

ASSEMBLY BILL NO. 642
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 642 (First Reprint) with my recommendations for reconsideration.

This bill would authorize the use of steel slag, a nonmetallic and nonhazardous coproduct of steel production that is sold as an aggregate, for certain enumerated commercial and industrial uses. The Department of Environmental Protection ("DEP" or "Department") has previously determined that certain specific uses of steel slag qualify for exclusion from New Jersey's solid waste regulations and are not considered remediation activities subject to the regulatory requirements for alternative fill. Thus, DEP has found that, when used for specific purposes and in appropriate conditions, the use of steel slag does not pose a threat to the environment or human health.

I am recommending that the bill be amended to align with the uses that DEP has previously identified as qualifying for an exclusion from the Department's regulations. I am also recommending revisions to clarify that the use of steel slag for the enumerated uses is exempt from regulation as an alternative fill, but continues to be subject to DEP regulations when used outside of these specific purposes. This change is consistent with the Legislature's intent as described in the Assembly and Senate Committee Statements. Finally, I am recommending amendments to clarify that, while steel slag may be used at industrial and commercial sites being remediated by a licensed site remediation professional, the enumerated uses are not themselves remediation activities. Together, these amendments will ensure that this bill does not put the environment or human

health at risk, and will also provide greater clarity as to when steel slag may be used without Department approval.

Therefore, I herewith return Assembly Bill No. 642 (First Reprint) and recommend that it be amended as follows:

- Page 2, Section 1, Line 9: After "person" insert ", including a licensed site remediation professional,"
- Page 2, Section 1, Line 11: Delete "and" and insert "or at a commercial or industrial site at which remediation is being overseen by"
- Page 2, Section 1, Line 11: Delete "may"
- Page 2, Section 1, Line 12: Delete in its entirety
- Page 2, Section 1, Line 13: Delete "a contaminated site"
- Page 2, Section 1, Line 22: Delete in its entirety
- Page 2, Section 1, Line 23: Delete "regulation adopted pursuant thereto, to the contrary, the" and insert "The"
- Page 2, Section 1, Line 24: After "slag" insert "as provided for in subsection b. of this section is not subject to regulation"
- Page 2, Section 1, Line 24: Delete "in the remediation of a contaminated site" and insert "."
- Page 2, Section 1, Lines 25-26: Delete in their entirety
- Page 2, Section 1, Line 33: After "shoulders" delete "," and insert "and"
- Page 2, Section 1, Line 33: Delete "and select material surfacing,"
- Page 2, Section 1, Line 38: After "base" delete "," and insert "or"
- Page 2, Section 1, Line 38: Delete ", and loadbearing"
- Page 2, Section 1, Line 39: After "courses" insert "up to eight inches thick under permanent structures, pavements, and sidewalks, except that thicknesses greater than eight inches and up to 24 inches may be used under non-residential permanent structures only if the greater thickness is supported by an engineering justification developed by a licensed professional engineer familiar with the material"

justifying why a thickness greater than eight inches is needed"

Page 3, Section 1, Line 1: After "to" insert "adjust pH and"

Page 3, Section 1, Line 2: After "evaluated" insert "and approved individually"

Page 3, Section 1, Line 5: Delete ", including, but not limited to," and insert "such as"

Page 3, Section 1, Line 6: After "fills" insert "up to eight inches"

Page 3, Section 1, Line 7: After "backfill," delete "and"

Page 3, Section 1, Line 7: After "construction" insert ", and other industrial and construction activity"

Page 3, Section 1, Line 9: After "as" insert "alternate"

Page 3, Section 1, Line 12: After "material" insert "up to eight inches"

Page 3, Section 1, Lines 13-14: Delete "No later than 90 days after the effective date of this section, the" and insert "The"

Page 3, Section 1, Line 14: Delete "shall" and insert "may"

Page 3, Section 1, Line 21: Delete ", which can be utilized in construction or other related" and insert "."

Page 3, Section 1, Line 22: Delete in its entirety

Page 3, Section 1, Line 24: Delete "which contains contaminants in excess of the most stringent"

Page 3, Section 1, Lines 25-29: Delete in their entirety

Page 3, Section 1, Line 30: Delete "contaminants without standards," and insert "as defined pursuant to regulations"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor