



Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

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#2020-03

New Law – Requires Registration and Licensing for Soil and Fill Recycling Services

Who is affected by this new Law?

On January 21, 2020, Governor Phil Murphy signed S-1683/A-4267 which expands New Jersey Department of Environmental Protection's ("NJDEP") oversight of business concerns that engage in, or provide, soil and fill recycling services. A business concern includes any corporation, association, firm, partnership, sole proprietorship, trust, limited liability company, or other commercial organization providing services for the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable materials.

"Soil and fill recyclable materials" are 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.

The following items are not considered "Soil and fill recyclable materials" under this new law:

- (1) Source separated Class A source separated recyclable material
- (2) Source separated Class B recyclable material shipped to a NJDEP approved Class B recycling center for receipt, storage, processing, or transfer
- (3) Beneficial use material for which the generator has obtained prior approval from the DEP to transport to an approved and designated destination
- (4) Virgin quarry products including, but not limited to, rock, stone, gravel, sand, clay, and other mined products.

What should I do?

Any business concern that does not hold a valid, permanent A-901 license and is currently engaged in soil and fill recycling services must first register with the DEP on or before **April 20, 2020**; and thereafter submit a full disclosure application for a Soil and Fill Recycling License (commonly referred to as an A-901 License) on or before October 19, 2020.

To register with the DEP you must complete and submit a Soil and Fill Recycling Registration Form, found at <https://www.nj.gov/dep/dshw/a901/a901frms.htm>. There is no cost to register. This website also contains guidance and frequently asked questions (FAQs) documents for more information.

COMPLIANCE ADVISORY

DEP recommends registering as a precaution if you are uncertain that the services you provide are subject to this law. Submitting the completed registration form on or before the April 20, 2020 deadline secures your company's ability to continue soil and fill recycling services past July 20, 2020. However, the Soil and Fill Recycling Registration will automatically expire if a business does not file an administrative complete license application with the Attorney General's Office on or before October 19, 2020.

Following registration, all registered business concerns must file an administratively complete Soil and Fill Recycling License application with the Attorney General's Office on or before October 19, 2020. The full disclosure applications will be reviewed by the Attorney General's Office, with assistance from the New Jersey State Police, DEP, and other agencies to ensure a business concern has the necessary reliability, integrity, competency, and expertise before granting a Soil and Fill Recycling License.

What is DEP doing?

A Soil and Fill Recycling Registration Form and approval process have been developed for businesses to register in order to continue providing soil and fill recycling services. Once a registration form is received by DEP, a Soil and Fill Recycling Registration will be issued within 90 days of receipt of the completed registration form. Businesses shall maintain their Soil and Fill Recycling Registration as evidence of completing the registration process. Any company found to be engaged in soil and fill recycling services without a DEP issued Soil and Fill Recycling Registration will be subject to violations and penalties. Business concerns that do not timely register with DEP and/or fail to submit the disclosure application or are ultimately denied a Soil and Fill Recycling License, will be precluded from further engagement in soil and fill recycling services.

Who should I contact with questions?

DEP Division of Solid and Hazardous Waste (609) 984-4250
A-901 Unit soilandfill@dep.nj.gov

DEP Division of Waste Enforcement (609) 943-3019
Transportation Oversight Unit

Attorney General's Office A-901 Unit (609) 376-3270
Division of Law Environmental Enforcement

Where can I get more information?

The following website can be accessed for additional information:

<https://www.nj.gov/dep/dshw/a901/a901frms.htm> (A-901 Registration forms and info)

Please note this advisory is intended to be a summary explanation of a Department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.