

[Third Reprint]

**SENATE, No. 1683**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED FEBRUARY 5, 2018

**Sponsored by:**

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**District 24 (Morris, Sussex and Warren)**

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**Senators Bateman, Oroho, Assemblywoman Pinkin and Assemblyman  
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**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment and Solid Waste Committee on December 9, 2019, with amendments.



**(Sponsorship Updated As Of: 12/17/2019)**

1 AN ACT concerning regulation of the solid waste, hazardous waste,  
2 and soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling industries, amending and  
3 supplementing P.L.1983, c.392, and amending P.L.1991, c.269  
4 <sup>1</sup>【, P.L.1970, c.40】<sup>1</sup> 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 <sup>1</sup>【date of  
10 enactment】 effective date<sup>1</sup> of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill), any business concern that <sup>1</sup>is not already a  
12 licensee pursuant to P.L.1991, c.269 (C.13:1E-126 et seq.), and that  
13 actively<sup>1</sup> engages in, or otherwise provides, soil and <sup>1</sup>【debris】 fill<sup>1</sup>  
14 recycling services shall register with the <sup>1</sup>【Attorney General】  
15 department<sup>1</sup>. The registration shall include <sup>1</sup>, but need not be  
16 limited to<sup>1</sup>:

17 (1) the name of the business concern <sup>1</sup>【; and】 and its New  
18 Jersey corporate filing number<sup>1</sup>;

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 <sup>1</sup>;

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

24 (4) a statement by the business concern that it is actively  
25 engaged in soil and fill recycling services at the time of  
26 registration<sup>1</sup>.

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

32 c.<sup>1</sup> No more than 90 days after submission of <sup>1</sup>【all information  
33 required to be submitted】 a registration form<sup>1</sup> pursuant to  
34 <sup>1</sup>【subsection a. of】<sup>1</sup> this section, the <sup>1</sup>【Attorney General】  
35 department<sup>1</sup> shall issue a soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling  
36 registration to the business concern <sup>1</sup>【that registers pursuant to  
37 subsection a. of this section】 . Issuance of a soil and fill recycling  
38 registration pursuant to this section shall not preclude the  
39 department from subsequently denying a soil and fill recycling  
40 license to the registrant.

41 d. No more than 270 days after the effective date of P.L. ,  
42 c. (C. ) (pending before the Legislature as this bill), a  
43 registrant shall submit a valid and administratively complete  
44 application for a soil and fill recycling license with the Attorney

**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:

<sup>1</sup>Senate SEN committee amendments adopted February 14, 2019.

<sup>2</sup>Senate floor amendments adopted June 20, 2019.

<sup>3</sup>Assembly AEN committee amendments adopted December 9, 2019.

1 General. Registrants may request a 90-day extension to file a soil  
 2 and fill recycling license application pursuant to this section, and  
 3 the Attorney General may grant the request upon a showing of good  
 4 cause.

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

12 f. A soil and fill recycling registration issued pursuant to this  
 13 section is non-transferable and shall temporarily<sup>2</sup> authorize the  
 14 registrant to provide soil and fill recycling services pending the  
 15 approval or denial of the registrant's application for a soil and fill  
 16 recycling license.

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

22 h. As used in this section, "registrant" means any person who  
 23 applies for and is issued a soil and fill recycling registration  
 24 pursuant to this section<sup>1</sup>.

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

35  
 36 3. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to read  
 37 as follows:

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

40 a. "Applicant" means any business concern **[which]** that (1) has  
 41 filed a disclosure statement with the **[department and the]** Attorney  
 42 General and is seeking **[an initial]** a license, provided that the business  
 43 concern has furnished the department and the Attorney General with  
 44 any information required pursuant to <sup>1</sup>**[P.L.1991, c.269 (C.13:1E-**  
 45 128.1 et al.)] P.L.1983, c.392 (C.13:1E-126 et seq.)<sup>1</sup> , or (2) has been  
 46 issued a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling registration <sup>2</sup>pursuant to  
 47 section 1 of P.L. , c. (C. ) (pending before the Legislature as this  
 48 bill)<sup>2</sup> , has filed a disclosure statement with the <sup>1</sup>**[department and the]**<sup>1</sup>

1 Attorney General, and is seeking a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling  
2 license.

3 b. "Application" means the forms and accompanying documents  
4 filed in connection with an applicant's or permittee's request for a  
5 license or a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license.

6 c. "Business concern" means any corporation, association, firm,  
7 partnership, sole proprietorship, trust <sup>1</sup>, limited liability company,<sup>1</sup> or  
8 other form of commercial organization.

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

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

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

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

44 (3) The full name and business address of any business concern  
45 which collects, transports, treats, stores, <sup>1</sup>brokers,<sup>1</sup> transfers or  
46 disposes of solid waste or hazardous waste , or that engages in soil and  
47 <sup>1</sup>**[debris]** fill<sup>1</sup> recycling services, in which the applicant or the  
48 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 applicant,  
42 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  
48 provision of soil and '【debris】 fill' recycling services, related to the

1 provision of solid waste, hazardous waste or soil and <sup>1</sup>【debris】 fill<sup>1</sup>  
2 recycling services; and

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

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

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

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

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

41 (d) If the applicant or the permittee is a subsidiary of a parent  
42 corporation, or is the parent corporation of one or more subsidiaries, or  
43 is part of a group of companies in common ownership, as the case may  
44 be, a chart, or, if impractical or burdensome, a list showing the names,  
45 federal employer identification numbers and relationships of all parent,  
46 sister, subsidiary and affiliate corporations, or members of the group <sup>1</sup>,  
47 and the equity interest by percentage for each subsidiary company<sup>1</sup>;

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

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

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

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

29 f. "Key employee" means any individual employed <sup>1</sup>or otherwise  
30 engaged<sup>1</sup> by the applicant, the permittee or the licensee in a  
31 supervisory capacity or empowered to make discretionary decisions  
32 with respect to the solid waste **【or】**, hazardous waste, or soil and  
33 <sup>1</sup>【debris】 fill<sup>1</sup> recycling operations of the business concern; any family  
34 member of an officer, director, partner, or key employee, employed <sup>1</sup>or  
35 otherwise engaged<sup>1</sup> by the applicant or permittee; or any broker,  
36 consultant or sales person employed <sup>1</sup>or otherwise engaged<sup>1</sup> by, or  
37 who do business with, the applicant, permittee, or licensee, with  
38 respect to the solid waste, hazardous waste, or soil and <sup>1</sup>【debris】 fill<sup>1</sup>  
39 recycling operations of the business concern; but shall not include  
40 <sup>3</sup>(1)<sup>3</sup> employees, who are not family members, exclusively engaged in  
41 the physical or mechanical collection, transportation, treatment,  
42 storage, transfer or disposal of solid waste or hazardous waste, or the  
43 provision of soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services <sup>3</sup>; or (2) a sales  
44 person employed by a publicly traded corporation or a direct or  
45 indirect subsidiary of a publicly traded corporation<sup>3</sup> .

46 g. "License" means the <sup>1</sup>【initial】<sup>1</sup> approval <sup>1</sup>【and first renewal by  
47 the department】<sup>1</sup> of any registration statement or engineering design  
48 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981,

1 c.279 (C.13:1E-49 et seq.), for the collection, transportation, treatment,  
2 storage, <sup>1</sup>processing, brokering,<sup>1</sup> transfer or disposal of solid waste or  
3 hazardous waste in this State.

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

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

8 (2) Any person solely for the collection, transportation, treatment,  
9 storage <sup>1</sup>, processing, brokering, transfer,<sup>1</sup> or disposal of solid waste or  
10 hazardous waste generated by that person <sup>1</sup>, provided that the  
11 department may adopt regulations to limit the scope of this exemption  
12 based on volume or other standards<sup>1</sup>;

13 (3) Any person for the operation of a hazardous waste facility, if at  
14 least 75 **<sup>1</sup>[%] percent<sup>1</sup>** of the total design capacity of that facility is  
15 utilized to treat, store or dispose of hazardous waste generated by that  
16 person;

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

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

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

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

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

36 h. "Licensee" means any business concern which has completed  
37 the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and  
38 whose application for the issuance or renewal of a license has been  
39 approved by the **【department】** <sup>1</sup>【Attorney General】 department<sup>1</sup>  
40 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

41 i. "Permittee" means and shall include:

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



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

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

25 (4) Any business concern to which a temporary approval of  
26 registration has been given by the department at any time after January  
27 23, 1986 pursuant to statute or rule and regulation, provided that such  
28 temporary approval of registration, statute, or rule and regulation  
29 remains valid, and provided further that the business concern has  
30 furnished the department and the Attorney General with any  
31 information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et  
32 al.) and filed a disclosure statement with the department and the  
33 Attorney General <sup>1</sup>;~~or~~

34 (5) Any business concern that has been issued a prior approval to  
35 operate as a soil and debris recycling center from the Department of  
36 Environmental Protection pursuant to section 41 of P.L.1987,  
37 c.102 (C.13:1E-99.34) but whose application for a soil and debris  
38 recycling license has not been approved<sup>1</sup> .

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

40 k. "Secondary business activity corporation" means any business  
41 concern which has derived less than <sup>1</sup>~~5%~~ <sup>1</sup>five percent<sup>1</sup> of its annual  
42 gross revenues in each of the three years immediately preceding the  
43 one in which the application for a license or a soil and <sup>1</sup>~~debris~~ <sup>1</sup>fill<sup>1</sup>  
44 recycling license is being made from the collection, transportation,  
45 treatment, storage, <sup>1</sup>~~recycling,~~ <sup>1</sup>processing, <sup>1</sup>brokering,<sup>1</sup> transfer or  
46 disposal of solid waste or hazardous waste, or the provision of soil and  
47 <sup>1</sup>~~debris~~ <sup>1</sup>fill<sup>1</sup> recycling services, whether directly or through other  
48 business concerns partially or wholly owned or controlled by the  
49 applicant or the permittee, as the case may be, and which (1) has one

1 or more classes of security registered pursuant to section 12 of the  
2 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78l), or  
3 (2) is an issuer subject to subsection (d) of section 15 of the "Securities  
4 Exchange Act of 1934," as amended (15 U.S.C. s.78o).

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

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

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

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

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

44 n. "Broker" means a person who <sup>1</sup>for direct or indirect  
45 compensation<sup>1</sup> arranges agreements between a business concern and  
46 its customers for the collection, transportation, treatment, storage,  
47 <sup>1</sup>【recycling】<sup>1</sup> , processing, transfer or disposal of solid waste or  
48 hazardous waste, or the provision of soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling  
49 services.

1       o. "Consultant" means a person who performs functions for a  
2 business concern engaged in the collection, transportation, treatment,  
3 storage, <sup>1</sup>["recycling,]" processing, <sup>1</sup>brokering,<sup>1</sup> transfer or disposal of  
4 solid waste or hazardous waste, or the provision of soil and <sup>1</sup>["debris]  
5 fill<sup>1</sup> recycling services, provided that "consultant" shall not include a  
6 person who performs functions for a business concern and holds a  
7 professional license from the State in order to perform those functions.

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

14       q. <sup>1</sup>["Recyclable"] "Soil and fill recyclable<sup>1</sup> materials" means  
15 <sup>1</sup>["(1) source-separated, non-putrescible, waste material resulting from  
16 construction, remodeling, repair, and demolition operations on houses,  
17 commercial buildings, pavements and other structures, (2) source-  
18 separated, non-putrescible waste concrete, asphalt, brick, block,  
19 asphalt-based roofing, scrap wood, and wood waste, and (3) soil,  
20 which would otherwise become solid waste, and which may be  
21 collected, separated or processed and returned to the economic  
22 mainstream in the form of raw materials or products. For the purposes  
23 of P.L.1983, c.392 (C.13:1E-126 et seq.), "recyclable materials" shall  
24 not include metal, glass, or plastic containers, paper, or corrugated  
25 cardboard]" non-putrescible aggregate substitute, including, but not  
26 limited to, broken or crushed brick, block, concrete, or other similar  
27 manufactured materials; soil or soil that may contain aggregate  
28 substitute or other debris or material, generated from land clearing,  
29 excavation, demolition, or redevelopment activities that would  
30 otherwise be managed as solid waste, and that may be returned to the  
31 economic mainstream in the form of raw materials for further  
32 processing or for use as fill material. "Soil and fill recyclable  
33 materials" shall not include: (1) Class A recyclable material, as  
34 defined by regulation adopted pursuant to section 4 of P.L.1989, c.268  
35 (C.13:1E-99.43); (2) Class B recyclable material, as defined by  
36 regulation adopted pursuant to section 4 of P.L.1989, c.268 (C.13:1E-  
37 99.43), that is shipped to a Class B recycling center approved by the  
38 department for receipt, storage, processing, or transfer in accordance  
39 with subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34);  
40 (3) beneficial use material for which the generator has obtained prior  
41 approval from the department to transport to an approved and  
42 designated destination pursuant to regulations adopted pursuant to  
43 subsection a. of section 6 of P.L.1970, c.39 (C.13:1E-6); and (4) virgin  
44 quarry products including, but not limited to, rock, stone, gravel, sand,  
45 clay and other mined products<sup>1</sup>.

46       r. "Sales person" means a person or persons that makes or  
47 arranges for sales for a business concern, for the collection,  
48 transportation, treatment, storage, <sup>1</sup>["recycling,]" processing, transfer

1 or disposal of solid waste or hazardous waste or the provision of soil  
2 and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services.

3 s. "Soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license" means an approval  
4 to operate a business concern engaged in soil and <sup>1</sup>【debris】 fill<sup>1</sup>  
5 recycling services issued pursuant to section 8 of P.L.1983, c.392  
6 (C.13:1E-133).

7 t. "Soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services" means the services  
8 provided by persons engaging in the business of the collection,  
9 transportation, processing, <sup>1</sup>brokering,<sup>1</sup> storage, purchase, sale or  
10 disposition, or any combination thereof, of <sup>1</sup>soil and fill<sup>1</sup> recyclable  
11 materials. <sup>2</sup>"Soil and fill recycling services" shall not include the  
12 operation of a solar electric power generation facility at a properly  
13 closed sanitary landfill where soil and fill materials have been  
14 previously deposited for permanent disposal.<sup>2</sup>

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

16

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

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

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

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

28 (3) The Attorney General shall, upon the receipt of the disclosure  
29 statement from an applicant for an initial license **【or】** , from a  
30 permittee, or from an applicant for a soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling  
31 license, prepare **【and transmit to the department】** <sup>1</sup>and transmit to the  
32 department<sup>1</sup> an investigative report on the applicant or the permittee,  
33 as the case may be, based in part upon the disclosure statement. In  
34 preparing this report, the Attorney General may request and receive  
35 criminal history information from the State Commission of  
36 Investigation or the Federal Bureau of Investigation;

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

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

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

47 (b) The person required to be listed in the disclosure statement is  
48 (i) a director or chief executive officer; or (ii) an individual who does

1 not have any responsibility for, or control of, the commercial solid  
2 waste or hazardous waste operations, or the provision of soil and  
3 '[debris] fill' recycling services, of the applicant, permittee or  
4 licensee conducted in New Jersey, and who will not exercise any such  
5 responsibility or control upon the issuance of a license or soil and  
6 '[debris] fill' recycling license by the **[department]** '[Attorney  
7 General] department<sup>1</sup>;

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

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

28 (c) A business concern that is a secondary business activity  
29 corporation or an institutional investor, including limited partnership  
30 interests, that is not the applicant, licensee, **'[or]'** permittee <sup>1</sup>, or  
31 business concern that has been issued a soil and fill recycling license,<sup>1</sup>  
32 but which is listed in a disclosure statement pursuant to subsection e.  
33 of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from  
34 disclosure requirements established in subsection e. of section 2 of  
35 P.L.1983, c.392 (C.13:1E-127) provided that the secondary business  
36 activity corporation or institutional investor is not and will not be  
37 engaged in active management of the commercial solid waste or  
38 hazardous waste operations or the soil and '[debris] fill' recycling  
39 'service' operations of the applicant, licensee, **'[or]'** permittee <sup>1</sup>, or  
40 business concern that has been issued a soil and fill recycling license<sup>1</sup>  
41 conducted in New Jersey;

42 (d) A business concern that is a publicly traded corporation that is  
43 not the applicant, licensee, **'[or]'** permittee <sup>1</sup>, or business concern that  
44 has been issued a soil and fill recycling license<sup>1</sup> but which is listed in  
45 a disclosure statement pursuant to subsection e. of section 2 of  
46 P.L.1983, c.392 (C.13:1E-127), shall be exempt from disclosure  
47 requirements established in subsection e. of section 2 of  
48 P.L.1983, c.392 (C.13:1E-127) provided that the name and business

1 address of the publicly traded corporation and copies of its annual  
2 filings with the Securities and Exchange Commission, or its foreign  
3 equivalent, are filed with the disclosure forms of the applicant,  
4 licensee, <sup>1</sup>**[or]**<sup>1</sup> permittee <sup>1</sup>, or business concern that has been issued a  
5 soil and fill recycling license<sup>1</sup>. Subsidiaries intervening in the chain  
6 of equity between the publicly traded corporation and the applicant,  
7 licensee, <sup>1</sup>**[or]**<sup>1</sup> permittee <sup>1</sup>, or business concern that has been issued a  
8 soil and fill recycling license<sup>1</sup>, and the officers and directors of those  
9 intervening subsidiaries, shall also be exempt from the disclosure  
10 requirements established in subsection e. of section 2 of  
11 P.L.1983, c.392 (C.13:1E-127) provided that the intervening  
12 subsidiary is not and will not be engaged in active management of the  
13 commercial solid waste or hazardous waste operations or the soil and  
14 <sup>1</sup>**[debris]** fill<sup>1</sup> recycling <sup>1</sup>service<sup>1</sup> operations of the applicant, licensee,  
15 <sup>1</sup>**[or]**<sup>1</sup> permittee <sup>1</sup>, or business concern that has been issued a soil and  
16 fill recycling license<sup>1</sup> conducted in New Jersey;

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

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

30 b. All applicants, permittees and licensees, and all business  
31 concerns that have been issued a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling  
32 license, shall have the continuing duty to provide any assistance or  
33 information requested by the department or the Attorney General, and  
34 to cooperate in any inquiry or investigation conducted by the Attorney  
35 General or the State Commission of Investigation and any inquiry,  
36 investigation, or hearing conducted by the department. Except as  
37 otherwise determined by the Superior Court pursuant to subsection d.  
38 of this section, if, upon issuance of a formal request to answer any  
39 inquiry or produce information, evidence or testimony, any applicant,  
40 permittee <sup>1</sup>**[or]** <sup>1</sup> licensee, or any business concern that has been  
41 issued a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license, <sup>1</sup>fails or<sup>1</sup> refuses to  
42 comply, the application of the business concern for a license, or a soil  
43 and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license, as the case may be, may be  
44 denied, or the license or soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license of  
45 that business concern may be revoked by the **[department]** <sup>1</sup>**[Attorney**  
46 **General]** department<sup>1</sup>.

47 c. If any of the information required to be included in the  
48 disclosure statement changes, or if any information provided

1 concerning the applicability of an exemption under subsection d. of  
2 this section changes, or if any additional information should be added  
3 to the disclosure statement after it has been filed, the applicant,  
4 permittee or licensee, or the business concern that has been issued a  
5 soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license, shall provide that  
6 information to the department and the Attorney General, in writing,  
7 within 30 days of the change or addition <sup>1</sup>and on any subsequent  
8 annual updated required to be filed. If the applicant, permittee,  
9 licensee, or business concern that has been issued a soil and fill  
10 recycling license adds a new person who is required to be listed in the  
11 disclosure statement, that person is subject to the same disclosure  
12 requirements as set forth in this section, and the applicant, permittee,  
13 licensee, or business concern that has been issued a soil and fill  
14 recycling license shall be required to pay an additional fee in  
15 accordance with a fee schedule adopted pursuant to rules and  
16 regulations promulgated by the department<sup>1</sup>.

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

34 If the Attorney General requires any or all of this information, a  
35 written request for the additional information shall be served upon the  
36 applicant, permittee or licensee, or the business concern that has been  
37 issued a soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license. Within 60 days of  
38 receipt of a written request for additional information, the applicant,  
39 permittee or licensee, or the business concern that has been issued a  
40 soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license may seek review of the  
41 Attorney General's determination in the Superior Court. If the  
42 applicant, permittee or licensee, or the business concern that has been  
43 issued a soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license fails to provide the  
44 additional information to the Attorney General within 60 days of  
45 receipt of the written request, the Attorney General may file with the  
46 Superior Court a petition for an order requiring the applicant,  
47 permittee or licensee, or the business concern that has been issued a  
48 soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license to provide the additional

1 information. In a proceeding brought by either party, the applicant,  
2 permittee or licensee, or the business concern that has been issued a  
3 soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license shall demonstrate that the  
4 additional information requested is not likely to lead to information  
5 relevant to a determination regarding the approval of a license or soil  
6 and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license pursuant to section 8 of P.L.1983,  
7 c.392 (C.13:1E-133), the revocation of a license or soil and <sup>1</sup>【debris】  
8 fill<sup>1</sup> recycling license pursuant to section 9 of P.L.1983, c.392  
9 (C.13:1E-134), or the severance of a disqualifying person pursuant to  
10 section 10 of P.L.1983, c.392 (C.13:1E-135). For good cause shown,  
11 the court may review in camera the submission of the Attorney  
12 General or the applicant, permittee or licensee, or the business concern  
13 that has been issued a soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license, or any  
14 part thereof.

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

16

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

19 4. a. Whenever the Attorney General determines that there exists  
20 a reasonable suspicion that any person may have information or be in  
21 possession, custody, or control of any documentary materials relevant  
22 to an investigation of an applicant, permittee or licensee <sup>1</sup>, or business  
23 concern that has been issued a soil and fill recycling license<sup>1</sup>  
24 conducted pursuant to this act, he may issue in writing, and cause to be  
25 served upon that person an investigative interrogatory requiring that  
26 person to answer questions under oath and produce material for  
27 examination.

28 b. Each interrogatory shall:

29 (1) Identify the licensee, permittee or applicant <sup>1</sup>, or business  
30 concern that has been issued a soil and fill recycling license<sup>1</sup> who is  
31 the subject of the investigation;

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

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

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

45 c. No interrogatory shall:

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



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

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

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

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

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

16 e. A verified return by the individual serving any interrogatory,  
17 setting forth the manner of service, shall be prima facie proof of  
18 service. In the case of service by registered or certified mail, the return  
19 shall be accompanied by the return post office receipt of delivery of  
20 the interrogatory.

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

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

42 In any investigation conducted pursuant to this act, the Attorney  
43 General may present before the **【department,】** <sup>1</sup>department, or<sup>1</sup> court  
44 or grand jury any documentary material in his possession pursuant to  
45 this section, subject to any protective order deemed proper by the  
46 Superior Court.

47 g. Upon completion of:

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

1 (2) Any case or proceeding arising from the investigation, the  
2 Attorney General shall return to the person who produced the material  
3 all the material, other than copies thereof made by the Attorney  
4 General pursuant to this section, which has not passed into the control  
5 of **【the department or】** <sup>1</sup>the department or<sup>1</sup> any court or grand jury  
6 through the introduction thereof into the record of the case or  
7 proceeding.

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

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

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

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

34  
35 6. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to read  
36 as follows:

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

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

44 (1) Identify the licensee, permittee or applicant <sup>1</sup>, or business  
45 concern that has been issued a soil and fill recycling license<sup>1</sup> who is  
46 the subject of the investigation;

47 (2) Advise that person that he may have an attorney present when  
48 he appears and testifies or otherwise responds to the **【subpena】**  
49 subpoena, that he has a right, at any time before the return date of the

1    **【subpena】 subpoena**, to file in Superior Court a petition to modify or  
2 set aside the **【subpena】 subpoena**, as provided in subsection f. of this  
3 section;

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

7       c. Except as otherwise provided in this section, no information  
8 derived pursuant to the **【subpena】 subpoena** shall be disclosed by the  
9 Attorney General **【or the department】** <sup>1</sup>or the department<sup>1</sup> without the  
10 consent of the person testifying.

11       In any investigation conducted pursuant to this act, the Attorney  
12 General may present before the **【department,】** <sup>1</sup>department,<sup>1</sup> court or  
13 grand jury any information disclosed pursuant to the **【subpena】**  
14 subpoena, subject to any protective order deemed proper by the  
15 Superior Court.

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

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

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

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

38

39       7. Section 8 of P.L.1983, c.392 (<sup>1</sup>C.<sup>1</sup> 13:1E-133) is amended to  
40 read as follows:

41       8. The provisions of any law to the contrary notwithstanding, no  
42 license or soil and <sup>1</sup>**【debris】 fill**<sup>1</sup> recycling license shall be approved  
43 by the **【department】** <sup>1</sup>**【Attorney General】** department<sup>1</sup>:

44       a. Unless the **【department】** <sup>1</sup>**【Attorney General】** department<sup>1</sup>  
45 finds that the applicant, or the permittee, as the case may be, in any  
46 prior performance record in the collection, transportation, treatment,  
47 storage, transfer or disposal of solid waste or hazardous waste, or the

1 provision of soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services, has exhibited  
2 sufficient integrity, reliability, expertise, and competency to engage in  
3 the collection or transportation of solid waste or hazardous waste, or to  
4 operate the solid waste facility or hazardous waste facility, or engage  
5 in soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services, given the potential  
6 economic consequences for affected counties, municipalities and  
7 ratepayers or significant adverse impacts upon human health and the  
8 environment which could result from the irresponsible participation  
9 therein or operation thereof, or if no prior record exists, that the  
10 applicant or the permittee is likely to exhibit that integrity, reliability,  
11 expertise and competence.

12 b. If any person required to be listed in the disclosure statement,  
13 or otherwise shown to have a beneficial interest in the business of the  
14 applicant, the permittee or the licensee, <sup>1</sup>or the business concern that  
15 has been issued a soil and fill recycling license,<sup>1</sup> or to have rented or  
16 leased at any or no cost real property, vehicles or other equipment used  
17 for the collection, transportation, treatment, processing, storage,  
18 <sup>1</sup>brokering,<sup>1</sup> transfer, or disposal of solid waste or hazardous waste, or  
19 the provision of soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services, to the  
20 applicant, the permittee, <sup>1</sup>【or】<sup>1</sup> the licensee, <sup>1</sup>or the business concern  
21 that has been issued a soil and fill recycling license<sup>1</sup> has been barred  
22 from the provision of solid waste, hazardous waste or soil and  
23 <sup>1</sup>【debris】 fill<sup>1</sup> recycling services in <sup>1</sup>the State or<sup>1</sup> any other  
24 jurisdiction outside of the State, or has been convicted of any of the  
25 following crimes under the laws of New Jersey or the equivalent  
26 thereof under the laws of any other jurisdiction:

- 27 (1) Murder;
- 28 (2) Kidnapping;
- 29 (3) Gambling;
- 30 (4) Robbery;
- 31 (5) Bribery;
- 32 (6) Extortion;
- 33 (7) Criminal usury;
- 34 (8) Arson;
- 35 (9) Burglary;
- 36 (10) Theft and related crimes;
- 37 (11) Forgery and fraudulent practices;
- 38 (12) Fraud in the offering, sale or purchase of securities;
- 39 (13) Alteration of motor vehicle identification numbers;
- 40 (14) Unlawful manufacture, purchase, use or transfer of firearms;
- 41 (15) Unlawful possession or use of destructive devices or  
42 explosives;
- 43 (16) Violation of N.J.S.2C:35-5, except possession of 84 grams or  
44 less of marijuana, or of N.J.S.2C:35-10;
- 45 (17) Racketeering, <sup>1</sup>【P.L.1981, c.167 (C.2C:41-1 et seq.)】  
46 N.J.S.2C:41-1 et seq.<sup>1</sup>;
- 47 (18) Violation of criminal provisions of the "New Jersey Antitrust  
48 Act," P.L.1970, c.73 (C.56:9-1 et seq.);

1 (19) Any purposeful or reckless violation of the criminal  
2 provisions of any federal or state environmental protection laws, rules,  
3 or regulations, including, but not limited to, solid waste or hazardous  
4 waste management laws, rules, or regulations;

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

6 (21) Any offense specified in chapter 28 of Title 2C; <sup>1</sup>**[or]**<sup>1</sup>

7 (22) Violation of the "Solid Waste Utility Control Act of 1970,"  
8 P.L.1970, c.40 (C.48:13A-1 et seq.) or P.L.1981, c.221 (C.48:13A-  
9 6.1) <sup>1</sup>; or

10 (23) Aggravated assault<sup>1</sup>.

11 c. If the Attorney General determines that there is a reasonable  
12 suspicion to believe that a person required to be listed in the disclosure  
13 statement, or otherwise shown to have a beneficial interest in the  
14 business of the applicant, the permittee or the licensee, <sup>1</sup>or the business  
15 concern that has been issued a soil and fill recycling license,<sup>1</sup> or to  
16 have rented or leased at any cost or at no cost real property, vehicles or  
17 other equipment used for the collection, transportation, treatment,  
18 processing, storage, <sup>1</sup>brokering, <sup>1</sup> transfer, or disposal of solid waste or  
19 hazardous waste, or the provision of soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling  
20 services, to the applicant, the permittee, <sup>1</sup>**[or]**<sup>1</sup> the licensee, <sup>1</sup>or the  
21 business concern that has been issued a soil and fill recycling license,<sup>1</sup>  
22 does not possess a reputation for good character, honesty and integrity,  
23 and that person or the applicant, the permittee or the licensee <sup>1</sup>, or the  
24 business concern that has been issued a soil and fill recycling license<sup>1</sup>  
25 fails, by clear and convincing evidence, to establish his reputation for  
26 good character, honesty and integrity.

27 d. With respect to the approval of an initial license or a soil and  
28 <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license, if there are current prosecutions or  
29 pending charges in any jurisdiction against any person required to be  
30 listed in the disclosure statement, or otherwise shown to have a  
31 beneficial interest in the business of the applicant or the permittee, or  
32 to have rented or leased at any or no cost real property, vehicles or  
33 other equipment used for the collection, transportation, treatment,  
34 processing, storage, <sup>1</sup>brokering, <sup>1</sup> transfer, or disposal of solid waste or  
35 hazardous waste, or the provision of soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling  
36 services, to the applicant or the permittee, for any of the crimes  
37 enumerated in subsection b. of this section, provided, however, that at  
38 the request of the applicant, permittee, or the person charged, the  
39 **[department]** <sup>1</sup>**[Attorney General]** department<sup>1</sup> shall defer decision  
40 upon such application during the pendency of such charge.

41 e. If any person required to be listed in the disclosure statement,  
42 or otherwise shown to have a beneficial interest in the business of the  
43 applicant, permittee or the licensee, <sup>1</sup>or the business concern that has  
44 been issued a soil and fill recycling license,<sup>1</sup> or to have rented or  
45 leased at any or no cost real property, vehicles or other equipment used  
46 for the collection, transportation, treatment, processing, storage,  
47 <sup>1</sup>brokering, <sup>1</sup> transfer, or disposal of solid waste or hazardous waste, or

1 the provision of soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling services, to the  
2 applicant, the permittee, <sup>1</sup>[or]<sup>1</sup> the licensee, <sup>1</sup>or the business concern  
3 that has been issued a soil and fill recycling license,<sup>1</sup> has pursued  
4 economic gain in an occupational manner or context which is in  
5 violation of the criminal or civil public policies of this State, where  
6 such pursuit creates a reasonable belief that the participation of that  
7 person in any activity required to be licensed under this act would be  
8 inimical to the policies of this act. For the purposes of this section,  
9 "occupational manner or context" means the systematic planning,  
10 administration, management, or execution of an activity for financial  
11 gain.

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

35 A license or a soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling license may be  
36 approved by the [department] <sup>1</sup>[Attorney General] department<sup>1</sup> for  
37 any applicant or permittee if the information contained within the  
38 disclosure statement and investigative report, including any  
39 determination made by the Attorney General concerning the character,  
40 honesty and integrity of any person required to be listed in the  
41 disclosure statement, or otherwise shown to have a beneficial interest  
42 in the business of the applicant or permittee, or to have rented or  
43 leased at any or no cost real property, vehicles or other equipment used  
44 for the collection, transportation, treatment, processing, storage,  
45 <sup>1</sup>brokering,<sup>1</sup> transfer, or disposal of solid waste or hazardous waste, or  
46 the provision of soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling services, to the  
47 applicant, the permittee, <sup>1</sup>[or]<sup>1</sup> the licensee, <sup>1</sup>or the business concern

1 that has been issued a soil and fill recycling license,<sup>1</sup> would not require  
2 disqualification pursuant to subsection a., b. c., e. or f. of this section.

3 <sup>1</sup>The department may issue a license or a soil and fill recycling  
4 license subject to such conditions, restrictions, limitations, or  
5 covenants as the department determines necessary to accomplish the  
6 objectives of P.L.1983, c.392 (C.13:1E-126 et seq.).<sup>1</sup>

7 A license or a soil and <sup>1</sup>**debris** fill<sup>1</sup> recycling license approved  
8 by the **department** <sup>1</sup>**Attorney General** department<sup>1</sup> for any  
9 applicant or permittee pursuant to this section is non-transferable and  
10 shall be valid only for the length of time for which it is given.

11 Any applicant or permittee who is denied **an initial** a license or a  
12 soil and <sup>1</sup>**debris** fill<sup>1</sup> recycling license pursuant to this section shall,  
13 upon a written request transmitted to the **department** <sup>1</sup>**Attorney**  
14 **General** department<sup>1</sup> within 30 days of that denial, be afforded the  
15 opportunity for a hearing thereon in the manner provided for contested  
16 cases pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
17 (C.52:14B-1 et seq.).

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

19

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

22 7. a. Notwithstanding the <sup>1</sup>debarment pursuant to section 8 of  
23 P.L.1983, c.392 (C.13:1E-133) or the<sup>1</sup> conviction of any person  
24 required to be listed in a disclosure statement, or otherwise shown to  
25 have a beneficial interest in the business of an applicant, permittee or  
26 licensee <sup>1</sup>, or business concern that has been issued a soil and fill  
27 recycling license<sup>1</sup> or to have rented or leased at any or no cost real  
28 property, vehicles or other equipment used for the collection,  
29 transportation, treatment, processing, storage, <sup>1</sup>brokering,<sup>1</sup> transfer, or  
30 disposal of solid waste or hazardous waste, or the provision of soil  
31 and <sup>1</sup>**debris** fill<sup>1</sup> recycling services, to the applicant, the permittee,  
32 or the licensee, <sup>1</sup>or the business concern that has been issued a soil and  
33 fill recycling license,<sup>1</sup> for any of the crimes enumerated in subsection  
34 b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the **department**  
35 <sup>1</sup>**Attorney General** department<sup>1</sup> may issue or renew a license or a  
36 soil and <sup>1</sup>**debris** fill<sup>1</sup> recycling license to an applicant, permittee or  
37 licensee <sup>1</sup>, or business concern that has been issued a soil and fill  
38 recycling license<sup>1</sup> if the **department** <sup>1</sup>**Attorney General**  
39 department<sup>1</sup> determines in a writing setting forth findings of fact that  
40 the <sup>1</sup>debarred or<sup>1</sup> convicted person has affirmatively demonstrated  
41 rehabilitation by clear and convincing evidence pursuant to the  
42 provisions of this section. If the **department** <sup>1</sup>**Attorney General**  
43 department<sup>1</sup> determines that the nature and seriousness of the  
44 <sup>1</sup>debarment or<sup>1</sup> crime creates a reasonable doubt that an applicant,  
45 permittee, or licensee <sup>1</sup>, or business concern that has been issued a soil  
46 and fill recycling license<sup>1</sup> will engage in the activity for which a

1 license or soil and <sup>1</sup>**【debris】 fill**<sup>1</sup> recycling license is sought in a  
2 lawful and responsible manner, the **【department】** <sup>1</sup>**【Attorney General】**  
3 department<sup>1</sup> shall make a determination in a writing setting forth  
4 findings of fact that the <sup>1</sup>debarred or<sup>1</sup> convicted person cannot  
5 affirmatively demonstrate rehabilitation.

6 b. In determining whether a <sup>1</sup>debarred or<sup>1</sup> convicted individual  
7 has affirmatively demonstrated rehabilitation, the **【department shall**  
8 request a recommendation thereon from the】 <sup>1</sup>department shall request  
9 a recommendation thereon from the<sup>1</sup> Attorney General **【,** which  
10 recommendation shall be】 <sup>1</sup>**【shall make a finding,】** , which  
11 recommendation shall be<sup>1</sup> in writing **【and】**, <sup>1</sup>and<sup>1</sup> based upon a  
12 consideration of at least the following factors:

13 (1) The nature and responsibilities of the position which a  
14 <sup>1</sup>debarred or<sup>1</sup> convicted individual would hold;

15 (2) The nature and seriousness of the <sup>1</sup>debarment or<sup>1</sup> crime;

16 (3) The circumstances under which the <sup>1</sup>debarment was imposed  
17 or the<sup>1</sup> crime was committed;

18 (4) The date of the <sup>1</sup>debarment or<sup>1</sup> crime;

19 (5) The age of the <sup>1</sup>debarred or<sup>1</sup> convicted individual when the  
20 <sup>1</sup>cause of debarment or<sup>1</sup> crime <sup>1</sup>**【was committed】 took place**<sup>1</sup>;

21 (6) Whether the <sup>1</sup>cause of the debarment or<sup>1</sup> crime was an isolated  
22 or repeated <sup>1</sup>event or<sup>1</sup> act;

23 (7) Any evidence of good conduct in the community, counseling or  
24 psychiatric treatment received, acquisition of additional academic or  
25 vocational schooling, or the recommendation of persons who have  
26 supervised the <sup>1</sup>debarred or<sup>1</sup> convicted individual since the <sup>1</sup>debarment  
27 or<sup>1</sup> conviction; and

28 (8) The full criminal record of the <sup>1</sup>debarred or<sup>1</sup> convicted  
29 individual, any record of civil or regulatory violations or notices or any  
30 complaints alleging any such civil or regulatory violations, or any  
31 other allegations of wrongdoing.

32 Notwithstanding any other provision of this subsection, a  
33 convicted individual shall have affirmatively demonstrated  
34 rehabilitation pursuant to the provisions of this section if the convicted  
35 individual produces evidence of a pardon issued by the Governor of  
36 this or any other state, or evidence of the expungement of every  
37 conviction for any of the crimes enumerated in subsection b. of section  
38 8 of P.L.1983, c.392 (C.13:1E-133).

39 c. In determining whether a <sup>1</sup>debarred or<sup>1</sup> convicted business  
40 concern has affirmatively demonstrated rehabilitation, the **【department**  
41 shall request a recommendation thereon from the】 <sup>1</sup>department shall  
42 request a recommendation thereon from the<sup>1</sup> Attorney General **【,**  
43 which recommendation shall be】 <sup>1</sup>**【shall make a finding,】** , which  
44 recommendation shall be<sup>1</sup> in writing **【and】**, <sup>1</sup>and<sup>1</sup> based upon a  
45 consideration of at least the following factors:

46 (1) The nature and seriousness of the <sup>1</sup>debarment or<sup>1</sup> crime;



- 1       (2) The circumstances under which the 'debarment was imposed  
2 or the' crime was committed;
- 3       (3) The date of the 'debarment or' crime;
- 4       (4) Whether the 'cause of debarment or' crime was an isolated or  
5 repeated 'event or' act; and
- 6       (5) The full criminal record of the 'debarred or' convicted  
7 business concern, any record of civil or regulatory violations or notices  
8 or any complaints alleging any such civil or regulatory violations, or  
9 any other allegations of wrongdoing.
- 10      d. The Attorney General may require, as a predicate to a  
11 determination that a 'debarred or' convicted business concern has  
12 affirmatively demonstrated rehabilitation, that the 'debarred or'  
13 convicted business concern agree, in writing, to an investigation of the  
14 'debarment,' crime or crimes committed by the 'debarred or'  
15 convicted business concern which caused disqualification pursuant to  
16 subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the  
17 persons involved in the 'debarment or' crime, and any corporate  
18 policies, procedures, and organizational structure that may have led to  
19 the 'debarment or' crime. At the conclusion of this investigation a  
20 report shall be prepared identifying the underlying conduct giving rise  
21 to 'the debarment or' any criminal convictions and any steps that have  
22 subsequently been taken by the 'debarred or' convicted business  
23 concern to prevent a recurrence of the 'acts leading to debarment or'  
24 criminal activity, and recommending any steps that may be deemed  
25 necessary to prevent a recurrence of the 'acts leading to debarment or'  
26 criminal activity. The investigation shall be conducted by, or on behalf  
27 of, the Attorney General, and the cost thereof shall be borne by the  
28 'debarred or' convicted business concern.
- 29      The Attorney General may require, on the basis of this  
30 investigation and as a condition of **[recommending]** **'[determining]**  
31 **recommending'** that a 'debarred or' convicted business concern has  
32 affirmatively demonstrated rehabilitation, that a 'debarred or'  
33 convicted business concern comply, or agree in writing to comply,  
34 with any of the following:
- 35      (1) changes in the 'debarred or' convicted business concern's  
36 organizational structure to reduce the opportunity and motivation of  
37 individual employees to engage in criminal activity, including  
38 procedures for informing employees of the requirements of relevant  
39 state and federal law;
- 40      (2) changes in the 'debarred or' convicted business concern's long  
41 and short term planning to ensure that the 'debarred or' convicted  
42 business concern implements procedures and policies to prevent future  
43 violations of the law;
- 44      (3) changes in the 'debarred or' convicted business concern's  
45 legal, accounting, or other internal or external control and monitoring  
46 procedures to discourage or prevent future violations of state or federal  
47 law;

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

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

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

14 e. The **department** 'Attorney General department' shall not  
15 determine that a 'debarred or' convicted business concern has  
16 affirmatively demonstrated rehabilitation if the 'debarred or'  
17 convicted business concern has not complied, or agreed in writing to  
18 comply, with every requirement imposed by the Attorney General  
19 pursuant to subsection d. of this section.

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

21  
22 9. Section 8 of P.L.1991, c.269 (C.13:1E-133.2) is amended to  
23 read as follows:

24 8. a. Notwithstanding any current prosecutions or pending  
25 charges in any jurisdiction against any person required to be listed in a  
26 disclosure statement, or otherwise shown to have a beneficial interest  
27 in the business of an applicant, permittee or licensee ' , or business  
28 concern that has been issued a soil and fill recycling license' , or to  
29 have rented or leased at any or no cost real property, vehicles or other  
30 equipment used for the collection, transportation, treatment,  
31 processing, storage, brokering, transfer, or disposal of solid waste or  
32 hazardous waste, or the provision of soil and debris fill recycling  
33 services, to the applicant, the permittee, or the licensee, or business  
34 concern that has been issued a soil and fill recycling license,' for any  
35 of the crimes enumerated in subsection b. of section 8 of P.L.1983,  
36 c.392 (C.13:1E-133), the **department** 'Attorney General  
37 department' may issue or renew a license or a soil and debris fill  
38 recycling license to an applicant, permittee or licensee ' , or business  
39 concern that has been issued a soil and fill recycling license' if the  
40 **department** 'Attorney General department' determines in a  
41 writing setting forth findings of fact that the person against whom  
42 there are current prosecutions or pending charges has affirmatively  
43 reestablished a reputation for good character, honesty and integrity by  
44 clear and convincing evidence pursuant to the provisions of this  
45 section. If the **department** 'Attorney General department'  
46 determines that the nature and seriousness of the crime alleged in a  
47 current prosecution or pending charge creates a reasonable doubt that

1 an applicant, permittee, or licensee <sup>1</sup>, or business concern that has been  
2 issued a soil and fill recycling license<sup>1</sup> will engage in the activity for  
3 which a license is sought in a lawful and responsible manner, the  
4 **【department】** <sup>1</sup>**【Attorney General】** department<sup>1</sup> shall make a  
5 determination in a writing setting forth findings of fact that the person  
6 against whom there are current prosecutions or pending charges cannot  
7 reestablish a reputation for good character, honesty and integrity.

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

17 b. In determining whether an individual against whom there are  
18 current prosecutions or pending charges has affirmatively  
19 reestablished a reputation for good character, honesty and integrity, the  
20 **【department shall request a recommendation thereon from the】**  
21 department shall request a recommendation thereon from the<sup>1</sup>  
22 Attorney General **【, which recommendation shall be】** <sup>1</sup>**【shall make a**  
23 finding.】 , which recommendation shall be<sup>1</sup> in writing, and based upon  
24 a consideration of at least the following factors:

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

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

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

31 (4) The date of the alleged crime;

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

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

36 (7) Any evidence of good conduct in the community, counseling or  
37 psychiatric treatment received, acquisition of additional academic or  
38 vocational schooling, or the recommendation of persons who have  
39 supervised the individual since the date of the alleged crime; and

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

44 c. In determining whether a business concern against whom there  
45 are current prosecutions or pending charges has affirmatively  
46 reestablished a reputation for good character, honesty and integrity, the  
47 **【department shall request a recommendation thereon from the】**  
48 department shall request a recommendation thereon from the<sup>1</sup>

1 Attorney General ~~], which recommendation shall be]~~ <sup>1</sup>~~]~~ shall make a  
2 finding.] , which recommendation shall be<sup>1</sup> in writing, and based upon  
3 a consideration of at least the following factors:

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

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

29 The Attorney General may require, on the basis of this  
30 investigation and as a condition of ~~[recommending]~~ <sup>1</sup>~~]~~ [finding]  
31 recommending<sup>1</sup> that a business concern against which there are current  
32 prosecutions or pending charges has affirmatively reestablished a  
33 reputation for good character, honesty and integrity, that a business  
34 concern comply, or agree in writing to comply, with any of the  
35 following:

- 36 (1) changes in the business concern's organizational structure to  
37 reduce the opportunity and motivation of individual employees to  
38 engage in criminal activity, including procedures for informing  
39 employees of the requirements of relevant state and federal law;
- 40 (2) changes in the business concern's long and short term planning  
41 to ensure that the business concern implements procedures and  
42 policies to prevent future violations of state or federal law;
- 43 (3) changes in the business concern's legal, accounting, or other  
44 internal or external control and monitoring procedures to discourage or  
45 prevent future violations of state or federal law;
- 46 (4) changes in the business concern's ownership, control,  
47 personnel, and personnel selection practices, including the removal of  
48 any person shown to have a beneficial interest in the business concern,

1 and the imposition of a reward or disincentive system in order to  
2 encourage employees to comply with relevant state and federal law;

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

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

9 e. The **department** <sup>1</sup>Attorney General department<sup>1</sup> shall not  
10 determine 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 if the business  
13 concern has not complied, or agreed in writing to comply, with every  
14 requirement imposed by the Attorney General pursuant to subsection  
15 d. of this section.

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

17

18 <sup>1</sup>**10.** Section 17 of P.L.1991, c.269 (C.13:1E-133.3) is amended  
19 to read as follows:

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

36 (cf: P.L.1991, c.269, s.17)<sup>1</sup>

37

38 <sup>1</sup>**11.** 10.<sup>1</sup> Section 9 of P.L.1983, c.392 (C.13:1E-134) is  
39 amended to read as follows:

40 9. Any license or soil and <sup>1</sup>**debris** fill<sup>1</sup> recycling license may be  
41 revoked by the **department** <sup>1</sup>Attorney General department<sup>1</sup>  
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
43 (C.52:14B-1 et seq.) for any of the following causes:

44 a. Any cause which would require disqualification, pursuant to  
45 subsection a., b., c., e. or f. of section 8 of P.L.1983, c.392 (C.13:1E-  
46 133), from receiving a license or a soil and <sup>1</sup>**debris** fill<sup>1</sup> recycling  
47 license upon original application;

1 b. Fraud, deceit or misrepresentation in securing <sup>1</sup>or maintaining<sup>1</sup>  
2 the license or soil and <sup>1</sup>**【debris】 fill**<sup>1</sup> recycling license, or in the  
3 conduct of the licensed activity;

4 c. Offering, conferring or agreeing to confer any benefit to induce  
5 any other person to violate the provisions of P.L.1983, c.392 (C.13:1E-  
6 126 et seq.), or of any other law relating to the collection,  
7 transportation, treatment, storage, <sup>1</sup>brokering,<sup>1</sup> transfer or disposal of  
8 solid waste or hazardous waste, or the provision of soil and <sup>1</sup>**【debris】**  
9 fill<sup>1</sup> recycling services, or of any rule or regulation adopted pursuant  
10 thereto;

11 d. Coercion of a customer by violence or economic reprisal or the  
12 threat thereof to utilize the services of any permittee or licensee, or a  
13 business concern that holds a soil and <sup>1</sup>**【debris】 fill**<sup>1</sup> recycling license;  
14 <sup>1</sup>**【or】**<sup>1</sup>

15 e. Preventing, without authorization of the department, any  
16 permittee or licensee <sup>1</sup>, or business concern that has been issued a soil  
17 and fill recycling license<sup>1</sup> from disposing of solid waste or hazardous  
18 waste at a licensed, authorized or approved treatment, storage, transfer  
19 or disposal facility <sup>1</sup>, or

20 f. Failing to file timely annual updates as directed by the  
21 Attorney General<sup>1</sup>.

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

23  
24 <sup>1</sup>**【12.】 11.**<sup>1</sup> Section 10 of <sup>1</sup>**【P.L.1991, c.269】 P.L.1983, c.392**<sup>1</sup>  
25 (C.13:1E-135) is amended to read as follows:

26 10. a. (1) Notwithstanding the disqualification of the applicant or  
27 permittee pursuant to subsection a., b., c., e. or f. of section 8 of  
28 P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a  
29 license or a soil and <sup>1</sup>**【debris】 fill**<sup>1</sup> recycling license if the applicant or  
30 permittee severs the interest of or affiliation with the person who  
31 would otherwise cause that disqualification. <sup>1</sup>The department may bar  
32 the person that would otherwise cause the disqualification from  
33 participation in the collection, transportation, treatment, storage,  
34 processing, brokering, transfer, or disposal of solid or hazardous  
35 waste, or the provision of soil and fill recycling services.<sup>1</sup>

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

40 b. After July 1, 1992, the provisions of any other law to the  
41 contrary notwithstanding, no temporary license shall be approved,  
42 issued or renewed by the department for any applicant or permittee, as  
43 the case may be, to own or operate a resource recovery facility or other  
44 solid waste facility approved by the department for the long-term solid  
45 waste disposal requirements of a district or districts pursuant to the  
46 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)  
47 prior to the completion by the Attorney General **【and the department】**  
48 <sup>1</sup>and the department<sup>1</sup> of the requirements of sections 3 and 8 of

1 P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the  
2 department may issue a temporary license to an applicant or renew the  
3 temporary license of a permittee if the Commissioner of the  
4 Department of Environmental Protection determines, in writing, that  
5 the issuance of a temporary license for that applicant or renewal of the  
6 temporary license for that permittee is necessitated by the public  
7 interest.

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

9  
10 <sup>1</sup>13. Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to  
11 read as follows:

12 7. a. No person shall engage, or be permitted to engage, in the  
13 business of solid waste collection or solid waste disposal until  
14 found by the Department of Environmental Protection to be  
15 qualified by experience, training or education to engage in such  
16 business, is able to furnish proof of financial responsibility, and  
17 unless that person holds a certificate of public convenience and  
18 necessity issued by the Department of Environmental Protection.

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

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

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

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

44 (cf: P.L.2003, c.169, s.13)]<sup>1</sup>

45  
46 <sup>1</sup>14. Section 10 of P.L.1970, c.40 (C.48:13A-9) is amended to  
47 read as follows:

48 10. The Department of Environmental Protection shall revoke or  
49 suspend the certificate of public convenience and necessity issued

- 1 to any person engaged in the solid waste collection business or the  
2 solid waste disposal business upon the finding that such person:
- 3 a. Has violated any provision of P.L.1970, c.40 (C.48:13A-1 et  
4 seq.) or P.L.1991, c.381 (C.48:13A-7.1 et al.), or any rule,  
5 regulation or administrative order adopted or issued pursuant  
6 thereto; or
- 7 b. Has violated any provision of any laws related to pollution  
8 of the air, water or lands of this State; or
- 9 c. Has refused or failed to comply with any lawful order of the  
10 department; or
- 11 d. Has had its registration revoked by the Department of  
12 Environmental Protection; or
- 13 e. Has been denied approval of a license under the provisions  
14 of P.L.1983, c.392 (C.13:1E-126 et seq.), or has had its license  
15 revoked by the **Department of Environmental Protection** Attorney  
16 General, as the case may be.  
17 (cf: P.L.2003, c.169, s.19)<sup>1</sup>

18

19 <sup>1</sup>**[15.] 12.**<sup>1</sup> Section 3 of P.L.1971, c.461 (C.13:1E-18) is  
20 amended to read as follows:

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

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

45 b. The fee schedule shall reasonably reflect the duration or  
46 complexity of the specific service rendered, permit application  
47 reviewed, or registration statement or engineering design  
48 application approval sought.  
49 (cf: P.L.1991, c.269, s.15)



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

24       The Attorney General shall provide reimbursement in full to any  
 25 State agency for all expenses incurred by that State agency in the  
 26 performance of pre-licensing investigations, post-licensing compliance  
 27 monitoring or any other related activities consistent with the  
 28 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)<sup>1</sup> used to pay costs  
 29 related to consideration of license and soil and fill recycling license  
 30 applications, investigations, monitoring, enforcement, and related  
 31 activities, and to reimburse any State agency for expenses incurred by  
 32 the agency in the performance of pre-licensing investigations, post-  
 33 licensing compliance monitoring, or any other related activities  
 34 consistent with the provisions of P.L.1983, c.392 (C.13:1E-126 et  
 35 seq.). Annual fees shall be assessed on licensees and the holders of  
 36 soil and fill recycling licenses based on a percentage their gross  
 37 operating revenue from intrastate operations during the preceding  
 38 calendar year. Fees collected under this section shall be deposited into  
 39 a special account, to be administered by the department, and shall be  
 40 used only for the costs associated with administering the provisions of  
 41 P.L.1983, c.392 (C.13:1E-126 et seq.).<sup>1</sup>

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

47       c.<sup>1</sup> The <sup>1</sup>**[Attorney General]** department<sup>1</sup> shall prepare and  
 48 submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the

1 Legislature an annual report on the establishment and implementation  
2 of the fee schedule adopted pursuant to this section.

3  
4 <sup>1</sup>~~17.~~ 14.<sup>1</sup> (New section) No later than 90 days after the  
5 <sup>1</sup>effective date of <sup>1</sup>~~enactment of~~<sup>1</sup> P.L. , c. (C. ) (pending before  
6 the Legislature as this bill), the Department of Environmental  
7 Protection, the Department of the Treasury, and the Attorney General  
8 shall enter into a memorandum of agreement that provides for <sup>1</sup>~~the~~  
9 establishment of a records and information management system <sup>1</sup>~~a~~  
10 reciprocal information exchange method<sup>1</sup> to provide <sup>1</sup>~~State regulators~~  
11 at each department and other relevant government agencies in New  
12 Jersey and elsewhere <sup>1</sup>~~the Department of Environmental Protection,~~  
13 the Department of Treasury, and the Attorney General<sup>1</sup> with effective  
14 and efficient access to information concerning individuals and  
15 business concerns that are applicants, license holders, and permittees  
16 in the solid waste, hazardous waste and recycling industries <sup>1</sup>~~. The~~  
17 information in the system shall include license and permit information,  
18 records of violations, criminal charges and convictions, debarment  
19 determinations and any other information deemed to be relevant <sup>1</sup>~~as~~  
20 determined to be appropriate by the Attorney General<sup>1</sup>.

21  
22 <sup>1</sup>~~18.~~ 15.<sup>1</sup> (New section) The State Treasurer shall establish a  
23 list to be maintained in the Department of the Treasury of  
24 individuals and business concerns that have:

25 a. been debarred from contracting with or receiving funds from  
26 any unit in the Executive branch of State government, including any  
27 entity exercising executive branch authority or independent State  
28 authority, or any unit of local government or board of education;

29 b. had a permit, license, <sup>2</sup>~~or~~<sup>2</sup> soil and <sup>1</sup>~~debris~~ fill<sup>1</sup>  
30 recycling <sup>1</sup>registration <sup>2</sup>issued pursuant to section 1 of P.L. , c.  
31 (C. ) (pending before the Legislature as this bill), <sup>2</sup> or soil and fill  
32 recycling<sup>1</sup> license denied or revoked pursuant to P.L.1983, c.392  
33 (C.13:1E-126 et seq.); or

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

36  
37 <sup>1</sup>~~19.~~ 16.<sup>1</sup> (New section) The Attorney General shall seek to  
38 establish with the State of New York and other states in the region a  
39 reciprocal information exchange <sup>1</sup>~~system~~ method<sup>1</sup> to facilitate the  
40 sharing of information among the states on the solid waste, hazardous  
41 waste, and recycling industries in the respective states. Each year for  
42 the first three years after the <sup>1</sup>effective date of <sup>1</sup>~~enactment of~~<sup>1</sup>  
43 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
44 Attorney General shall prepare and submit, pursuant to section 2 of  
45 P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report on the  
46 progress made toward establishing and implementing this interstate  
47 cooperative effort.

1       <sup>2</sup>17. (New section) a. The department shall adopt, pursuant to  
2 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1  
3 et seq.), rules and regulations establishing a schedule of penalties  
4 for violations of P.L.1983, c.392 (C.13:1E-126 et seq.), to be  
5 applied pursuant to this section.

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

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

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

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

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

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

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

34       d. The department, a local board of health, or a county health  
35 department may institute an action or proceeding in the Superior  
36 Court for injunctive and other relief, including the appointment of a  
37 receiver for any violation of P.L.1983, c.392 (C.13:1E-126 et seq.),  
38 or of any rule or regulation adopted, or license issued, pursuant to  
39 P.L.1983, c.392 (C.13:1E-126 et seq.), and the court may proceed in  
40 the action in a summary manner. In any such proceeding the court  
41 may grant temporary or interlocutory relief. Such relief may  
42 include, singly or in combination:

43       (1) A temporary or permanent injunction;

44       (2) Assessment of the violator for the costs of any investigation,  
45 inspection, or monitoring survey which led to the establishment of  
46 the violation, and for the reasonable costs of preparing and  
47 litigating the case under this subsection;

48       (3) Assessment of the violator for any cost incurred by the State  
49 in removing, correcting, or terminating the adverse effects upon air

1 quality or water quality resulting from any violation of any  
2 provision of P.L.1983, c.392 (C.13:1E-126 et seq.), or any rule or  
3 regulation adopted, or license issued, pursuant thereto for which  
4 the action under this subsection may have been brought;

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

15 If a proceeding is instituted by a local board of health or county  
16 health department, notice thereof shall be served upon the  
17 department in the same manner as if the department were a named  
18 party to the action or proceeding. The department may intervene as  
19 a matter of right in any proceeding brought by a local board of  
20 health or county health department.

21 e. The department is authorized to assess a civil administrative  
22 penalty of not more than \$50,000.00 for each violation provided  
23 that each day during which the violation continues shall constitute  
24 an additional, separate, and distinct offense. The department shall  
25 not assess a civil administrative penalty in excess of \$25,000.00 for  
26 a single violation, or in excess of \$2,500.00 for each day during  
27 which a violation continues, until the department has adopted,  
28 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
29 (C.52:14B-1 et seq.), rules and regulations requiring the  
30 department, in assessing a civil administrative penalty, to consider  
31 the operational history of the violator, the severity of the violation,  
32 the measures taken to mitigate or prevent further violations, and  
33 whether the penalty will maintain an appropriate deterrent. No  
34 assessment shall be levied pursuant to this section until after the  
35 violator has been notified by certified mail or personal service. The  
36 notice shall include a reference to the section of the statute, rule,  
37 regulation, or license violated, a concise statement of the facts  
38 alleged to constitute a violation, a statement of the amount of the  
39 civil administrative penalties to be imposed, and a statement of the  
40 party's right to a hearing. The ordered party shall have 20 calendar  
41 days from receipt of the notice within which to deliver to the  
42 department a written request for a hearing. After the hearing and  
43 upon finding that a violation has occurred, the department may  
44 issue a final order after assessing the amount of the fine specified in  
45 the notice. If no hearing is requested, the notice shall become a  
46 final order after the expiration of the 20-day period. Payment of the  
47 assessment is due when a final order is issued or the notice becomes  
48 a final order. The authority to levy a civil administrative penalty is  
49 in addition to all other enforcement provisions in P.L.1983, c.392

1 (C.13:1E-126 et seq.) and P.L.1970, c. 39 (C. 13:1E-1 et seq.), and  
2 the payment of any assessment shall not be deemed to affect the  
3 availability of any other enforcement provisions in connection with  
4 the violation for which the assessment is levied. The department  
5 may settle any civil administrative penalty assessed under this  
6 section in an amount the department determines appropriate.

7 f. Any person who violates the provisions of P.L.1983, c.392  
8 (C.13:1E-126 et seq.), or any rule or regulation adopted, or licensed  
9 issued, pursuant thereto shall be liable to a penalty of not more than  
10 \$50,000.00 per day, to be collected in a civil action commenced by  
11 a local board of health, a county health department, or the  
12 department.

13 Any person who violates an administrative order issued pursuant  
14 to subsection c. of this section, or a court order issued pursuant to  
15 subsection d. of this section, or who fails to pay an administrative  
16 assessment in full pursuant to subsection e. of this section is subject  
17 upon order of a court to a civil penalty not to exceed \$100,000.00  
18 per day of such violations.

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

25 g. Any person who engages in soil and fill recycling services  
26 without a registration issued pursuant to section 1 of P.L. ,  
27 c. (C. ) (pending before the Legislature as this bill), or a soil and  
28 fill recycling license issued pursuant to  
29 section 8 of P.L.1983, c.392 (C.13:1E-133), as appropriate, or who  
30 knowingly makes any false or misleading statement to the  
31 department or the Attorney General in connection with a  
32 registration or license, shall, upon conviction, be guilty of a crime  
33 of the third degree and, notwithstanding the provisions of  
34 N.J.S.2C:43-3, shall be subject to a fine of not more than  
35 \$50,000.00 for the first offense and not more than \$100,000.00 for  
36 the second and each subsequent offense and restitution, in addition  
37 to any other appropriate disposition authorized by subsection b. of  
38 N.J.S.2C:43-2.

39 h. Any person who collects, transports, treats, stores, brokers,  
40 transfers, or disposes of solid waste or hazardous waste, or that  
41 engages in soil and fill recycling services, shall furnish the  
42 appropriate license or registration upon the request of any law  
43 enforcement officer or any agent of the department, a local board of  
44 health, or a county health department.

45 i. Pursuit of any remedy specified in this section shall not  
46 preclude the pursuit of any other remedy provided by any other law.  
47 Administrative and judicial remedies provided in this section may  
48 be pursued simultaneously.<sup>2</sup>

1       <sup>2</sup>18. (New section) The department, a local board of health, and  
2 a county health department shall have the right to enter, inspect, and  
3 take samples at or from, any facility or premises used in connection  
4 with the provision of soil and fill recycling services in order to  
5 determine compliance with a registration issued pursuant to section  
6 1 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
7 a soil and fill recycling license issued pursuant to section 8 of  
8 P.L.1983, c.392 (C.13:1E-133), and any other applicable law, and  
9 rules and regulations adopted pursuant thereto.<sup>2</sup>

10

11       <sup>1</sup>[20. Section 2 of this act shall take effect on the 180th day after  
12 the date of enactment, and the remainder of this act] <sup>2</sup>[17.] 19.<sup>2</sup> This  
13 act<sup>1</sup> shall take effect immediately.