

**CHAPTER 17**  
**CORRECTED COPY**

**AN ACT** concerning the use of steel slag as an aggregate and supplementing P.L.1987, c.102 (C.13:1E-99.11 et seq.).

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.13:1E-99.28b Steel slag use, aggregate; definitions.

1. a. Notwithstanding the provisions of any law, or rule or regulation adopted pursuant thereto, to the contrary, beginning 90 days after the effective date of this section, a person, including a licensed site remediation professional, may use steel slag as an aggregate in any commercial or industrial development, or at a commercial or industrial site at which remediation is being overseen by a licensed site remediation professional, provided that the steel slag meets all applicable engineering or geotechnical standards and specifications, that such use is for a purpose enumerated in subsection b. of this section, and that the use does not cause the exceedance of any:

(1) drinking water quality standard established by the Department of Environmental Protection or the United States Environmental Protection Agency; or

(2) groundwater quality standard established by the Department of Environmental Protection.

The use of steel slag as provided for in subsection b. of this section is not subject to regulation as alternative fill.

b. Steel slag may be used pursuant to subsection a. of this section only for the following purposes:

(1) as an aggregate in making cement, concrete, or bituminous mixes such as pavement surfaces, wearing and binder courses, bases, surface treatments, seal coats, slurry coats, and cold patch;

(2) as an anti-skid material or snow and ice control aggregate;

(3) for stabilized shoulders and banks provided that, where slag is to be used for bank and erosion control adjacent to surface waters or other environmentally sensitive areas, an ecological evaluation, approved by the Department of Environmental Protection, is first performed;

(4) as engineered aggregate base or sub-base courses 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;

(5) as railroad ballast;

(6) as a replacement for limestone for the neutralization of mine drainage and industrial discharge, provided that uses in, or adjacent to, water abide by all other applicable laws, rules, and regulations;

(7) as soil amendment to adjust pH and reduce the leachability of contaminants in the soil. A use pursuant to this paragraph shall be evaluated and approved individually by either a licensed site remediation professional or the Department of Environmental Protection prior to its implementation;

(8) in controlled industrial uses such as granular fills up to eight inches required for unpaved parking and storage areas, pipe and tank backfill, berm construction, and other industrial and construction activity;

- (9) as a replacement for natural aggregate at steel mills;
- (10) as alternate cover material for roads to working surfaces at solid waste landfills;
- (11) as roofing granules; and
- (12) as cover material up to eight inches for the installation of solar collectors.

c. The Department of Environmental Protection may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations concerning the use of steel slag as an aggregate as necessary in order to ensure the protection of the public health, safety, and the environment.

d. As used in this section:

“Aggregate” means a material formed from fragments or particles.

“Alternative fill” means material to be used in a remedial action, as defined pursuant to regulations promulgated by the Department of Environmental Protection.

“Contaminant” means the same as that term is defined in section 23 of P.L.1993, c.139 (C.58:10B-1).

“Hazardous waste” means the same as that term is defined in section 3 of P.L.1981, c.279 (C.13:1E-51).

“Licensed site remediation professional” means the same as that term is defined in section 23 of P.L.1993, c.139 (C.58:10B-1).

“Remedial action” means the same as that term is defined in section 23 of P.L.1993, c.139 (C.58:10B-1).

“Remediation” means the same as that term is defined in section 23 of P.L.1993, c.139 (C.58:10B-1).

“Steel slag” means the nonmetallic coproduct that results from the production of steel in an electric arc furnace, and that is:

- (1) not a hazardous waste, as determined by the department;
- (2) poured from the furnace in a molten state, cooled, and processed to remove free metallic compounds; and
- (3) sold and distributed in the stream of commerce as an aggregate and managed as an item of value in a controlled manner, and is not discarded.

2. This act shall take effect immediately.

Approved June 24, 2022.