



## State of New Jersey

### DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF SOLID AND HAZARDOUS WASTE

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*Lt. Governor*

**CATHERINE R. McCABE**  
*Commissioner*

Overview of P.L.2019, c.397 - the “Dirty Dirt” legislation:

Pursuant to concerns related to the illegal dumping of soil and fill materials statewide, on January 21, 2020, New Jersey Governor Murphy signed into law NJ Senate Bill S1683, known as the “Dirty Dirt” legislation. Companies currently engaged in, or otherwise providing soil and fill recycling services, that do not currently possess a valid A-901 license, are now required to obtain a Soil and Fill Recycling License. The law allows for a temporary, limited opportunity for business concerns providing these services, that do not currently possess a valid A-901 license, to apply for and obtain a Soil and Fill Recycling Registration from the New Jersey Department of Environmental Protection (“the Department” or “NJDEP”). Receipt of the Soil and Fill Recycling Registration authorizes the business concern to continue operations during the licensing process, under the conditions identified below.

“Soil and fill recycling services” means the services provided by persons engaging in the business of the collection, transportation, processing, brokering, storage, purchase, sale or disposition, or any combination thereof, of soils and fill recyclable materials. “Soil and fill recycling services” shall not include the operation of a solar electric power generation facility at a properly closed sanitary landfill where soil and fill materials have been previously deposited for permanent disposal.

“Soil and fill recyclable materials” means non-putrescible aggregate substitute, including, but not limited to, broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material. “Soil and fill recyclable materials” shall not include: (1) Class A recyclable material; (2) Class B recyclable material that is shipped to a Class B recycling center approved by the Department for receipt, storage, processing, or transfer; (3) beneficial use material for which the generator has obtained prior approval from the department to transport to an approved and designated destination; and (4) virgin quarry products including, but not limited to, rock, stone, gravel, sand, clay and other mined products.

**All companies currently providing “soil and fill recycling services” that do not currently possess an A-901 license must register with the Department on or before April 20, 2020.** In order to register with the Department, all companies must complete the 2-page Registration form, which can be found at <https://www.nj.gov/dep/dshw/a901/a901frms.htm>. Companies who timely and properly register with the Department on or before April 20, 2020, with limited exceptions, will be issued a Soil and Fill Recycling Registration within 90-days of submitting the Registration Form. For any questions regarding the Registration Form or the Soil and Fill Recycling Registration, please email [soilandfill@dep.nj.gov](mailto:soilandfill@dep.nj.gov) or call the NJDEP Division of Solid and Hazardous Waste at (609) 984-4250.

Companies who have received a Soil and Fill Recycling Registration, now a “registrant”, must file a valid and administratively complete Soil and Fill Recycling License Application with the New Jersey Attorney

General's Office by October 19, 2020. Any registrant who fails to file a valid and administratively complete Soil and Fill Recycling License Application by October 19, 2020 will render their Soil and Fill Recycling Registration automatically expired and invalid.

Further, any company seeking to provide soil and fill recycling services, who does not already possess an A-901 license and who did not properly register with the Department and as such does not possess a Soil and Fill Recycling Registration, will be required to file a valid and administratively complete Soil and Fill Recycling License Application with the New Jersey Attorney General's Office and will not be permitted to provide soil and fill recycling services during the review of their Soil and Fill Recycling License Application.

The Soil and Fill Recycling License Application consists of two documents: The Business Concern Disclosure Statement and the Personal History Disclosure Statement. Every company must fill out the Business Concern Disclosure Statement; however, the amount of Personal History Disclosure Statements required to be completed will depend on a multitude of factors (i.e., number of owners, directors, key employees, salespersons, etc.). The Soil and Fill Recycling License Application can be found at <https://www.nj.gov/dep/dshw/a901/a901frms.htm>.

**After July 20, 2020, only companies who either possess an A-901 license or a Soil and Fill Recycling Registration will be permitted to continue providing "soil and fill recycling services" during the license application process. Any company found to be providing these services after July 20, 2020 without a Soil and Fill Recycling Registration or valid A-901 license will be subject to violations and penalties.**

Any questions regarding the Soil and Fill Recycling License Application or the application process are directed to the Attorney General's Office A-901 Unit at 609-376-3270.