

CHAPTER 64

AN ACT concerning certain soil and fill recycling services and amending P.L.2019, c.397.

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

1. Section 1 of P.L.2019, c.397 (C.13:1E-127.1) is amended to read as follows:

C.13:1E-127.1 Soil and fill recycling registration.

1. a. No later than July 14, 2022, any business concern that is not already a licensee pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.), and that actively engages in, or otherwise provides, soil and fill recycling services shall register with the department. The registration shall include, but need not be limited to:

- (1) the name of the business concern and its New Jersey corporate filing number;
- (2) the address of the business concern and the addresses of any other locations where trucks or equipment used by the business concern are kept;
- (3) contact information for the business concern, including, but not limited to, a valid phone number and email address; and
- (4) a statement by the business concern that it is actively engaged in soil and fill recycling services at the time of registration.

b. A business concern shall submit the information required pursuant to subsection a. of this section on a registration form prescribed by the department. The business concern shall certify to the truth and accuracy of the information provided in the registration form.

c. No more than 90 days after submission of a registration form pursuant to this section, the department shall issue a soil and fill recycling registration to the business concern. Issuance of a soil and fill recycling registration pursuant to this section shall not preclude the department or the Attorney General from subsequently denying a soil and fill recycling license to the registrant.

d. No more than 30 days after the department adopts, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations implementing P.L.2019, c.397 (C.13:1E-127.1 et al.), a registrant shall submit a valid and administratively complete application for a soil and fill recycling license with the Attorney General. Registrants may request a 90-day extension to file a soil and fill recycling license application pursuant to this section, and the Attorney General may grant the request upon a showing of good cause.

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

f. A soil and fill recycling registration issued pursuant to this section is non-transferable and shall temporarily authorize the registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application for a soil and fill recycling license.

g. Any business concern that seeks to engage in soil and fill recycling services after July 14, 2022 that has not submitted a registration form pursuant to subsection a. of this section shall file an application for a soil and fill recycling license with the Attorney General.

h. As used in this section, "registrant" means any person who applies for and is issued a soil and fill recycling registration pursuant to this section.

2. Section 13 of P.L.2019, c.397 (C.13:1E-135.1) is amended to read as follows:

C.13:1E-135.1 Application, license fees.

13. a. The department shall establish application and license fees, annual fees, and any other fees the department determines necessary to defray the costs of administration, for any license or soil and fill recycling license issued pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.), or the soil and fill recycling registration issued pursuant to section 1 of P.L.2019, c.397 (C.13:1E-127.1). The fees shall be used to pay costs related to consideration of license and soil and fill recycling license applications, investigations, monitoring, enforcement, and related activities, and to reimburse any State agency for expenses incurred by the agency in the performance of pre-licensing investigations, post-licensing compliance monitoring, or any other related activities consistent with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.). Annual fees shall be assessed on licensees and the holders of soil and fill recycling licenses based on a percentage their gross operating revenue from intrastate operations during the preceding calendar year. Fees collected under this section shall be deposited into a special account, to be administered by the department, and shall be used only for the costs associated with administering the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.).

b. The department shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and no later than one year after the effective date of P.L.2022, c.64 (C.13:1E-127.1 et al.), adopt rules and regulations to effectuate monitoring and enforcement of P.L.1983, c.392 (C.13:1E-126 et seq.) and P.L.2019, c.397 (C.13:1E-127.1 et al.).

c. The department shall prepare and submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature an annual report on the establishment and implementation of the fee schedule adopted pursuant to this section.

3. This act shall take effect immediately.

Approved July 5, 2022.