursuant to the provisions of this
22 section. If the 【department】 ¹【Attorney General】 department¹
23 determines that the nature and seriousness of the crime alleged in a
24 current prosecution or pending charge creates a reasonable doubt that
25 an applicant, permittee, or licensee ¹, or business concern ¹ that has been
26 issued a soil and fill recycling license¹ will engage in the activity for
27 which a license is sought in a lawful and responsible manner, the
28 【department】 ¹【Attorney General】 department¹ shall make a
29 determination in a writing setting forth findings of fact that the person
30 against whom there are current prosecutions or pending charges cannot
31 reestablish a reputation for good character, honesty and integrity.

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

41 b. In determining whether an individual against whom there are
42 current prosecutions or pending charges has affirmatively
43 reestablished a reputation for good character, honesty and integrity, the
44 【department shall request a recommendation thereon from the】
45 ¹department shall request a recommendation thereon from the¹
46 Attorney General 【, which recommendation shall be】 ¹【shall make a

1 finding.】 , which recommendation shall be¹ in writing, and based upon

2 a consideration of at least the following factors:

3 (1) The nature and responsibilities of the position which the

4 individual against whom there are current prosecutions or pending

5 charges would hold;

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

7 (3) The circumstances under which the alleged crime was

8 committed;

9 (4) The date of the alleged crime;

10 (5) The age of the individual against whom there are current

11 prosecutions or pending charges when the alleged crime was

12 committed;

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

14 (7) Any evidence of good conduct in the community, counseling or

15 psychiatric treatment received, acquisition of additional academic or

16 vocational schooling, or the recommendation of persons who have

17 supervised the individual since the date of the alleged crime; and

18 (8) The full criminal record of the individual against whom there

19 are current prosecutions or pending charges, any record of civil or

20 regulatory violations or notices or any complaints alleging any such

21 civil or regulatory violations, or any other allegations of wrongdoing.

22 c. In determining whether a business concern against whom there

23 are current prosecutions or pending charges has affirmatively

24 reestablished a reputation for good character, honesty and integrity, the

25 ~~【department shall request a recommendation thereon from the】~~

26 department shall request a recommendation thereon from the¹

27 ~~Attorney General 【, which recommendation shall be】~~ 【shall make a

28 finding.】 , which recommendation shall be¹ in writing, and based upon

29 a consideration of at least the following factors:

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

31 (2) The circumstances under which the alleged crime was

32 committed;

33 (3) The date of the alleged crime;

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

35 (5) The full criminal record of the business concern against whom

36 there are current prosecutions or pending charges, any record of civil

37 or regulatory violations or notices or any complaints alleging any such

38 civil or regulatory violations, or any other allegations of wrongdoing.

39 d. The Attorney General may require, as a predicate to a

40 determination that a business concern against which there are current

41 prosecutions or pending charges has affirmatively reestablished a

42 reputation for good character, honesty and integrity, that the business

43 concern agree, in writing, to an investigation of the alleged crime or

44 crimes committed by the business concern, the persons involved in the

45 alleged crime, and any corporate policies, procedures, and

46 organizational structure that may have led to the alleged crime. At the

47 conclusion of this investigation a report shall be prepared identifying

1 the underlying conduct giving rise to any alleged criminal activity and
2 any steps that have subsequently been taken by the business concern to
3 prevent a recurrence of the alleged criminal activity, and
4 recommending any steps that may be deemed necessary to prevent a
5 recurrence of the alleged criminal activity. The investigation shall be
6 conducted by, or on behalf of, the Attorney General, and the cost
7 thereof shall be borne by the business concern.

8 The Attorney General may require, on the basis of this
9 investigation and as a condition of **[recommending]** ¹**[finding]**
10 recommending¹ that a business concern against which there are current
11 prosecutions or pending charges has affirmatively reestablished a
12 reputation for good character, honesty and integrity, that a business
13 concern comply, or agree in writing to comply, with any of the
14 following:

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

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

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

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

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

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

36 e. The **[department]** ¹**[Attorney General]** department¹ shall not
37 determine that a business concern against which there are current
38 prosecutions or pending charges has affirmatively reestablished a
39 reputation for good character, honesty and integrity if the business
40 concern has not complied, or agreed in writing to comply, with every
41 requirement imposed by the Attorney General pursuant to subsection
42 d. of this section.

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

44
45 ¹**[10. Section 17 of P.L.1991, c.269 (C.13:1E-133.3) is amended**
46 **to read as follows:**

47 17. The Department of Environmental Protection shall not issue
48 any permits required pursuant to P.L.1954, c.212 (C.26:2C-1 et

1 seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1975,
2 c.232 (C.13:1D-29 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.),
3 P.L.1981, c.262 (C.58:1A-1 et seq.), or any other law, or any rules
4 and regulations adopted thereto, to any person proposing to own or
5 operate a resource recovery facility prior to the completion by the
6 Attorney General **【and the department】** of the requirements of
7 sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133),
8 and unless the person proposing to own or operate the resource
9 recovery facility has received a license approved by the
10 **【department】** Attorney General pursuant to section 8 of
11 P.L.1983, c.392 (C.13:1E-133); except that the department may
12 issue such permits if the **【department】** Attorney General has
13 approved, issued or renewed a temporary license for such person
14 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).
15 (cf: P.L.1991, c.269, s.17) **】**¹

16

17 **【11.】** 10.¹ Section 9 of P.L.1983, c.392 (C.13:1E-134) is
18 amended to read as follows:

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

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

27 b. Fraud, deceit or misrepresentation in securing ¹or maintaining¹
28 the license or soil and **【debris】** fill¹ recycling license, or in the
29 conduct of the licensed activity;

30 c. Offering, conferring or agreeing to confer any benefit to induce
31 any other person to violate the provisions of P.L.1983, c.392 (C.13:1E-
32 126 et seq.), or of any other law relating to the collection,
33 transportation, treatment, storage, ¹brokering,¹ transfer or disposal of
34 solid waste or hazardous waste, or the provision of soil and **【debris】**
35 fill¹ recycling services, or of any rule or regulation adopted pursuant
36 thereto;

37 d. Coercion of a customer by violence or economic reprisal or the
38 threat thereof to utilize the services of any permittee or licensee, or a
39 business concern that holds a soil and **【debris】** fill¹ recycling license;
40 **【or】**¹

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

1 f. Failing to file timely annual updates as directed by the
2 Attorney General¹.

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

4

5 ¹~~12.~~ 11.¹ Section 10 of ¹~~P.L.1991, c.269~~ P.L.1983, c.392¹
6 (C.13:1E-135) is amended to read as follows:

7 10. a. (1) Notwithstanding the disqualification of the applicant or
8 permittee pursuant to subsection a., b., c., e. or f. of section 8 of
9 P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a
10 license or a soil and ¹~~debris~~ fill¹ recycling license if the applicant or
11 permittee severs the interest of or affiliation with the person who
12 would otherwise cause that disqualification. ¹The department may bar
13 the person that would otherwise cause the disqualification from
14 participation in the collection, transportation, treatment, storage,
15 processing, brokering, transfer, or disposal of solid or hazardous
16 waste, or the provision of soil and fill recycling services.¹

17 (2) The department may issue or renew a temporary license to any
18 applicant or permittee for periods not to exceed six months if the
19 department determines that the issuance or renewal of a temporary
20 license is necessitated by the public interest.

21 b. After July 1, 1992, the provisions of any other law to the
22 contrary notwithstanding, no temporary license shall be approved,
23 issued or renewed by the department for any applicant or permittee, as
24 the case may be, to own or operate a resource recovery facility or other
25 solid waste facility approved by the department for the long-term solid
26 waste disposal requirements of a district or districts pursuant to the
27 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)
28 prior to the completion by the Attorney General ~~and the department~~
29 ¹and the department¹ of the requirements of sections 3 and 8 of
30 P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the
31 department may issue a temporary license to an applicant or renew the
32 temporary license of a permittee if the Commissioner of the
33 Department of Environmental Protection determines, in writing, that
34 the issuance of a temporary license for that applicant or renewal of the
35 temporary license for that permittee is necessitated by the public
36 interest.

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

38

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

41 7. a. No person shall engage, or be permitted to engage, in the
42 business of solid waste collection or solid waste disposal until
43 found by the Department of Environmental Protection to be
44 qualified by experience, training or education to engage in such
45 business, is able to furnish proof of financial responsibility, and
46 unless that person holds a certificate of public convenience and
47 necessity issued by the Department of Environmental Protection.

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

7 (2) No certificate of public convenience and necessity shall be
8 issued by the Department of Environmental Protection to any
9 person who has been denied approval of a license under the
10 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or whose
11 license has been revoked by the **【Department of Environmental
12 Protection】** Attorney General, as the case may be.

13 b. No person shall transport regulated medical waste until
14 found by the Department of Environmental Protection to be
15 qualified by experience, training or education to engage in such
16 business, and is able to furnish proof of financial responsibility, and
17 holds a certificate of public convenience and necessity issued by the
18 Department of Environmental Protection. No certificate shall be
19 issued for the transportation of regulated medical waste until the
20 proposed transporter has obtained a registration statement required
21 by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed
22 under section 9 of P.L.1989, c.34 (C.13:1E-48.9).

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

26 (cf: P.L.2003, c.169, s.13) **】**¹

27

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

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

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

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

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

42 d. Has had its registration revoked by the Department of
43 Environmental Protection; or

44 e. Has been denied approval of a license under the provisions
45 of P.L.1983, c.392 (C.13:1E-126 et seq.), or has had its license
46 revoked by the **【Department of Environmental Protection】** Attorney

1 General, as the case may be.
2 (cf: P.L.2003, c.169, s.19)】¹

3
4 ¹【15.】 12.¹ Section 3 of P.L.1971, c.461 (C.13:1E-18) is
5 amended to read as follows:

6 3. a. The department may in accordance with a fee schedule
7 adopted as a rule or regulation establish and charge annual or
8 periodic fees for any of the services to be performed in connection
9 with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1
10 et seq.) **】**, except that the annual or periodic fees charged by the
11 department to cover the costs incurred by any State agency relevant
12 to pre-licensing investigations, post-licensing compliance
13 monitoring or related activities under the provisions of P.L.1983,
14 c.392 (C.13:1E-126 et seq.) shall be based upon the size of the
15 business concern. For the purposes of this subsection, "business
16 concern" means any corporation, association, firm, partnership, sole
17 proprietorship, trust or other form of commercial organization;
18 "size" means the number of key employees or persons required to
19 be listed in the disclosure statement, or otherwise shown to have a
20 beneficial interest in the business of the applicant, permittee or
21 licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127);
22 and "State agency" means any State department, division, agency,
23 commission or authority.

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

30 b. The fee schedule shall reasonably reflect the duration or
31 complexity of the specific service rendered, permit application
32 reviewed, or registration statement or engineering design
33 application approval sought.
34 (cf: P.L.1991, c.269, s.15)

35
36 ¹【16.】 13.¹ (New section) a. The ¹【Attorney General】
37 department¹ shall establish application and license fees ¹, annual fees,
38 and any other fees the department determines necessary to defray the
39 costs of administration,¹ for any license or soil and ¹【debris】 fill¹
40 recycling license issued pursuant to P.L.1983, c.392 (C.13:1E-126 et
41 seq.) ¹, or the soil and fill recycling registration issued pursuant to
42 section 1 of P.L. , c. (C.) (pending before the Legislature as this
43 bill)¹. The fees shall be ¹【based upon the cost of investigation and
44 consideration of the license application, and the actual and prospective
45 costs of the investigative and enforcement functions of the office. The
46 annual or periodic fees shall cover the costs incurred by any State
47 agency relevant to pre-licensing investigations, post-licensing

1 compliance monitoring or related activities under the provisions of
 2 P.L.1983, c.392 (C.13:1E-126 et seq.) and shall be based upon the size
 3 of the business concern. For the purposes of this section, "business
 4 concern" means any corporation, association, firm, partnership, sole
 5 proprietorship, trust or other form of commercial organization; "size"
 6 means the number of key employees or persons required to be listed in
 7 the disclosure statement, or otherwise shown to have a beneficial
 8 interest in the business of the applicant, permittee or licensee as
 9 defined in section 2 of P.L.1983, c.392 (C.13:1E-127); and "State
 10 agency" means any State department, division, agency, commission or
 11 authority.

12 The Attorney General shall provide reimbursement in full to any
 13 State agency for all expenses incurred by that State agency in the
 14 performance of pre-licensing investigations, post-licensing compliance
 15 monitoring or any other related activities consistent with the
 16 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.) used to pay costs
 17 related to consideration of license and soil and fill recycling license
 18 applications, investigations, monitoring, enforcement, and related
 19 activities, and to reimburse any State agency for expenses incurred by
 20 the agency in the performance of pre-licensing investigations, post-
 21 licensing compliance monitoring, or any other related activities
 22 consistent with the provisions of P.L.1983, c.392 (C.13:1E-126 et
 23 seq.). Annual fees shall be assessed on licensees and the holders of
 24 soil and fill recycling licenses based on a percentage their gross
 25 operating revenue from intrastate operations during the preceding
 26 calendar year. Fees collected under this section shall be deposited into
 27 a special account, to be administered by the department, and shall be
 28 used only for the costs associated with administering the provisions of
 29 P.L.1983, c.392 (C.13:1E-126 et seq.).¹

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

35 c.¹ The ¹Attorney General department¹ shall prepare and
 36 submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
 37 Legislature an annual report on the establishment and implementation
 38 of the fee schedule adopted pursuant to this section.

39
 40 ¹17. 14.¹ (New section) No later than 90 days after the
 41 ¹effective¹ date of ¹enactment of¹ P.L. , c. (C.) (pending before
 42 the Legislature as this bill), the Department of Environmental
 43 Protection, the Department of the Treasury, and the Attorney General
 44 shall enter into a memorandum of agreement that provides for ¹the
 45 establishment of a records and information management system a
 46 reciprocal information exchange method¹ to provide ¹State regulators
 47 at each department and other relevant government agencies in New

1 Jersey and elsewhere] the Department of Environmental Protection,
2 the Department of Treasury, and the Attorney General¹ with effective
3 and efficient access to information concerning individuals and
4 business concerns that are applicants, license holders, and permittees
5 in the solid waste, hazardous waste and recycling industries ¹[. The
6 information in the system shall include license and permit information,
7 records of violations, criminal charges and convictions, debarment
8 determinations and any other information deemed to be relevant] as
9 determined to be appropriate by the Attorney General¹.

10
11 ¹[18.] 15.¹ (New section) The State Treasurer shall establish a
12 list to be maintained in the Department of the Treasury of individuals
13 and business concerns that have:

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

18 b. had a permit, license, or soil and ¹[debris] fill¹ recycling
19 registration or soil and fill recycling¹ license denied or revoked
20 pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.); or

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

23
24 ¹[19.] 16.¹ (New section) The Attorney General shall seek to
25 establish with the State of New York and other states in the region a
26 reciprocal information exchange ¹[system] method¹ to facilitate the
27 sharing of information among the states on the solid waste, hazardous
28 waste, and recycling industries in the respective states. Each year for
29 the first three years after the ¹effective¹ date of ¹[enactment of]¹
30 P.L. , c. (C.) (pending before the Legislature as this bill), the
31 Attorney General shall prepare and submit, pursuant to section 2 of
32 P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report on the
33 progress made toward establishing and implementing this interstate
34 cooperative effort.

35
36 ¹[20. Section 2 of this act shall take effect on the 180th day after
37 the date of enactment, and the remainder of this act] 17. This act¹
38 shall take effect immediately.