

§§1,2 -  
C.13:1E-127.1 &  
13:1E-127.2  
§§13-18 -  
C.13:1E-135.1 to  
13:1E-135.6

P.L. 2019, CHAPTER 397, *approved January 21, 2020*  
Senate, No. 1683 (*Third Reprint*)

1 AN ACT concerning regulation of the solid waste, hazardous waste,  
2 and soil and <sup>1</sup>debris fill<sup>1</sup> recycling industries, amending and  
3 supplementing P.L.1983, c.392, and amending P.L.1991, c.269  
4 <sup>1</sup>[, P.L.1970, c.40]<sup>1</sup> and P.L.1971, c.461.

5  
6 BE IT ENACTED by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. (New section) a. No later than 90 days after the <sup>1</sup>date of  
10 enactment effective date<sup>1</sup> of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill), any business concern that <sup>1</sup>is not already a  
12 licensee pursuant to P.L.1991, c.269 (C.13:1E-126 et seq.), and that  
13 actively<sup>1</sup> engages in, or otherwise provides, soil and <sup>1</sup>debris fill<sup>1</sup>  
14 recycling services shall register with the <sup>1</sup>Attorney General  
15 department<sup>1</sup>. The registration shall include <sup>1</sup>, but need not be  
16 limited to<sup>1</sup>:

17 (1) the name of the business concern <sup>1</sup>and its New  
18 Jersey corporate filing number;<sup>1</sup>

19 (2) the address of the business concern and the addresses of any  
20 other locations where trucks or equipment used by the business  
21 concern are kept <sup>1</sup>;

22 (3) contact information for the business concern, including, but  
23 not limited to, a valid phone number and email address; and

24 (4) a statement by the business concern that it is actively  
25 engaged in soil and fill recycling services at the time of  
26 registration<sup>1</sup>.

27 b. <sup>1</sup>A business concern shall submit the information required  
28 pursuant to subsection a. of this section on a registration form  
29 prescribed by the department. The business concern shall certify to  
30 the truth and accuracy of the information provided in the  
31 registration form.

32 c.<sup>1</sup> No more than 90 days after submission of <sup>1</sup>all information  
33 required to be submitted a registration form<sup>1</sup> pursuant to  
34 <sup>1</sup>subsection a. of<sup>1</sup> this section, the <sup>1</sup>Attorney General  
35 department<sup>1</sup> shall issue a soil and <sup>1</sup>debris fill<sup>1</sup> recycling

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted February 14, 2019.

<sup>2</sup>Senate floor amendments adopted June 20, 2019.

<sup>3</sup>Assembly AEN committee amendments adopted December 9, 2019.

1 registration to the business concern <sup>1</sup>that registers pursuant to  
2 subsection a. of this section. Issuance of a soil and fill recycling  
3 registration pursuant to this section shall not preclude the  
4 department from subsequently denying a soil and fill recycling  
5 license to the registrant.

6 d. No more than 270 days after the effective date of P.L. ,  
7 c. (C. ) (pending before the Legislature as this bill), a  
8 registrant shall submit a valid and administratively complete  
9 application for a soil and fill recycling license with the Attorney  
10 General. Registrants may request a 90-day extension to file a soil  
11 and fill recycling license application pursuant to this section, and  
12 the Attorney General may grant the request upon a showing of good  
13 cause.

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

21 f. A soil and fill recycling registration issued pursuant to this  
22 section is non-transferable and shall <sup>2</sup>temporarily<sup>2</sup> authorize the  
23 registrant to provide soil and fill recycling services pending the  
24 approval or denial of the registrant's application for a soil and fill  
25 recycling license.

26 g. Any business concern that seeks to engage in soil and fill  
27 recycling services later than 90 days after the effective date of this  
28 act that has not submitted a registration form pursuant to subsection  
29 a. of this section shall file an application for a soil and fill recycling  
30 license with the Attorney General.

31 h. As used in this section, "registrant" means any person who  
32 applies for and is issued a soil and fill recycling registration  
33 pursuant to this section<sup>1</sup>.

34  
35 2. (New section) <sup>1</sup>【No】 Beginning 180 days after the effective  
36 date of P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 no<sup>1</sup> business concern shall engage in soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling  
38 services unless it holds a soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling <sup>1</sup>【license】  
39 registration<sup>1</sup> issued pursuant to <sup>1</sup>section 1 of P.L. , c. (C. )  
40 (pending before the Legislature as this bill), a soil and fill recycling  
41 license issued pursuant to<sup>1</sup> section 8 of P.L.1983, c.392 (C.13:1E-  
42 133) <sup>1</sup>, or is a licensee pursuant to section 8 of P.L.1983, c.392 (C.13:1  
43 E-133)<sup>1</sup>.

44  
45 3. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to read  
46 as follows:

47 2. As used in the provisions of P.L.1983, c.392 (C.13:1E-126 et  
48 seq.) and P.L.1991, c.269 (C.13:1E-128.1 et al.):

1 a. "Applicant" means any business concern **[which]** that (1) has  
2 filed a disclosure statement with the **[department and the]** Attorney  
3 General and is seeking **[an initial]** a license, provided that the business  
4 concern has furnished the department and the Attorney General with  
5 any information required pursuant to <sup>1</sup>**[P.L.1991, c.269 (C.13:1E-**  
6 128.1 et al.)] **P.L.1983, c.392 (C.13:1E-126 et seq.)**<sup>1</sup> , or (2) has been  
7 issued a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling registration <sup>2</sup>pursuant to  
8 section 1 of P.L. , c. (C. ) (pending before the Legislature as this  
9 bill)<sup>2</sup> , has filed a disclosure statement with the <sup>1</sup>**[department and the]**<sup>1</sup>  
10 Attorney General, and is seeking a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling  
11 license.

12 b. "Application" means the forms and accompanying documents  
13 filed in connection with an applicant's or permittee's request for a  
14 license or a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license.

15 c. "Business concern" means any corporation, association, firm,  
16 partnership, sole proprietorship, trust <sup>1</sup> , limited liability company,<sup>1</sup> or  
17 other form of commercial organization.

18 d. "Department" means the Department of Environmental  
19 Protection.

20 e. "Disclosure statement" means a statement submitted to the  
21 **[department and the]** Attorney General by an applicant or a permittee,  
22 which statement shall include:

23 (1) The full name, business address <sup>1</sup> , telephone number, email  
24 address,<sup>1</sup> and social security number of the applicant or the permittee,  
25 as the case may be, and of any officers, directors, partners, or key  
26 employees thereof and all persons holding any equity in or debt  
27 liability of the applicant or permittee, or, if the applicant or permittee  
28 is a publicly traded corporation, all persons holding more than <sup>1</sup>**[5%]**  
29 five percent<sup>1</sup> of the equity in or the debt liability of the applicant or  
30 permittee, except that (a) where the equity in or debt liability of the  
31 applicant or permittee is held by an institutional investor, the applicant  
32 or permittee need only supply the name, business address and the basis  
33 upon which the institutional investor qualifies as an institutional  
34 investor, and (b) where the debt liability is held by a chartered lending  
35 institution, the applicant or permittee need only supply the name and  
36 business address of the lending institution;

37 (2) The full name, business address <sup>1</sup> , telephone number, email  
38 address,<sup>1</sup> and social security number of all officers, directors, or  
39 partners of any business concern disclosed in the disclosure statement  
40 and the names and addresses of all persons holding any equity in or the  
41 debt liability of any business concern so disclosed, except that (a)  
42 where the business concern is a publicly traded corporation, the  
43 applicant or permittee need only supply the name and business address  
44 of the publicly traded corporation and copies of its annual filings with  
45 the Securities and Exchange Commission, or its foreign equivalent, (b)  
46 where the equity in or debt liability of that business concern is held by  
47 an institutional investor, the applicant or permittee need only supply  
48 the name, business address and the basis upon which the institutional

1 investor qualifies as an institutional investor, and (c) where the debt  
2 liability is held by a chartered lending institution, the applicant or  
3 permittee need only supply the name and business address of the  
4 lending institution;

5 (3) The full name and business address of any business concern  
6 which collects, transports, treats, stores, <sup>1</sup>brokers,<sup>1</sup> transfers or  
7 disposes of solid waste or hazardous waste , or that engages in soil and  
8 <sup>1</sup>**debris** fill<sup>1</sup> recycling services, in which the applicant or the  
9 permittee holds an equity interest;

10 (4) A description of the experience and credentials in, including  
11 any past or present licenses for, the collection, transportation,  
12 treatment, storage, <sup>1</sup>brokering,<sup>1</sup> transfer or disposal of solid waste or  
13 hazardous waste , or the provision of soil and <sup>1</sup>**debris** fill<sup>1</sup> recycling  
14 services, possessed by the applicant or the permittee, as the case may  
15 be, and by the key employees, officers, directors, or partners thereof;

16 (5) A listing and explanation of any notices of violation or  
17 prosecution, administrative orders or license revocations issued by this  
18 State or any other state or federal authority, in the 10 years  
19 immediately preceding the filing of the application or disclosure  
20 statement, whichever is later, which are pending or have resulted in a  
21 finding or a settlement of a violation of any law or rule and regulation  
22 relating to the collection, transportation, treatment, storage,  
23 <sup>1</sup>brokering,<sup>1</sup> transfer or disposal of solid waste or hazardous waste, or  
24 the provision of soil and <sup>1</sup>**debris** fill<sup>1</sup> recycling services, by the  
25 applicant or the permittee, as the case may be, or by any key  
26 employee, officer, director, or partner thereof;

27 (6) A listing and explanation of any judgment of liability or  
28 conviction which was rendered, pursuant to the laws of this State, or  
29 any other state or federal statute or local ordinance, against the  
30 applicant or the permittee, as the case may be, or against any key  
31 employee, officer, director, or partner thereof, except for any violation  
32 of Title 39 of the Revised Statutes other than a violation of the  
33 provisions of P.L.1983, c.102 (C.39:5B-18 et seq.), P.L.1983, c.401  
34 (C.39:5B-25 et seq.) or P.L.1985, c.415 (C.39:5B-30 et seq.);

35 (7) A listing of all labor unions and trade and business associations  
36 in which the applicant or the permittee was a member or with which  
37 the applicant or the permittee had a collective bargaining agreement  
38 during the 10 years preceding the date of the filing of the application  
39 or disclosure statement, whichever is later;

40 (8) A listing of any agencies outside of New Jersey which had  
41 regulatory responsibility over the applicant or the permittee, as the  
42 case may be, in connection with the collection, transportation,  
43 treatment, storage, <sup>1</sup>brokering,<sup>1</sup> transfer or disposal of solid waste or  
44 hazardous waste or in connection with the provision of soil and  
45 <sup>1</sup>**debris** fill<sup>1</sup> recycling services; **[and]**

46 (9) The full name and business address of any individual or  
47 business concern that leases real property or equipment used for the  
48 collection, transportation, treatment, processing, storage, <sup>1</sup>brokering,<sup>1</sup>

1 transfer, or disposal of solid waste or hazardous waste, or the  
2 provision of soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services, to the applicant,  
3 permittee, or licensee;

4 (10) A listing and explanation of any civil litigation pending  
5 between the applicant, permittee, licensee, key employee, officer,  
6 director, or partner thereof and any other person engaged in the  
7 collection, transportation, treatment, processing, storage, <sup>1</sup>brokering,<sup>1</sup>  
8 transfer, or disposal of solid waste or hazardous waste or in the  
9 provision of soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services, related to the  
10 provision of solid waste, hazardous waste or soil and <sup>1</sup>【debris】 fill<sup>1</sup>  
11 recycling services; and

12 (11) Any other information the Attorney General [or the  
13 department] may require that relates to the competency, reliability or  
14 integrity of the applicant or the permittee.

15 The provisions of paragraphs (1) through **【(9)】** (11) of this  
16 subsection to the contrary notwithstanding, if an applicant or a  
17 permittee is a secondary business activity corporation, "disclosure  
18 statement" means a statement submitted to the **【department and the】**  
19 Attorney General by an applicant or a permittee, which statement shall  
20 include:

21 (a) The full name, primary business activity, office or position  
22 held, business address, home address, <sup>1</sup>telephone number, email  
23 address,<sup>1</sup> date of birth and federal employer identification number of  
24 the applicant or the permittee, as the case may be, and of all officers,  
25 directors, partners, or key employees of the business concern; and of  
26 all persons holding more than **【5%】** five percent<sup>1</sup> of the equity in or  
27 debt liability of that business concern, except that where the debt  
28 liability is held by a chartered lending institution, the applicant or  
29 permittee need only supply the name and business address of the  
30 lending institution. The Attorney General or the department may  
31 request the social security number of any individual identified  
32 pursuant to this paragraph;

33 (b) The full name, business address and federal employer  
34 identification number of any business concern in any state, territory or  
35 district of the United States, which (i) engages in soil and <sup>1</sup>【debris】  
36 fill<sup>1</sup> recycling services, or (ii) collects, transports, treats, stores,  
37 <sup>1</sup>processes,<sup>1</sup> recycles, brokers, transfers or disposes of solid waste or  
38 hazardous waste on a commercial basis, in which the applicant or the  
39 permittee holds an equity interest **【of 25% or more】**<sup>1</sup>, and the type,  
40 amount and dates of the equity held in such business concern;

41 (c) A listing of every license, registration, permit, certificate of  
42 public convenience and necessity, uniform tariff approval or  
43 equivalent operating authorization held by the applicant or permittee  
44 within the last five years under any name for the collection,  
45 transportation, treatment, storage, <sup>1</sup>brokering,<sup>1</sup> recycling, processing,  
46 transfer or disposal of solid waste or hazardous waste, or the provision  
47 of soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling services, on a commercial basis in

1 any state, territory or district of the United States, and the name of  
2 every agency issuing such operating authorization;

3 (d) If the applicant or the permittee is a subsidiary of a parent  
4 corporation, or is the parent corporation of one or more subsidiaries, or  
5 is part of a group of companies in common ownership, as the case may  
6 be, a chart, or, if impractical or burdensome, a list showing the names,  
7 federal employer identification numbers and relationships of all parent,  
8 sister, subsidiary and affiliate corporations, or members of the group <sup>1</sup>,  
9 and the equity interest by percentage for each subsidiary company<sup>1</sup>;

10 (e) A listing and explanation of any notices of violation or  
11 prosecution, administrative orders or license revocations issued by this  
12 State or any other state or federal authority to the applicant or  
13 permittee in the 10 years immediately preceding the filing of the  
14 application or disclosure statement, whichever is later, which are  
15 pending or have resulted in a finding or a settlement of a violation of  
16 any law or rule or regulation relating to the collection, transportation,  
17 treatment, storage, <sup>1</sup>brokering,<sup>1</sup> recycling, processing, transfer or  
18 disposal of solid waste or hazardous waste, or the provision of soil and  
19 <sup>1</sup>【debris】 fill<sup>1</sup> recycling services, by the applicant or permittee;

20 (f) A listing and explanation of any judgment, decree or order,  
21 whether by consent or not, issued against the applicant or permittee in  
22 the 10 years immediately preceding the filing of the application, and of  
23 any pending civil complaints against the applicant or permittee  
24 pertaining to a violation or alleged violation of federal or state antitrust  
25 laws, trade regulations or securities regulations;

26 (g) A listing and explanation of any conviction issued against the  
27 applicant or permittee for a felony resulting in a plea of nolo  
28 contendere, or any conviction in the 10 years immediately preceding  
29 the filing of the application, and of any pending indictment,  
30 accusation, complaint or information for any felony issued to the  
31 applicant or the permittee pursuant to any state or federal statute; and

32 (h) A completed personal history disclosure form shall be  
33 submitted to the **【department and the】** Attorney General by every  
34 person required to be listed in this disclosure statement, except for  
35 those individuals who are exempt from the personal history disclosure  
36 requirements pursuant to paragraph (5) of subsection a. of section 3 of  
37 P.L.1983, c.392 (C.13:1E-128).

38 f. "Key employee" means any individual employed <sup>1</sup>or otherwise  
39 engaged<sup>1</sup> by the applicant, the permittee or the licensee in a  
40 supervisory capacity or empowered to make discretionary decisions  
41 with respect to the solid waste **【or】**, hazardous waste, or soil and  
42 <sup>1</sup>【debris】 fill<sup>1</sup> recycling operations of the business concern; any family  
43 member of an officer, director, partner, or key employee, employed <sup>1</sup>or  
44 otherwise engaged<sup>1</sup> by the applicant or permittee; or any broker,  
45 consultant or sales person employed <sup>1</sup>or otherwise engaged<sup>1</sup> by, or  
46 who do business with, the applicant, permittee, or licensee, with  
47 respect to the solid waste, hazardous waste, or soil and <sup>1</sup>【debris】 fill<sup>1</sup>  
48 recycling operations of the business concern; but shall not include

1 <sup>3</sup>(1)<sup>3</sup> employees, who are not family members, exclusively engaged in  
2 the physical or mechanical collection, transportation, treatment,  
3 storage, transfer or disposal of solid waste or hazardous waste, or the  
4 provision of soil and <sup>1</sup>debris fill<sup>1</sup> recycling services <sup>3</sup>; or (2) a sales  
5 person employed by a publicly traded corporation or a direct or  
6 indirect subsidiary of a publicly traded corporation<sup>3</sup> .

7 g. "License" means the <sup>1</sup>initial<sup>1</sup> approval <sup>1</sup>and first renewal by  
8 the department<sup>1</sup> of any registration statement or engineering design  
9 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981,  
10 c.279 (C.13:1E-49 et seq.), for the collection, transportation, treatment,  
11 storage, <sup>1</sup>processing, brokering,<sup>1</sup> transfer or disposal of solid waste or  
12 hazardous waste in this State.

13 A "license" shall not include any registration statement or  
14 engineering design approved for:

15 (1) Any State department, division, agency, commission or  
16 authority, or county, municipality or agency thereof;

17 (2) Any person solely for the collection, transportation, treatment,  
18 storage <sup>1</sup>, processing, brokering, transfer,<sup>1</sup> or disposal of solid waste or  
19 hazardous waste generated by that person <sup>1</sup>, provided that the  
20 department may adopt regulations to limit the scope of this exemption  
21 based on volume or other standards<sup>1</sup>;

22 (3) Any person for the operation of a hazardous waste facility, if at  
23 least 75 <sup>1</sup>percent<sup>1</sup> of the total design capacity of that facility is  
24 utilized to treat, store or dispose of hazardous waste generated by that  
25 person;

26 (4) Any person for the operation of a hazardous waste facility  
27 which is considered as such solely as the result of the reclamation,  
28 recycling or refining of hazardous wastes which are or contain any of  
29 the following precious metals: gold, silver, osmium, platinum,  
30 palladium, iridium, rhodium, ruthenium, or copper;

31 (5) Any person solely for the transportation of hazardous wastes  
32 which are or contain precious metals to a hazardous waste facility  
33 described in paragraph (4) of this subsection for the purposes of  
34 reclamation.

35 A "license" shall include any registration statement approved for  
36 any person who transports any other hazardous waste in addition to  
37 hazardous wastes which are or contain precious metals;

38 (6) Any person solely for the collection, transportation, treatment,  
39 storage or disposal of granular activated carbon used in the adsorption  
40 of hazardous waste; or

41 (7) Any regulated medical waste generator for the treatment or  
42 disposal of regulated medical waste at any noncommercial incinerator  
43 or noncommercial facility in this State that accepts regulated medical  
44 waste for disposal.

45 h. "Licensee" means any business concern which has completed  
46 the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and  
47 whose application for the issuance or renewal of a license has been

1 approved by the **department** <sup>1</sup>**Attorney General** department<sup>1</sup>  
2 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

3 i. "Permittee" means and shall include:

4 (1) Any business concern which has filed a disclosure statement  
5 with the department and the Attorney General and to which a valid  
6 registration statement or engineering design approval for the  
7 collection, transportation, treatment, storage, transfer or disposal of  
8 solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1  
9 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the  
10 department prior to June 14, 1984;

11 (2) Any business concern which has filed a disclosure statement  
12 with the department and the Attorney General and to which a  
13 temporary license has been approved, issued or renewed by the  
14 department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135),  
15 but which has not otherwise completed the requirements of section 3  
16 of P.L.1983, c.392 (C.13:1E-128) and whose application for a license  
17 has not been approved by the department pursuant to section 8 of  
18 P.L.1983, c.392 (C.13:1E-133), provided that the temporary license  
19 remains valid, and provided further that the business concern has  
20 furnished the department and the Attorney General with any  
21 information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et  
22 al.);

23 (3) Any business concern which has filed a disclosure statement  
24 with the department and the Attorney General and to which a valid  
25 registration statement or engineering design approval for the  
26 collection, transportation, treatment, storage, transfer or disposal of  
27 solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1  
28 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the  
29 department between February 20, 1985 and January 23, 1986,  
30 inclusive, provided that the registration statement or engineering  
31 design approval remains valid, and provided further that the business  
32 concern has furnished the department and the Attorney General with  
33 any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1  
34 et al.); **or** <sup>1</sup>or<sup>1</sup>

35 (4) Any business concern to which a temporary approval of  
36 registration has been given by the department at any time after January  
37 23, 1986 pursuant to statute or rule and regulation, provided that such  
38 temporary approval of registration, statute, or rule and regulation  
39 remains valid, and provided further that the business concern has  
40 furnished the department and the Attorney General with any  
41 information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et  
42 al.) and filed a disclosure statement with the department and the  
43 Attorney General <sup>1</sup>**;** or

44 (5) Any business concern that has been issued a prior approval to  
45 operate as a soil and debris recycling center from the Department of  
46 Environmental Protection pursuant to section 41 of P.L.1987,  
47 c.102 (C.13:1E-99.34) but whose application for a soil and debris  
48 recycling license has not been approved<sup>1</sup> .

49 j. "Person" means any individual or business concern.



1 k. "Secondary business activity corporation" means any business  
2 concern which has derived less than <sup>1</sup>~~5%~~ five percent<sup>1</sup> of its annual  
3 gross revenues in each of the three years immediately preceding the  
4 one in which the application for a license or a soil and <sup>1</sup>~~debris~~ fill<sup>1</sup>  
5 recycling license is being made from the collection, transportation,  
6 treatment, storage, <sup>1</sup>~~recycling,~~ processing, <sup>1</sup>~~brokering,~~ transfer or  
7 disposal of solid waste or hazardous waste, or the provision of soil and  
8 <sup>1</sup>~~debris~~ fill<sup>1</sup> recycling services, whether directly or through other  
9 business concerns partially or wholly owned or controlled by the  
10 applicant or the permittee, as the case may be, and which (1) has one  
11 or more classes of security registered pursuant to section 12 of the  
12 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78l), or  
13 (2) is an issuer subject to subsection (d) of section 15 of the "Securities  
14 Exchange Act of 1934," as amended (15 U.S.C. s.78o).

15 l. "Institutional investor" means a retirement fund administered  
16 by a public agency for the exclusive benefit of federal, state, or local  
17 public employees; government or government-owned entity;  
18 investment company registered under the "Investment Company Act  
19 of 1940" (15 U.S.C. s.80a-1 et seq.); collective investment trust  
20 organized by banks under Part Nine of the Rules of the Comptroller of  
21 the Currency; closed end investment trust; chartered or licensed life  
22 insurance company or property and casualty insurance company;  
23 banking or other chartered or licensed lending institution; partnerships,  
24 funds or trusts managed by or directed in conjunction with an  
25 investment adviser registered under the "Investment Advisers Act of  
26 1940" (15 U.S.C. s.80b-1 et seq.) or an institutional investment  
27 manager required to make filings under subsection (f) of section 13 of  
28 the "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78m);  
29 institutional buyer, as defined pursuant to section 2 of the "Uniform  
30 Securities Law (1997)," P.L.1967, c.93 (C.49:3-49); small business  
31 investment company licensed by the United States Small Business  
32 Administration under subsection (c) of section 301 of the "Small  
33 Business Investment Act of 1958," as amended (15 U.S.C. s.681);  
34 private equity or venture capital entity having or managing aggregate  
35 capital commitments in excess of \$25,000,000; and other persons as  
36 the ~~department~~ Attorney General may determine for reasons  
37 consistent with the policies of P.L.1983, c.392 (C.13:1E-126 et seq.).

38 m. "Publicly traded corporation" means a corporation or other  
39 legal entity, except a natural person, which:

40 (1) has one or more classes of security registered pursuant to  
41 section 12 of the "Securities Exchange Act of 1934," as amended (15  
42 U.S.C. s.78l);

43 (2) is an issuer subject to subsection (d) of section 15 of the  
44 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78o); or

45 (3) has one or more classes of securities traded in an open market  
46 in any foreign jurisdiction, provided that the ~~department~~ Attorney  
47 General determines that the foreign exchange provides openness,  
48 integrity and oversight in its operations sufficient to meet the intent of  
49 P.L.1983, c.392 (C.13:1E-126 et seq.), or that the securities traded on

1 the foreign exchange are regulated pursuant to a statute of a foreign  
2 jurisdiction that is substantially similar, both in form and effect, to  
3 section 12 or subsection (d) of section 15 of the "Securities Exchange  
4 Act of 1934," as amended.

5 n. "Broker" means a person who <sup>1</sup>for direct or indirect  
6 compensation<sup>1</sup> arranges agreements between a business concern and  
7 its customers for the collection, transportation, treatment, storage,  
8 <sup>1</sup>["recycling"]<sup>1</sup>, processing, transfer or disposal of solid waste or  
9 hazardous waste, or the provision of soil and <sup>1</sup>["debris"] fill<sup>1</sup> recycling  
10 services.

11 o. "Consultant" means a person who performs functions for a  
12 business concern engaged in the collection, transportation, treatment,  
13 storage, <sup>1</sup>["recycling,"]<sup>1</sup> processing, <sup>1</sup>brokering,<sup>1</sup> transfer or disposal of  
14 solid waste or hazardous waste, or the provision of soil and <sup>1</sup>["debris"]  
15 fill<sup>1</sup> recycling services, provided that "consultant" shall not include a  
16 person who performs functions for a business concern and holds a  
17 professional license from the State in order to perform those functions.

18 p. "Family member" means spouse, domestic partner, partner in a  
19 civil union, child, parent, sibling, aunt, uncle, niece, nephew, first  
20 cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-  
21 law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half  
22 brother, or half sister, whether the individual is related by blood,  
23 marriage, or adoption.

24 q. <sup>1</sup>["Recyclable"] "Soil and fill recyclable<sup>1</sup> materials" means  
25 <sup>1</sup>["(1) source-separated, non-putrescible, waste material resulting from  
26 construction, remodeling, repair, and demolition operations on houses,  
27 commercial buildings, pavements and other structures, (2) source-  
28 separated, non-putrescible waste concrete, asphalt, brick, block,  
29 asphalt-based roofing, scrap wood, and wood waste, and (3) soil,  
30 which would otherwise become solid waste, and which may be  
31 collected, separated or processed and returned to the economic  
32 mainstream in the form of raw materials or products. For the purposes  
33 of P.L.1983, c.392 (C.13:1E-126 et seq.), "recyclable materials" shall  
34 not include metal, glass, or plastic containers, paper, or corrugated  
35 cardboard"] non-putrescible aggregate substitute, including, but not  
36 limited to, broken or crushed brick, block, concrete, or other similar  
37 manufactured materials; soil or soil that may contain aggregate  
38 substitute or other debris or material, generated from land clearing,  
39 excavation, demolition, or redevelopment activities that would  
40 otherwise be managed as solid waste, and that may be returned to the  
41 economic mainstream in the form of raw materials for further  
42 processing or for use as fill material. "Soil and fill recyclable  
43 materials" shall not include: (1) Class A recyclable material, as  
44 defined by regulation adopted pursuant to section 4 of P.L.1989, c.268  
45 (C.13:1E-99.43); (2) Class B recyclable material, as defined by  
46 regulation adopted pursuant to section 4 of P.L.1989, c.268 (C.13:1E-  
47 99.43), that is shipped to a Class B recycling center approved by the  
48 department for receipt, storage, processing, or transfer in accordance

1 with subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34);  
 2 (3) beneficial use material for which the generator has obtained prior  
 3 approval from the department to transport to an approved and  
 4 designated destination pursuant to regulations adopted pursuant to  
 5 subsection a. of section 6 of P.L.1970, c.39 (C.13:1E-6); and (4) virgin  
 6 quarry products including, but not limited to, rock, stone, gravel, sand,  
 7 clay and other mined products<sup>1</sup>.

8 r. "Sales person" means a person or persons that makes or  
 9 arranges for sales for a business concern, for the collection,  
 10 transportation, treatment, storage, <sup>1</sup>recycling,<sup>1</sup> processing, transfer  
 11 or disposal of solid waste or hazardous waste or the provision of soil  
 12 and <sup>1</sup>debris fill<sup>1</sup> recycling services.

13 s. "Soil and <sup>1</sup>debris fill<sup>1</sup> recycling license" means an approval  
 14 to operate a business concern engaged in soil and <sup>1</sup>debris fill<sup>1</sup>  
 15 recycling services issued pursuant to section 8 of P.L.1983, c.392  
 16 (C.13:1E-133).

17 t. "Soil and <sup>1</sup>debris fill<sup>1</sup> recycling services" means the services  
 18 provided by persons engaging in the business of the collection,  
 19 transportation, processing, <sup>1</sup>brokering,<sup>1</sup> storage, purchase, sale or  
 20 disposition, or any combination thereof, of <sup>1</sup>soil and fill<sup>1</sup> recyclable  
 21 materials. <sup>2</sup>"Soil and fill recycling services" shall not include the  
 22 operation of a solar electric power generation facility at a properly  
 23 closed sanitary landfill where soil and fill materials have been  
 24 previously deposited for permanent disposal.<sup>2</sup>

25 (cf: P.L.2011, c.68, s.1)

26  
 27 4. Section 3 of P.L.1983, c.392 (C.13:1E-128) is amended to read  
 28 as follows:

29 3. In addition to any other procedure, condition or information  
 30 required pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.),  
 31 P.L.1981, c.279 (C.13:1E-49 et seq.) or any other law:

32 a. (1) Every applicant and permittee shall file a disclosure  
 33 statement with the **department and the** Attorney General;

34 (2) Except as otherwise provided in this subsection, any person  
 35 required to be listed in the disclosure statement shall be fingerprinted  
 36 for identification and investigation purposes in accordance with  
 37 procedures therefor established by the Attorney General;

38 (3) The Attorney General shall, upon the receipt of the disclosure  
 39 statement from an applicant for an initial license **or** , from a  
 40 permittee, or from an applicant for a soil and <sup>1</sup>debris fill<sup>1</sup> recycling  
 41 license, prepare **and transmit to the department** <sup>1</sup>and transmit to the  
 42 department<sup>1</sup> an investigative report on the applicant or the permittee,  
 43 as the case may be, based in part upon the disclosure statement. In  
 44 preparing this report, the Attorney General may request and receive  
 45 criminal history information from the State Commission of  
 46 Investigation or the Federal Bureau of Investigation;

1 (4) In conducting a review of the application, the **【department】**  
2 Attorney General shall include a review of the disclosure statement  
3 and investigative report;

4 (5) An applicant or permittee may file a limited disclosure  
5 statement pursuant to the provisions of paragraphs (a) through (h) of  
6 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127); and a  
7 person required to be listed in the disclosure statement is exempt from  
8 the fingerprint and personal history disclosure requirements; if:

9 (a) The applicant or permittee is a secondary business activity  
10 corporation; and

11 (b) The person required to be listed in the disclosure statement is  
12 (i) a director or chief executive officer; or (ii) an individual who does  
13 not have any responsibility for, or control of, the commercial solid  
14 waste or hazardous waste operations, or the provision of soil and  
15 '【debris】 fill' recycling services, of the applicant, permittee or  
16 licensee conducted in New Jersey, and who will not exercise any such  
17 responsibility or control upon the issuance of a license or soil and  
18 '【debris】 fill' recycling license by the **【department】** '【Attorney  
19 General】 department';

20 (6) (a) A person who is a director or chief executive officer of a  
21 business concern that is a secondary business activity corporation, a  
22 publicly traded corporation or an institutional investor, including  
23 limited partnership interests, that is not the applicant or permittee but  
24 which is listed in a disclosure statement pursuant to subsection e. of  
25 section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from the  
26 fingerprint and personal history disclosure requirements;

27 (b) An individual who is an officer or partner of, or who holds any  
28 equity in or debt liability of, a business concern that is a secondary  
29 business activity corporation, a publicly traded corporation or an  
30 institutional investor, including limited partnership interests, that is not  
31 the applicant or permittee but which is listed in a disclosure statement  
32 pursuant to subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-  
33 127), shall be exempt from the fingerprint and personal history  
34 disclosure requirements, provided that the person or secondary  
35 business activity corporation or publicly traded corporation or  
36 institutional investor is not and will not be engaged in active  
37 management of the commercial solid waste or hazardous waste  
38 operations or the soil and '【debris】 fill' recycling operations of the  
39 applicant or permittee conducted in New Jersey;

40 (c) A business concern that is a secondary business activity  
41 corporation or an institutional investor, including limited partnership  
42 interests, that is not the applicant, licensee, '【or】' permittee ' , or  
43 business concern that has been issued a soil and fill recycling license.'  
44 but which is listed in a disclosure statement pursuant to subsection e.  
45 of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from  
46 disclosure requirements established in subsection e. of section 2 of  
47 P.L.1983, c.392 (C.13:1E-127) provided that the secondary business  
48 activity corporation or institutional investor is not and will not be  
49 engaged in active management of the commercial solid waste or

1 hazardous waste operations or the soil and **1[debris] fill**<sup>1</sup> recycling  
2 **1service**<sup>1</sup> operations of the applicant, licensee, **1[or]**<sup>1</sup> permittee <sup>1</sup>, or  
3 business concern that has been issued a soil and fill recycling license<sup>1</sup>  
4 conducted in New Jersey;

5 (d) A business concern that is a publicly traded corporation that is  
6 not the applicant, licensee, **1[or]**<sup>1</sup> permittee <sup>1</sup>, or business concern that  
7 has been issued a soil and fill recycling license<sup>1</sup> but which is listed in  
8 a disclosure statement pursuant to subsection e. of section 2 of  
9 P.L.1983, c.392 (C.13:1E-127), shall be exempt from disclosure  
10 requirements established in subsection e. of section 2 of  
11 P.L.1983, c.392 (C.13:1E-127) provided that the name and business  
12 address of the publicly traded corporation and copies of its annual  
13 filings with the Securities and Exchange Commission, or its foreign  
14 equivalent, are filed with the disclosure forms of the applicant,  
15 licensee, **1[or]**<sup>1</sup> permittee <sup>1</sup>, or business concern that has been issued a  
16 soil and fill recycling license<sup>1</sup> . Subsidiaries intervening in the chain  
17 of equity between the publicly traded corporation and the applicant,  
18 licensee, **1[or]**<sup>1</sup> permittee <sup>1</sup>, or business concern that has been issued a  
19 soil and fill recycling license<sup>1</sup> , and the officers and directors of those  
20 intervening subsidiaries, shall also be exempt from the disclosure  
21 requirements established in subsection e. of section 2 of  
22 P.L.1983, c.392 (C.13:1E-127) provided that the intervening  
23 subsidiary is not and will not be engaged in active management of the  
24 commercial solid waste or hazardous waste operations or the soil and  
25 **1[debris] fill**<sup>1</sup> recycling **1service**<sup>1</sup> operations of the applicant, licensee,  
26 **1[or]**<sup>1</sup> permittee <sup>1</sup>, or business concern that has been issued a soil and  
27 fill recycling license<sup>1</sup> conducted in New Jersey;

28 (e) An individual exempt from disclosure requirements under  
29 subparagraph (b) of this paragraph, a secondary business activity  
30 corporation or institutional investor exempt from disclosure  
31 requirements under subparagraph (c) of this paragraph, and a publicly  
32 traded corporation exempt from disclosure requirements under  
33 subparagraph (d) of this paragraph, may be required by the Attorney  
34 General to file disclosure forms and be fingerprinted in the  
35 circumstances described in subsection d. of this section; and

36 (f) A person that holds equity in, or debt liability of, a business  
37 concern that is exempt from the disclosure requirements established in  
38 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127) shall also  
39 be exempt from the disclosure requirements established in subsection  
40 e. of section 2 of P.L.1983, c.392 (C.13:1E-127).

41 b. All applicants, permittees and licensees, and all business  
42 concerns that have been issued a soil and **1[debris] fill**<sup>1</sup> recycling  
43 license, shall have the continuing duty to provide any assistance or  
44 information requested by the department or the Attorney General, and  
45 to cooperate in any inquiry or investigation conducted by the Attorney  
46 General or the State Commission of Investigation and any inquiry,  
47 investigation, or hearing conducted by the department. Except as  
48 otherwise determined by the Superior Court pursuant to subsection d.

1 of this section, if, upon issuance of a formal request to answer any  
2 inquiry or produce information, evidence or testimony, any applicant,  
3 permittee <sup>1</sup>[or] <sup>1</sup> licensee, or any business concern that has been  
4 issued a soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling license, <sup>1</sup>fails or<sup>1</sup> refuses to  
5 comply, the application of the business concern for a license, or a soil  
6 and <sup>1</sup>[debris] fill<sup>1</sup> recycling license, as the case may be, may be  
7 denied, or the license or soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling license of  
8 that business concern may be revoked by the [department] <sup>1</sup>[Attorney  
9 General] department<sup>1</sup>.

10 c. If any of the information required to be included in the  
11 disclosure statement changes, or if any information provided  
12 concerning the applicability of an exemption under subsection d. of  
13 this section changes, or if any additional information should be added  
14 to the disclosure statement after it has been filed, the applicant,  
15 permittee or licensee, or the business concern that has been issued a  
16 soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling license, shall provide that  
17 information to the department and the Attorney General, in writing,  
18 within 30 days of the change or addition <sup>1</sup>and on any subsequent  
19 annual updated required to be filed. If the applicant, permittee,  
20 licensee, or business concern that has been issued a soil and fill  
21 recycling license adds a new person who is required to be listed in the  
22 disclosure statement, that person is subject to the same disclosure  
23 requirements as set forth in this section, and the applicant, permittee,  
24 licensee, or business concern that has been issued a soil and fill  
25 recycling license shall be required to pay an additional fee in  
26 accordance with a fee schedule adopted pursuant to rules and  
27 regulations promulgated by the department<sup>1</sup>.

28 d. The provisions of paragraphs (5) and (6) of subsection a. of this  
29 section to the contrary notwithstanding, the Attorney General may at  
30 any time require any person required to be listed in the disclosure  
31 statement to file a completed personal history disclosure form and a  
32 full disclosure statement with the [department and the] Attorney  
33 General pursuant to paragraphs (1) through (9) of subsection e. of  
34 section 2 of P.L.1983, c.392 (C.13:1E-127), or to be fingerprinted for  
35 identification and investigation purposes pursuant to paragraph (2) of  
36 subsection a. of this section, if the Attorney General determines that  
37 there exists a reasonable suspicion that the additional information is  
38 likely to lead to information relevant to a determination regarding the  
39 approval of a license or a soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling license  
40 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133), the revocation  
41 of a license or soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling license pursuant to  
42 section 9 of P.L.1983, c.392 (C.13:1E-134), or the severance of a  
43 disqualifying person pursuant to section 10 of P.L.1983, c.392  
44 (C.13:1E-135).

45 If the Attorney General requires any or all of this information, a  
46 written request for the additional information shall be served upon the  
47 applicant, permittee or licensee, or the business concern that has been  
48 issued a soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling license. Within 60 days of

1 receipt of a written request for additional information, the applicant,  
2 permittee or licensee, or the business concern that has been issued a  
3 soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license may seek review of the  
4 Attorney General's determination in the Superior Court. If the  
5 applicant, permittee or licensee, or the business concern that has been  
6 issued a soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license fails to provide the  
7 additional information to the Attorney General within 60 days of  
8 receipt of the written request, the Attorney General may file with the  
9 Superior Court a petition for an order requiring the applicant,  
10 permittee or licensee, or the business concern that has been issued a  
11 soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license to provide the additional  
12 information. In a proceeding brought by either party, the applicant,  
13 permittee or licensee, or the business concern that has been issued a  
14 soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license shall demonstrate that the  
15 additional information requested is not likely to lead to information  
16 relevant to a determination regarding the approval of a license or soil  
17 and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license pursuant to section 8 of P.L.1983,  
18 c.392 (C.13:1E-133), the revocation of a license or soil and <sup>1</sup>【debris】  
19 fill<sup>1</sup> recycling license pursuant to section 9 of P.L.1983, c.392  
20 (C.13:1E-134), or the severance of a disqualifying person pursuant to  
21 section 10 of P.L.1983, c.392 (C.13:1E-135). For good cause shown,  
22 the court may review in camera the submission of the Attorney  
23 General or the applicant, permittee or licensee, or the business concern  
24 that has been issued a soil and <sup>1</sup>【debris】 fill<sup>1</sup> recycling license, or any  
25 part thereof.

26 (cf: P.L.2011, c.68, s.2)

27  
28 5. Section 4 of P.L.1983, c.392 (C.13:1E-129) is amended to read  
29 as follows:

30 4. a. Whenever the Attorney General determines that there exists  
31 a reasonable suspicion that any person may have information or be in  
32 possession, custody, or control of any documentary materials relevant  
33 to an investigation of an applicant, permittee or licensee <sup>1</sup>, or business  
34 concern that has been issued a soil and fill recycling license<sup>1</sup>  
35 conducted pursuant to this act, he may issue in writing, and cause to be  
36 served upon that person an investigative interrogatory requiring that  
37 person to answer questions under oath and produce material for  
38 examination.

39 b. Each interrogatory shall:

40 (1) Identify the licensee, permittee or applicant <sup>1</sup>, or business  
41 concern that has been issued a soil and fill recycling license<sup>1</sup> who is  
42 the subject of the investigation;

43 (2) Advise the person that he has the right to discuss the  
44 interrogatory with legal counsel prior to returning it to the Attorney  
45 General or prior to making material available, as provided in  
46 subsection f. of this section, and that he has the right to file in Superior  
47 Court a petition to modify or set aside the interrogatory, as provided in  
48 subsection j. of this section;

1 (3) Describe the class or classes of documentary material to be  
2 produced thereunder with sufficient particularity as to permit the  
3 material to be reasonably identified;

4 (4) Prescribe a return date, which date shall provide a reasonable  
5 period of time within which answers may be made and material so  
6 demanded may be assembled and made available for inspection and  
7 copying or reproduction, as provided in subsection f. of this section.

8 c. No interrogatory shall:

9 (1) Contain any requirement which would be held to be  
10 unreasonable if contained in a **【subpena】 subpoena** duces tecum  
11 issued in aid of a grand jury investigation; or

12 (2) Require the production of any documentary evidence which  
13 would be otherwise privileged from disclosure if demanded by a  
14 **【subpena】 subpoena** duces tecum issued in aid of a grand jury  
15 investigation.

16 d. Service of any interrogatory filed under this section may be  
17 made upon any person by:

18 (1) Delivering a duly executed copy thereof to the person or any  
19 partner, executive officer, managing agent, employee or general agent  
20 thereof, or to any agent thereof authorized by appointment or by law to  
21 receive service of process on behalf of the person; or

22 (2) Delivering a duly executed copy thereof to the principal office  
23 or place of business of the person to be served; or

24 (3) Depositing a copy in the United States mail, by registered or  
25 certified mail duly addressed to the person at his principal office or  
26 place of business.

27 e. A verified return by the individual serving any interrogatory,  
28 setting forth the manner of service, shall be prima facie proof of  
29 service. In the case of service by registered or certified mail, the return  
30 shall be accompanied by the return post office receipt of delivery of  
31 the interrogatory.

32 f. Any person upon whom any interrogatory issued under this  
33 section has been duly served which requires the production of  
34 materials shall make the material available for inspection and copying  
35 or reproduction to the Attorney General at the principal place of  
36 business of that person in the State of New Jersey or at any other place  
37 as the Attorney General and the person thereafter may agree and  
38 prescribe in writing, on the return date specified in the interrogatory or  
39 on a later date as the Attorney General may prescribe in writing. Upon  
40 written agreement between the person and the Attorney General,  
41 copies may be substituted for all or any part of the original materials.  
42 The Attorney General may cause the preparation of any copies of  
43 documentary material as may be required for official use by the  
44 Attorney General.

45 No material produced pursuant to this section shall be available for  
46 examination, without the consent of the person who produced the  
47 material, by an individual other than the Attorney General or any  
48 person retained by the Attorney General in connection with the  
49 enforcement of this act. Under reasonable terms and conditions as the



1 Attorney General shall prescribe, documentary material while in his  
2 possession shall be available for examination by the person who  
3 produced the material or any of his duly authorized representatives.

4 In any investigation conducted pursuant to this act, the Attorney  
5 General may present before the ~~department,~~ <sup>department, or</sup> court  
6 or grand jury any documentary material in his possession pursuant to  
7 this section, subject to any protective order deemed proper by the  
8 Superior Court.

9 g. Upon completion of:

10 (1) The review and investigation for which any documentary  
11 material was produced under this section, and

12 (2) Any case or proceeding arising from the investigation, the  
13 Attorney General shall return to the person who produced the material  
14 all the material, other than copies thereof made by the Attorney  
15 General pursuant to this section, which has not passed into the control  
16 of ~~the department or~~ <sup>the department or</sup> any court or grand jury  
17 through the introduction thereof into the record of the case or  
18 proceeding.

19 h. When any documentary material has been produced by any  
20 person under this section for use in an investigation, and no case or  
21 proceeding arising therefrom has been instituted within two years after  
22 completion of the examination and analysis of all evidence assembled  
23 in the course of the investigation, the person shall be entitled, upon  
24 written demand made upon the Attorney General, to the return of all  
25 documentary material, other than copies thereof made pursuant to this  
26 section so produced by him.

27 i. Whenever any person fails to comply with any investigative  
28 interrogatory duly served upon him under this section, or whenever  
29 satisfactory copying or reproduction of any material cannot be done  
30 and he refuses to surrender the material, the Attorney General may file  
31 in the Superior Court a petition for an order of the court for the  
32 enforcement of this section.

33 j. At any time before the return date specified in the  
34 interrogatory, the person served with the interrogatory may file in the  
35 Superior Court a petition for an order modifying or setting aside the  
36 interrogatory. The time allowed for compliance with the interrogatory  
37 shall not run during the pendency of this petition. The petition shall  
38 specify each ground upon which the petition relies in seeking relief,  
39 and may be based upon any failure of the interrogatory to comply with  
40 the provisions of this section or upon any constitutional or other legal  
41 right or privilege of the petitioner. In this proceeding, the Attorney  
42 General shall establish the existence of an investigation pursuant to  
43 this act and the nature and subject matter of the investigation.

44 (cf: P.L.1991, c.269, s.4)

45

46 6. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to read  
47 as follows:

48 5. a. Whenever the Attorney General determines that there exists  
49 a reasonable suspicion that any person may have information or

1 knowledge relevant to an investigation conducted pursuant to this act,  
2 he may issue in writing and cause to be served upon that person a  
3 **【subpena】 subpoena** to appear and be examined under oath before the  
4 Attorney General.

5 b. The **【subpena】 subpoena** shall:

6 (1) Identify the licensee, permittee or applicant <sup>1</sup>, or business  
7 concern that has been issued a soil and fill recycling license<sup>1</sup> who is  
8 the subject of the investigation;

9 (2) Advise that person that he may have an attorney present when  
10 he appears and testifies or otherwise responds to the **【subpena】**  
11 subpoena, that he has a right, at any time before the return date of the  
12 **【subpena】 subpoena**, to file in Superior Court a petition to modify or  
13 set aside the **【subpena】 subpoena**, as provided in subsection f. of this  
14 section;

15 (3) Prescribe a date and time at which that person must appear to  
16 testify, under oath, provided that this date shall not be less than seven  
17 days from the date of service of the **【subpena】 subpoena**.

18 c. Except as otherwise provided in this section, no information  
19 derived pursuant to the **【subpena】 subpoena** shall be disclosed by the  
20 Attorney General **【or the department】** <sup>1</sup>or the department<sup>1</sup> without the  
21 consent of the person testifying.

22 In any investigation conducted pursuant to this act, the Attorney  
23 General may present before the **【department,】** <sup>1</sup>department,<sup>1</sup> court or  
24 grand jury any information disclosed pursuant to the **【subpena】**  
25 subpoena, subject to any protective order deemed proper by the  
26 Superior Court.

27 d. Service of a **【subpena】 subpoena** pursuant to this section shall  
28 be by any of those methods specified in the New Jersey Court Rules  
29 for service of summons and complaint in a civil action.

30 e. Whenever any person fails to comply with any **【subpena】**  
31 subpoena duly served upon him under this section, or whenever  
32 satisfactory copying or reproduction of any material cannot be done  
33 and he refuses to surrender the material, the Attorney General may file  
34 in the Superior Court a petition for an order of the court for the  
35 enforcement of the **【subpena】 subpoena**.

36 f. At any time before the return date specified in the **【subpena】**  
37 subpoena, the person who has been served with the **【subpena】**  
38 subpoena may file in the Superior Court a petition for an order  
39 modifying or setting aside the **【subpena】 subpoena**. The time allowed  
40 for compliance with the **【subpena】 subpoena** shall not run during the  
41 pendency of this petition. The petition shall specify each ground upon  
42 which the petitioner relies in seeking relief, and may be based upon  
43 any failure of the **【subpena】 subpoena** to comply with the provisions  
44 of this section or upon any constitutional or other legal right or  
45 privilege of the petitioner. In this proceeding, the Attorney General  
46 shall establish the existence of an investigation pursuant to this act and

1 the nature and subject matter of the investigation.

2 (cf: P.L.1991, c.269, s.5)

3

4 7. Section 8 of P.L.1983, c.392 (<sup>1</sup>C. 13:1E-133) is amended to  
5 read as follows:

6 8. The provisions of any law to the contrary notwithstanding, no  
7 license or soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling license shall be approved  
8 by the **[department]** <sup>1</sup>**[Attorney General]** department<sup>1</sup>:

9 a. Unless the **[department]** <sup>1</sup>**[Attorney General]** department<sup>1</sup>  
10 finds that the applicant, or the permittee, as the case may be, in any  
11 prior performance record in the collection, transportation, treatment,  
12 storage, transfer or disposal of solid waste or hazardous waste, or the  
13 provision of soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling services, has exhibited  
14 sufficient integrity, reliability, expertise, and competency to engage in  
15 the collection or transportation of solid waste or hazardous waste, or to  
16 operate the solid waste facility or hazardous waste facility, or engage  
17 in soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling services, given the potential  
18 economic consequences for affected counties, municipalities and  
19 ratepayers or significant adverse impacts upon human health and the  
20 environment which could result from the irresponsible participation  
21 therein or operation thereof, or if no prior record exists, that the  
22 applicant or the permittee is likely to exhibit that integrity, reliability,  
23 expertise and competence.

24 b. If any person required to be listed in the disclosure statement,  
25 or otherwise shown to have a beneficial interest in the business of the  
26 applicant, the permittee or the licensee, <sup>1</sup>or the business concern that  
27 has been issued a soil and fill recycling license,<sup>1</sup> or to have rented or  
28 leased at any or no cost real property, vehicles or other equipment used  
29 for the collection, transportation, treatment, processing, storage,  
30 <sup>1</sup>brokering,<sup>1</sup> transfer, or disposal of solid waste or hazardous waste, or  
31 the provision of soil and <sup>1</sup>[debris] fill<sup>1</sup> recycling services, to the  
32 applicant, the permittee, <sup>1</sup>[or]<sup>1</sup> the licensee, <sup>1</sup>or the business concern  
33 that has been issued a soil and fill recycling license<sup>1</sup> has been barred  
34 from the provision of solid waste, hazardous waste or soil and  
35 <sup>1</sup>[debris] fill<sup>1</sup> recycling services in <sup>1</sup>the State or<sup>1</sup> any other  
36 jurisdiction outside of the State, or has been convicted of any of the  
37 following crimes under the laws of New Jersey or the equivalent  
38 thereof under the laws of any other jurisdiction:

39 (1) Murder;

40 (2) Kidnapping;

41 (3) Gambling;

42 (4) Robbery;

43 (5) Bribery;

44 (6) Extortion;

45 (7) Criminal usury;

46 (8) Arson;

47 (9) Burglary;

48 (10) Theft and related crimes;

- 1 (11) Forgery and fraudulent practices;
- 2 (12) Fraud in the offering, sale or purchase of securities;
- 3 (13) Alteration of motor vehicle identification numbers;
- 4 (14) Unlawful manufacture, purchase, use or transfer of firearms;
- 5 (15) Unlawful possession or use of destructive devices or
- 6 explosives;
- 7 (16) Violation of N.J.S.2C:35-5, except possession of 84 grams or
- 8 less of marijuana, or of N.J.S.2C:35-10;
- 9 (17) Racketeering, <sup>1</sup>**[P.L.1981, c.167 (C.2C:41-1 et seq.)]**
- 10 N.J.S.2C:41-1 et seq.<sup>1</sup>;
- 11 (18) Violation of criminal provisions of the "New Jersey Antitrust
- 12 Act," P.L.1970, c.73 (C.56:9-1 et seq.);
- 13 (19) Any purposeful or reckless violation of the criminal
- 14 provisions of any federal or state environmental protection laws, rules,
- 15 or regulations, including, but not limited to, solid waste or hazardous
- 16 waste management laws, rules, or regulations;
- 17 (20) Violation of N.J.S.2C:17-2;
- 18 (21) Any offense specified in chapter 28 of Title 2C; <sup>1</sup>**[or]**<sup>1</sup>
- 19 (22) Violation of the "Solid Waste Utility Control Act of 1970,"
- 20 P.L.1970, c.40 (C.48:13A-1 et seq.) or P.L.1981, c.221 (C.48:13A-
- 21 6.1) <sup>1</sup>; or
- 22 (23) Aggravated assault<sup>1</sup>.
- 23 c. If the Attorney General determines that there is a reasonable
- 24 suspicion to believe that a person required to be listed in the disclosure
- 25 statement, or otherwise shown to have a beneficial interest in the
- 26 business of the applicant, the permittee or the licensee, <sup>1</sup>or the business
- 27 concern that has been issued a soil and fill recycling license,<sup>1</sup> or to
- 28 have rented or leased at any cost or at no cost real property, vehicles or
- 29 other equipment used for the collection, transportation, treatment,
- 30 processing, storage, <sup>1</sup>brokering,<sup>1</sup> transfer, or disposal of solid waste or
- 31 hazardous waste, or the provision of soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling
- 32 services, to the applicant, the permittee, <sup>1</sup>**[or]**<sup>1</sup> the licensee, <sup>1</sup>or the
- 33 business concern that has been issued a soil and fill recycling license,<sup>1</sup>
- 34 does not possess a reputation for good character, honesty and integrity,
- 35 and that person or the applicant, the permittee or the licensee <sup>1</sup>, or the
- 36 business concern that has been issued a soil and fill recycling license<sup>1</sup>
- 37 fails, by clear and convincing evidence, to establish his reputation for
- 38 good character, honesty and integrity.
- 39 d. With respect to the approval of an initial license or a soil and
- 40 <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license, if there are current prosecutions or
- 41 pending charges in any jurisdiction against any person required to be
- 42 listed in the disclosure statement, or otherwise shown to have a
- 43 beneficial interest in the business of the applicant or the permittee, or
- 44 to have rented or leased at any or no cost real property, vehicles or
- 45 other equipment used for the collection, transportation, treatment,
- 46 processing, storage, <sup>1</sup>brokering,<sup>1</sup> transfer, or disposal of solid waste or
- 47 hazardous waste, or the provision of soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling
- 48 services, to the applicant or the permittee, for any of the crimes

1 enumerated in subsection b. of this section, provided, however, that at  
2 the request of the applicant, permittee, or the person charged, the  
3 **[department]** <sup>1</sup>**[Attorney General]** department<sup>1</sup> shall defer decision  
4 upon such application during the pendency of such charge.

5 e. If any person required to be listed in the disclosure statement,  
6 or otherwise shown to have a beneficial interest in the business of the  
7 applicant, permittee or the licensee, <sup>1</sup>or the business concern that has  
8 been issued a soil and fill recycling license,<sup>1</sup> or to have rented or  
9 leased at any or no cost real property, vehicles or other equipment used  
10 for the collection, transportation, treatment, processing, storage,  
11 brokering,<sup>1</sup> transfer, or disposal of solid waste or hazardous waste, or  
12 the provision of soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling services, to the  
13 applicant, the permittee, <sup>1</sup>**[or]**<sup>1</sup> the licensee, <sup>1</sup>or the business concern  
14 that has been issued a soil and fill recycling license,<sup>1</sup> has pursued  
15 economic gain in an occupational manner or context which is in  
16 violation of the criminal or civil public policies of this State, where  
17 such pursuit creates a reasonable belief that the participation of that  
18 person in any activity required to be licensed under this act would be  
19 inimical to the policies of this act. For the purposes of this section,  
20 "occupational manner or context" means the systematic planning,  
21 administration, management, or execution of an activity for financial  
22 gain.

23 f. If the Attorney General determines that any person required to  
24 be listed in the disclosure statement, or otherwise shown to have a  
25 beneficial interest in the business of the applicant, permittee or the  
26 licensee, <sup>1</sup>or the business concern that has been issued a soil and fill  
27 recycling license,<sup>1</sup> or to have rented or leased at any or no cost real  
28 property, vehicles or other equipment used for the collection,  
29 transportation, treatment, processing, storage, <sup>1</sup>brokering,<sup>1</sup> transfer, or  
30 disposal of solid waste or hazardous waste, or the provision of soil  
31 and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling services, to the applicant, the permittee,  
32 <sup>1</sup>**[or]**<sup>1</sup> the licensee, <sup>1</sup>or the business concern that has been issued a soil  
33 and fill recycling license,<sup>1</sup> has been identified by the State  
34 Commission of Investigation or the Federal Bureau of Investigation as  
35 a career offender or a member of a career offender cartel or an  
36 associate of a career offender or career offender cartel, where such  
37 identification, membership or association creates a reasonable belief  
38 that the participation of that person in any activity required to be  
39 licensed under this act would be inimical to the policies of this act.  
40 For the purposes of this section, "career offender" means any person  
41 whose behavior is pursued in an occupational manner or context for  
42 the purpose of economic gain, utilizing such methods as are deemed  
43 criminal violations of the public policy of this State; and a "career  
44 offender cartel" means any group of persons who operate together as  
45 career offenders.

46 A license or a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license may be  
47 approved by the **[department]** <sup>1</sup>**[Attorney General]** department<sup>1</sup> for  
48 any applicant or permittee if the information contained within the

1 disclosure statement and investigative report, including any  
2 determination made by the Attorney General concerning the character,  
3 honesty and integrity of any person required to be listed in the  
4 disclosure statement, or otherwise shown to have a beneficial interest  
5 in the business of the applicant or permittee, or to have rented or  
6 leased at any or no cost real property, vehicles or other equipment used  
7 for the collection, transportation, treatment, processing, storage,  
8 'brokering,' transfer, or disposal of solid waste or hazardous waste, or  
9 the provision of soil and '【debris】 fill' recycling services, to the  
10 applicant, the permittee, '【or】' the licensee, 'or the business concern  
11 that has been issued a soil and fill recycling license,' would not require  
12 disqualification pursuant to subsection a., b. c., e. or f. of this section.

13 'The department may issue a license or a soil and fill recycling  
14 license subject to such conditions, restrictions, limitations, or  
15 covenants as the department determines necessary to accomplish the  
16 objectives of P.L.1983, c.392 (C.13:1E-126 et seq.).'

17 A license or a soil and '【debris】 fill' recycling license approved  
18 by the **【department】** '【Attorney General】 department' for any  
19 applicant or permittee pursuant to this section is non-transferable and  
20 shall be valid only for the length of time for which it is given.

21 Any applicant or permittee who is denied **【an initial】** a license or a  
22 soil and '【debris】 fill' recycling license pursuant to this section shall,  
23 upon a written request transmitted to the **【department】** '【Attorney  
24 General】 department' within 30 days of that denial, be afforded the  
25 opportunity for a hearing thereon in the manner provided for contested  
26 cases pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
27 (C.52:14B-1 et seq.).

28 (cf: P.L.1991, c.269, s.6)

29

30 8. Section 7 of P.L.1991, c.269 (C.13:1E-133.1) is amended to  
31 read as follows:

32 7. a. Notwithstanding the 'debarment pursuant to section 8 of  
33 P.L.1983, c.392 (C.13:1E-133) or the' conviction of any person  
34 required to be listed in a disclosure statement, or otherwise shown to  
35 have a beneficial interest in the business of an applicant, permittee or  
36 licensee ' , or business concern that has been issued a soil and fill  
37 recycling license' or to have rented or leased at any or no cost real  
38 property, vehicles or other equipment used for the collection,  
39 transportation, treatment, processing, storage, 'brokering,' transfer, or  
40 disposal of solid waste or hazardous waste, or the provision of soil  
41 and '【debris】 fill' recycling services, to the applicant, the permittee,  
42 or the licensee, 'or the business concern that has been issued a soil and  
43 fill recycling license,' for any of the crimes enumerated in subsection  
44 b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the **【department】**  
45 '【Attorney General】 department' may issue or renew a license or a  
46 soil and '【debris】 fill' recycling license to an applicant, permittee or  
47 licensee ' , or business concern that has been issued a soil and fill

1 recycling license<sup>1</sup> if the **【department】** <sup>1</sup>**【Attorney General】**  
2 department<sup>1</sup> determines in a writing setting forth findings of fact that  
3 the <sup>1</sup>debarred or<sup>1</sup> convicted person has affirmatively demonstrated  
4 rehabilitation by clear and convincing evidence pursuant to the  
5 provisions of this section. If the **【department】** <sup>1</sup>**【Attorney General】**  
6 department<sup>1</sup> determines that the nature and seriousness of the  
7 <sup>1</sup>debarment or<sup>1</sup> crime creates a reasonable doubt that an applicant,  
8 permittee, or licensee <sup>1</sup>, or business concern that has been issued a soil  
9 and fill recycling license<sup>1</sup> will engage in the activity for which a  
10 license or soil and <sup>1</sup>**【debris】** fill<sup>1</sup> recycling license is sought in a  
11 lawful and responsible manner, the **【department】** <sup>1</sup>**【Attorney General】**  
12 department<sup>1</sup> shall make a determination in a writing setting forth  
13 findings of fact that the <sup>1</sup>debarred or<sup>1</sup> convicted person cannot  
14 affirmatively demonstrate rehabilitation.

15 b. In determining whether a <sup>1</sup>debarred or<sup>1</sup> convicted individual  
16 has affirmatively demonstrated rehabilitation, the **【department shall request**  
17 a recommendation thereon from the<sup>1</sup> **】** <sup>1</sup>department shall request  
18 a recommendation thereon from the<sup>1</sup> Attorney General **【,** which  
19 recommendation shall be<sup>1</sup> **】** <sup>1</sup>【shall make a finding.】 , which  
20 recommendation shall be<sup>1</sup> in writing **【and】**, <sup>1</sup>and<sup>1</sup> based upon a  
21 consideration of at least the following factors:

22 (1) The nature and responsibilities of the position which a  
23 <sup>1</sup>debarred or<sup>1</sup> convicted individual would hold;

24 (2) The nature and seriousness of the <sup>1</sup>debarment or<sup>1</sup> crime;

25 (3) The circumstances under which the <sup>1</sup>debarment was imposed  
26 or the<sup>1</sup> crime was committed;

27 (4) The date of the <sup>1</sup>debarment or<sup>1</sup> crime;

28 (5) The age of the <sup>1</sup>debarred or<sup>1</sup> convicted individual when the  
29 <sup>1</sup>cause of debarment or<sup>1</sup> crime <sup>1</sup>**【was committed】** took place<sup>1</sup>;

30 (6) Whether the <sup>1</sup>cause of the debarment or<sup>1</sup> crime was an isolated  
31 or repeated <sup>1</sup>event or<sup>1</sup> act;

32 (7) Any evidence of good conduct in the community, counseling or  
33 psychiatric treatment received, acquisition of additional academic or  
34 vocational schooling, or the recommendation of persons who have  
35 supervised the <sup>1</sup>debarred or<sup>1</sup> convicted individual since the <sup>1</sup>debarment  
36 or<sup>1</sup> conviction; and

37 (8) The full criminal record of the <sup>1</sup>debarred or<sup>1</sup> convicted  
38 individual, any record of civil or regulatory violations or notices or any  
39 complaints alleging any such civil or regulatory violations, or any  
40 other allegations of wrongdoing.

41 Notwithstanding any other provision of this subsection, a  
42 convicted individual shall have affirmatively demonstrated  
43 rehabilitation pursuant to the provisions of this section if the convicted  
44 individual produces evidence of a pardon issued by the Governor of  
45 this or any other state, or evidence of the expungement of every

1 conviction for any of the crimes enumerated in subsection b. of section  
2 8 of P.L.1983, c.392 (C.13:1E-133).

3 c. In determining whether a debarred or convicted business  
4 concern has affirmatively demonstrated rehabilitation, the [department  
5 shall request a recommendation thereon from the] department shall  
6 request a recommendation thereon from the Attorney General [,  
7 which recommendation shall be] shall make a finding. , which  
8 recommendation shall be in writing [and], and based upon a  
9 consideration of at least the following factors:

10 (1) The nature and seriousness of the debarment or crime;

11 (2) The circumstances under which the debarment was imposed  
12 or the crime was committed;

13 (3) The date of the debarment or crime;

14 (4) Whether the cause of debarment or crime was an isolated or  
15 repeated event or act; and

16 (5) The full criminal record of the debarred or convicted  
17 business concern, any record of civil or regulatory violations or notices  
18 or any complaints alleging any such civil or regulatory violations, or  
19 any other allegations of wrongdoing.

20 d. The Attorney General may require, as a predicate to a  
21 determination that a debarred or convicted business concern has  
22 affirmatively demonstrated rehabilitation, that the debarred or  
23 convicted business concern agree, in writing, to an investigation of the  
24 debarment, crime or crimes committed by the debarred or  
25 convicted business concern which caused disqualification pursuant to  
26 subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the  
27 persons involved in the debarment or crime, and any corporate  
28 policies, procedures, and organizational structure that may have led to  
29 the debarment or crime. At the conclusion of this investigation a  
30 report shall be prepared identifying the underlying conduct giving rise  
31 to the debarment or any criminal convictions and any steps that have  
32 subsequently been taken by the debarred or convicted business  
33 concern to prevent a recurrence of the acts leading to debarment or  
34 criminal activity, and recommending any steps that may be deemed  
35 necessary to prevent a recurrence of the acts leading to debarment or  
36 criminal activity. The investigation shall be conducted by, or on behalf  
37 of, the Attorney General, and the cost thereof shall be borne by the  
38 debarred or convicted business concern.

39 The Attorney General may require, on the basis of this  
40 investigation and as a condition of [recommending] determining  
41 recommending that a debarred or convicted business concern has  
42 affirmatively demonstrated rehabilitation, that a debarred or  
43 convicted business concern comply, or agree in writing to comply,  
44 with any of the following:

45 (1) changes in the debarred or convicted business concern's  
46 organizational structure to reduce the opportunity and motivation of  
47 individual employees to engage in criminal activity, including



1 procedures for informing employees of the requirements of relevant  
2 state and federal law;

3 (2) changes in the 'debarred or' convicted business concern's long  
4 and short term planning to ensure that the 'debarred or' convicted  
5 business concern implements procedures and policies to prevent future  
6 violations of the law;

7 (3) changes in the 'debarred or' convicted business concern's  
8 legal, accounting, or other internal or external control and monitoring  
9 procedures to discourage or prevent future violations of state or federal  
10 law;

11 (4) changes in the 'debarred or' convicted business concern's  
12 ownership, control, personnel, and personnel selection practices,  
13 including the removal of any person shown to have a beneficial  
14 interest in the 'debarred or' convicted business concern, and the  
15 imposition of a reward or disincentive system in order to encourage  
16 employees to comply with relevant state and federal law;

17 (5) post-licensing monitoring of the 'debarred or' convicted  
18 business concern's activities relating to any changes in policy,  
19 procedure, or structure required by the Attorney General pursuant to  
20 this subsection, the cost of such monitoring to be borne by the  
21 'debarred or' convicted business concern; and

22 (6) any other requirements deemed necessary by the Attorney  
23 General.

24 e. The **【department】** '【Attorney General】 department' shall not  
25 determine that a 'debarred or' convicted business concern has  
26 affirmatively demonstrated rehabilitation if the 'debarred or'  
27 convicted business concern has not complied, or agreed in writing to  
28 comply, with every requirement imposed by the Attorney General  
29 pursuant to subsection d. of this section.

30 (cf: P.L.1991, c.269, s.7)

31

32 9. Section 8 of P.L.1991, c.269 (C.13:1E-133.2) is amended to  
33 read as follows:

34 8. a. Notwithstanding any current prosecutions or pending  
35 charges in any jurisdiction against any person required to be listed in a  
36 disclosure statement, or otherwise shown to have a beneficial interest  
37 in the business of an applicant, permittee or licensee ' , or business  
38 concern that has been issued a soil and fill recycling license' , or to  
39 have rented or leased at any or no cost real property, vehicles or other  
40 equipment used for the collection, transportation, treatment,  
41 processing, storage, 'brokering,' transfer, or disposal of solid waste or  
42 hazardous waste, or the provision of soil and '【debris】 fill' recycling  
43 services, to the applicant, the permittee, or the licensee, 'or business  
44 concern that has been issued a soil and fill recycling license,' for any  
45 of the crimes enumerated in subsection b. of section 8 of P.L.1983,  
46 c.392 (C.13:1E-133), the **【department】** '【Attorney General】  
47 department' may issue or renew a license or a soil and '【debris】 fill'

1 recycling license to an applicant, permittee or licensee <sup>1</sup>, or business  
2 concern that has been issued a soil and fill recycling license<sup>1</sup> if the  
3 **【department】** <sup>1</sup>**【Attorney General】 department**<sup>1</sup> determines in a  
4 writing setting forth findings of fact that the person against whom  
5 there are current prosecutions or pending charges has affirmatively  
6 reestablished a reputation for good character, honesty and integrity by  
7 clear and convincing evidence pursuant to the provisions of this  
8 section. If the **【department】** <sup>1</sup>**【Attorney General】 department**<sup>1</sup>  
9 determines that the nature and seriousness of the crime alleged in a  
10 current prosecution or pending charge creates a reasonable doubt that  
11 an applicant, permittee, or licensee <sup>1</sup>, or business concern that has been  
12 issued a soil and fill recycling license<sup>1</sup> will engage in the activity for  
13 which a license is sought in a lawful and responsible manner, the  
14 **【department】** <sup>1</sup>**【Attorney General】 department**<sup>1</sup> shall make a  
15 determination in a writing setting forth findings of fact that the person  
16 against whom there are current prosecutions or pending charges cannot  
17 reestablish a reputation for good character, honesty and integrity.

18 A person may affirmatively reestablish a reputation for good  
19 character, honesty and integrity pursuant to this section in advance of  
20 the disposition of the current prosecutions or pending charges provided  
21 that this reestablishment consists of evidence of good character,  
22 honesty and integrity rather than any defenses to the current  
23 prosecutions or pending charges. A reestablishment of a reputation for  
24 good character, honesty and integrity pursuant to this section shall not  
25 be deemed insufficient due to a lack of admission of guilt to the  
26 current prosecutions or pending charges.

27 b. In determining whether an individual against whom there are  
28 current prosecutions or pending charges has affirmatively  
29 reestablished a reputation for good character, honesty and integrity, the  
30 **【department shall request a recommendation thereon from the】**  
31 department shall request a recommendation thereon from the<sup>1</sup>  
32 **Attorney General 【, which recommendation shall be】** <sup>1</sup>**【shall make a**  
33 finding.】 <sup>1</sup>, which recommendation shall be<sup>1</sup> in writing, and based upon  
34 a consideration of at least the following factors:

35 (1) The nature and responsibilities of the position which the  
36 individual against whom there are current prosecutions or pending  
37 charges would hold;

38 (2) The nature and seriousness of the alleged crime;

39 (3) The circumstances under which the alleged crime was  
40 committed;

41 (4) The date of the alleged crime;

42 (5) The age of the individual against whom there are current  
43 prosecutions or pending charges when the alleged crime was  
44 committed;

45 (6) Whether the alleged crime was an isolated or repeated act;

46 (7) Any evidence of good conduct in the community, counseling or  
47 psychiatric treatment received, acquisition of additional academic or

1 vocational schooling, or the recommendation of persons who have  
2 supervised the individual since the date of the alleged crime; and

3 (8) The full criminal record of the individual against whom there  
4 are current prosecutions or pending charges, any record of civil or  
5 regulatory violations or notices or any complaints alleging any such  
6 civil or regulatory violations, or any other allegations of wrongdoing.

7 c. In determining whether a business concern against whom there  
8 are current prosecutions or pending charges has affirmatively  
9 reestablished a reputation for good character, honesty and integrity, the  
10 ~~department shall request a recommendation thereon from the~~  
11 department shall request a recommendation thereon from the  
12 Attorney General ~~], which recommendation shall be~~ shall make a  
13 finding, ~~], which recommendation shall be~~ in writing, and based upon  
14 a consideration of at least the following factors:

15 (1) The nature and seriousness of the alleged crime;

16 (2) The circumstances under which the alleged crime was  
17 committed;

18 (3) The date of the alleged crime;

19 (4) Whether the alleged crime was an isolated or repeated act; and

20 (5) The full criminal record of the business concern against whom  
21 there are current prosecutions or pending charges, any record of civil  
22 or regulatory violations or notices or any complaints alleging any such  
23 civil or regulatory violations, or any other allegations of wrongdoing.

24 d. The Attorney General may require, as a predicate to a  
25 determination that a business concern against which there are current  
26 prosecutions or pending charges has affirmatively reestablished a  
27 reputation for good character, honesty and integrity, that the business  
28 concern agree, in writing, to an investigation of the alleged crime or  
29 crimes committed by the business concern, the persons involved in the  
30 alleged crime, and any corporate policies, procedures, and  
31 organizational structure that may have led to the alleged crime. At the  
32 conclusion of this investigation a report shall be prepared identifying  
33 the underlying conduct giving rise to any alleged criminal activity and  
34 any steps that have subsequently been taken by the business concern to  
35 prevent a recurrence of the alleged criminal activity, and  
36 recommending any steps that may be deemed necessary to prevent a  
37 recurrence of the alleged criminal activity. The investigation shall be  
38 conducted by, or on behalf of, the Attorney General, and the cost  
39 thereof shall be borne by the business concern.

40 The Attorney General may require, on the basis of this  
41 investigation and as a condition of ~~recommending~~ finding  
42 recommending that a business concern against which there are current  
43 prosecutions or pending charges has affirmatively reestablished a  
44 reputation for good character, honesty and integrity, that a business  
45 concern comply, or agree in writing to comply, with any of the  
46 following:

47 (1) changes in the business concern's organizational structure to  
48 reduce the opportunity and motivation of individual employees to

1 engage in criminal activity, including procedures for informing  
2 employees of the requirements of relevant state and federal law;

3 (2) changes in the business concern's long and short term planning  
4 to ensure that the business concern implements procedures and  
5 policies to prevent future violations of state or federal law;

6 (3) changes in the business concern's legal, accounting, or other  
7 internal or external control and monitoring procedures to discourage or  
8 prevent future violations of state or federal law;

9 (4) changes in the business concern's ownership, control,  
10 personnel, and personnel selection practices, including the removal of  
11 any person shown to have a beneficial interest in the business concern,  
12 and the imposition of a reward or disincentive system in order to  
13 encourage employees to comply with relevant state and federal law;

14 (5) post-licensing monitoring of the business concern's activities  
15 relating to any changes in policy, procedure, or structure required by  
16 the Attorney General pursuant to this subsection, the cost of such  
17 monitoring to be borne by the business concern; and

18 (6) any other requirements deemed necessary by the Attorney  
19 General.

20 e. The **【department】** <sup>1</sup>【Attorney General】 department<sup>1</sup> shall not  
21 determine that a business concern against which there are current  
22 prosecutions or pending charges has affirmatively reestablished a  
23 reputation for good character, honesty and integrity if the business  
24 concern has not complied, or agreed in writing to comply, with every  
25 requirement imposed by the Attorney General pursuant to subsection  
26 d. of this section.

27 (cf: P.L.1991, c.269, s.8)

28

29 <sup>1</sup>**【10. Section 17 of P.L.1991, c.269 (C.13:1E-133.3) is amended**  
30 **to read as follows:**

31 17. The Department of Environmental Protection shall not issue  
32 any permits required pursuant to P.L.1954, c.212 (C.26:2C-1 et  
33 seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1975,  
34 c.232 (C.13:1D-29 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.),  
35 P.L.1981, c.262 (C.58:1A-1 et seq.), or any other law, or any rules  
36 and regulations adopted thereto, to any person proposing to own or  
37 operate a resource recovery facility prior to the completion by the  
38 Attorney General **【and the department】** of the requirements of  
39 sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133),  
40 and unless the person proposing to own or operate the resource  
41 recovery facility has received a license approved by the  
42 **【department】** Attorney General pursuant to section 8 of  
43 P.L.1983, c.392 (C.13:1E-133); except that the department may  
44 issue such permits if the **【department】** Attorney General has  
45 approved, issued or renewed a temporary license for such person  
46 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).

47 (cf: P.L.1991, c.269, s.17)<sup>1</sup>

1       <sup>1</sup>**[11.]** 10.<sup>1</sup> Section 9 of P.L.1983, c.392 (C.13:1E-134) is  
2 amended to read as follows:

3       9. Any license or soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license may be  
4 revoked by the **[department]** <sup>1</sup>**[Attorney General]** department<sup>1</sup>  
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
6 (C.52:14B-1 et seq.) for any of the following causes:

7       a. Any cause which would require disqualification, pursuant to  
8 subsection a., b., c., e. or f. of section 8 of P.L.1983, c.392 (C.13:1E-  
9 133), from receiving a license or a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling  
10 license upon original application;

11       b. Fraud, deceit or misrepresentation in securing <sup>1</sup>or maintaining<sup>1</sup>  
12 the license or soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license, or in the  
13 conduct of the licensed activity;

14       c. Offering, conferring or agreeing to confer any benefit to induce  
15 any other person to violate the provisions of P.L.1983, c.392 (C.13:1E-  
16 126 et seq.), or of any other law relating to the collection,  
17 transportation, treatment, storage, <sup>1</sup>brokering,<sup>1</sup> transfer or disposal of  
18 solid waste or hazardous waste, or the provision of soil and <sup>1</sup>**[debris]**  
19 fill<sup>1</sup> recycling services, or of any rule or regulation adopted pursuant  
20 thereto;

21       d. Coercion of a customer by violence or economic reprisal or the  
22 threat thereof to utilize the services of any permittee or licensee, or a  
23 business concern that holds a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license;  
24 <sup>1</sup>**[or]**<sup>1</sup>

25       e. Preventing, without authorization of the department, any  
26 permittee or licensee <sup>1</sup>, or business concern that has been issued a soil  
27 and fill recycling license<sup>1</sup> from disposing of solid waste or hazardous  
28 waste at a licensed, authorized or approved treatment, storage, transfer  
29 or disposal facility <sup>1</sup>, or

30       f. Failing to file timely annual updates as directed by the  
31 Attorney General<sup>1</sup>.

32 (cf: P.L.1991, c.269, s.9)

33

34       <sup>1</sup>**[12.]** 11.<sup>1</sup> Section 10 of <sup>1</sup>**[P.L.1991, c.269]** P.L.1983, c.392<sup>1</sup>  
35 (C.13:1E-135) is amended to read as follows:

36       10. a. (1) Notwithstanding the disqualification of the applicant or  
37 permittee pursuant to subsection a., b., c., e. or f. of section 8 of  
38 P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a  
39 license or a soil and <sup>1</sup>**[debris]** fill<sup>1</sup> recycling license if the applicant or  
40 permittee severs the interest of or affiliation with the person who  
41 would otherwise cause that disqualification. <sup>1</sup>The department may bar  
42 the person that would otherwise cause the disqualification from  
43 participation in the collection, transportation, treatment, storage,  
44 processing, brokering, transfer, or disposal of solid or hazardous  
45 waste, or the provision of soil and fill recycling services.<sup>1</sup>

46       (2) The department may issue or renew a temporary license to any  
47 applicant or permittee for periods not to exceed six months if the

1 department determines that the issuance or renewal of a temporary  
2 license is necessitated by the public interest.

3 b. After July 1, 1992, the provisions of any other law to the  
4 contrary notwithstanding, no temporary license shall be approved,  
5 issued or renewed by the department for any applicant or permittee, as  
6 the case may be, to own or operate a resource recovery facility or other  
7 solid waste facility approved by the department for the long-term solid  
8 waste disposal requirements of a district or districts pursuant to the  
9 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)  
10 prior to the completion by the Attorney General **and the department**  
11 'and the department' of the requirements of sections 3 and 8 of  
12 P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the  
13 department may issue a temporary license to an applicant or renew the  
14 temporary license of a permittee if the Commissioner of the  
15 Department of Environmental Protection determines, in writing, that  
16 the issuance of a temporary license for that applicant or renewal of the  
17 temporary license for that permittee is necessitated by the public  
18 interest.

19 (cf: P.L.1991, c.269, s.10)

20

21 <sup>1</sup>**13.** Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to  
22 read as follows:

23 7. a. No person shall engage, or be permitted to engage, in the  
24 business of solid waste collection or solid waste disposal until  
25 found by the Department of Environmental Protection to be  
26 qualified by experience, training or education to engage in such  
27 business, is able to furnish proof of financial responsibility, and  
28 unless that person holds a certificate of public convenience and  
29 necessity issued by the Department of Environmental Protection.

30 (1) No certificate shall be issued for solid waste collection or  
31 solid waste disposal until the person proposing to engage in solid  
32 waste collection or solid waste disposal, as the case may be, has  
33 been registered with and approved by the Department of  
34 Environmental Protection as provided by section 5 of P.L.1970,  
35 c.39 (C.13:1E-5).

36 (2) No certificate of public convenience and necessity shall be  
37 issued by the Department of Environmental Protection to any  
38 person who has been denied approval of a license under the  
39 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or whose  
40 license has been revoked by the **Department of Environmental**  
41 **Protection** Attorney General, as the case may be.

42 b. No person shall transport regulated medical waste until  
43 found by the Department of Environmental Protection to be  
44 qualified by experience, training or education to engage in such  
45 business, and is able to furnish proof of financial responsibility, and  
46 holds a certificate of public convenience and necessity issued by the  
47 Department of Environmental Protection. No certificate shall be  
48 issued for the transportation of regulated medical waste until the  
49 proposed transporter has obtained a registration statement required

1 by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed  
2 under section 9 of P.L.1989, c.34 (C.13:1E-48.9).

3 c. Notwithstanding the provisions of subsection b. of this  
4 section, the department shall not have jurisdiction over rates or  
5 charges for the transportation of regulated medical waste.

6 (cf: P.L.2003, c.169, s.13)]<sup>1</sup>

7

8 <sup>1</sup>[14. Section 10 of P.L.1970, c.40 (C.48:13A-9) is amended to  
9 read as follows:

10 10. The Department of Environmental Protection shall revoke or  
11 suspend the certificate of public convenience and necessity issued  
12 to any person engaged in the solid waste collection business or the  
13 solid waste disposal business upon the finding that such person:

14 a. Has violated any provision of P.L.1970, c.40 (C.48:13A-1 et  
15 seq.) or P.L.1991, c.381 (C.48:13A-7.1 et al.), or any rule,  
16 regulation or administrative order adopted or issued pursuant  
17 thereto; or

18 b. Has violated any provision of any laws related to pollution  
19 of the air, water or lands of this State; or

20 c. Has refused or failed to comply with any lawful order of the  
21 department; or

22 d. Has had its registration revoked by the Department of  
23 Environmental Protection; or

24 e. Has been denied approval of a license under the provisions  
25 of P.L.1983, c.392 (C.13:1E-126 et seq.), or has had its license  
26 revoked by the [Department of Environmental Protection] Attorney  
27 General, as the case may be.

28 (cf: P.L.2003, c.169, s.19)]<sup>1</sup>

29

30 <sup>1</sup>[15.] 12.<sup>1</sup> Section 3 of P.L.1971, c.461 (C.13:1E-18) is  
31 amended to read as follows:

32 3. a. The department may in accordance with a fee schedule  
33 adopted as a rule or regulation establish and charge annual or  
34 periodic fees for any of the services to be performed in connection  
35 with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1  
36 et seq.) [, except that the annual or periodic fees charged by the  
37 department to cover the costs incurred by any State agency relevant  
38 to pre-licensing investigations, post-licensing compliance  
39 monitoring or related activities under the provisions of P.L.1983,  
40 c.392 (C.13:1E-126 et seq.) shall be based upon the size of the  
41 business concern. For the purposes of this subsection, "business  
42 concern" means any corporation, association, firm, partnership, sole  
43 proprietorship, trust or other form of commercial organization;  
44 "size" means the number of key employees or persons required to  
45 be listed in the disclosure statement, or otherwise shown to have a  
46 beneficial interest in the business of the applicant, permittee or  
47 licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127);  
48 and "State agency" means any State department, division, agency,  
49 commission or authority.

1 The department, upon receipt of standard billing, shall provide  
2 reimbursement in full to the Attorney General or any other State  
3 agency for all expenses incurred by that State agency in the  
4 performance of pre-licensing investigations, post-licensing  
5 compliance monitoring or any other related activities consistent  
6 with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)].

7 b. The fee schedule shall reasonably reflect the duration or  
8 complexity of the specific service rendered, permit application  
9 reviewed, or registration statement or engineering design  
10 application approval sought.

11 (cf: P.L.1991, c.269, s.15)

12

13 <sup>1</sup>16. <sup>1</sup>13. (New section) a. The <sup>1</sup>Attorney General  
14 department<sup>1</sup> shall establish application and license fees <sup>1</sup>, annual fees,  
15 and any other fees the department determines necessary to defray the  
16 costs of administration,<sup>1</sup> for any license or soil and <sup>1</sup>debris fill<sup>1</sup>  
17 recycling license issued pursuant to P.L.1983, c.392 (C.13:1E-126 et  
18 seq.) <sup>1</sup>, or the soil and fill recycling registration issued pursuant to  
19 section 1 of P.L. , c. (C. ) (pending before the Legislature as this  
20 bill)<sup>1</sup>. The fees shall be <sup>1</sup>based upon the cost of investigation and  
21 consideration of the license application, and the actual and prospective  
22 costs of the investigative and enforcement functions of the office. The  
23 annual or periodic fees shall cover the costs incurred by any State  
24 agency relevant to pre-licensing investigations, post-licensing  
25 compliance monitoring or related activities under the provisions of  
26 P.L.1983, c.392 (C.13:1E-126 et seq.) and shall be based upon the size  
27 of the business concern. For the purposes of this section, "business  
28 concern" means any corporation, association, firm, partnership, sole  
29 proprietorship, trust or other form of commercial organization; "size"  
30 means the number of key employees or persons required to be listed in  
31 the disclosure statement, or otherwise shown to have a beneficial  
32 interest in the business of the applicant, permittee or licensee as  
33 defined in section 2 of P.L.1983, c.392 (C.13:1E-127); and "State  
34 agency" means any State department, division, agency, commission or  
35 authority.

36 The Attorney General shall provide reimbursement in full to any  
37 State agency for all expenses incurred by that State agency in the  
38 performance of pre-licensing investigations, post-licensing compliance  
39 monitoring or any other related activities consistent with the  
40 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)] used to pay costs  
41 related to consideration of license and soil and fill recycling license  
42 applications, investigations, monitoring, enforcement, and related  
43 activities, and to reimburse any State agency for expenses incurred by  
44 the agency in the performance of pre-licensing investigations, post-  
45 licensing compliance monitoring, or any other related activities  
46 consistent with the provisions of P.L.1983, c.392 (C.13:1E-126 et  
47 seq.). Annual fees shall be assessed on licensees and the holders of  
48 soil and fill recycling licenses based on a percentage their gross  
49 operating revenue from intrastate operations during the preceding



1 calendar year. Fees collected under this section shall be deposited into  
 2 a special account, to be administered by the department, and shall be  
 3 used only for the costs associated with administering the provisions of  
 4 P.L.1983, c.392 (C.13:1E-126 et seq.).<sup>1</sup>

5 b. The department may, pursuant to the "Administrative  
 6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and  
 7 regulations to effectuate monitoring and enforcement of P.L.1983,  
 8 c.392 (C.13:1E-126 et seq.) and P.L. , c. (C. ) (pending before the  
 9 Legislature as this bill).

10 c.<sup>1</sup> The **1** Attorney General **1** department<sup>1</sup> shall prepare and  
 11 submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
 12 Legislature an annual report on the establishment and implementation  
 13 of the fee schedule adopted pursuant to this section.

14  
 15 **1** **17.** 14.<sup>1</sup> (New section) No later than 90 days after the  
 16 effective<sup>1</sup> date of **1** enactment of<sup>1</sup> P.L. , c. (C. ) (pending before  
 17 the Legislature as this bill), the Department of Environmental  
 18 Protection, the Department of the Treasury, and the Attorney General  
 19 shall enter into a memorandum of agreement that provides for **1** the  
 20 establishment of a records and information management system **1** a  
 21 reciprocal information exchange method<sup>1</sup> to provide **1** State regulators  
 22 at each department and other relevant government agencies in New  
 23 Jersey and elsewhere **1** the Department of Environmental Protection,  
 24 the Department of Treasury, and the Attorney General<sup>1</sup> with effective  
 25 and efficient access to information concerning individuals and  
 26 business concerns that are applicants, license holders, and permittees  
 27 in the solid waste, hazardous waste and recycling industries **1** . The  
 28 information in the system shall include license and permit information,  
 29 records of violations, criminal charges and convictions, debarment  
 30 determinations and any other information deemed to be relevant **1** as  
 31 determined to be appropriate by the Attorney General<sup>1</sup>.

32  
 33 **1** **18.** 15.<sup>1</sup> (New section) The State Treasurer shall establish a  
 34 list to be maintained in the Department of the Treasury of  
 35 individuals and business concerns that have:

36 a. been debarred from contracting with or receiving funds from  
 37 any unit in the Executive branch of State government, including any  
 38 entity exercising executive branch authority or independent State  
 39 authority, or any unit of local government or board of education;

40 b. had a permit, license, <sup>2</sup> **or**<sup>2</sup> soil and <sup>1</sup> **debris** fill<sup>1</sup>  
 41 recycling <sup>1</sup> registration <sup>2</sup> issued pursuant to section 1 of P.L. , c.  
 42 (C. ) (pending before the Legislature as this bill),<sup>2</sup> or soil and fill  
 43 recycling<sup>1</sup> license denied or revoked pursuant to P.L.1983, c.392  
 44 (C.13:1E-126 et seq.); or

45 c. had any license denied or revoked pursuant to  
 46 P.L.1977, c.110 (C.5:12-1 et seq.).

1       <sup>1</sup>[19.] 16.<sup>1</sup> (New section) The Attorney General shall seek to  
2 establish with the State of New York and other states in the region a  
3 reciprocal information exchange <sup>1</sup>[~~system~~] method<sup>1</sup> to facilitate the  
4 sharing of information among the states on the solid waste, hazardous  
5 waste, and recycling industries in the respective states. Each year for  
6 the first three years after the <sup>1</sup>effective<sup>1</sup> date of <sup>1</sup>[~~enactment of~~]<sup>1</sup>  
7 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
8 Attorney General shall prepare and submit, pursuant to section 2 of  
9 P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report on the  
10 progress made toward establishing and implementing this interstate  
11 cooperative effort.

12  
13       <sup>2</sup>17. (New section) a. The department shall adopt, pursuant to  
14 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1  
15 et seq.), rules and regulations establishing a schedule of penalties  
16 for violations of P.L.1983, c.392 (C.13:1E-126 et seq.), to be  
17 applied pursuant to this section.

18       b. Whenever, on the basis of available information, the  
19 department finds that a person has violated any provision of  
20 P.L.1983, c.392 (C.13:1E-126 et seq.), or any rule or regulation  
21 adopted, or license issued, pursuant thereto, the department may:

22       (1) Issue an order requiring the person found to be in violation  
23 to comply in accordance with subsection c. of this section;

24       (2) Bring a civil action in accordance with subsection d. of this  
25 section;

26       (3) Levy a civil administrative penalty in accordance with  
27 subsection e. of this section;

28       (4) Bring an action for a civil penalty in accordance with  
29 subsection f. of this section; or

30       (5) Petition the Attorney General to bring a criminal action in  
31 accordance with subsection g. of this section.

32       c. Whenever the department finds that a person has violated  
33 any provision of P.L.1983, c.392 (C.13:1E-126 et seq.), or any rule  
34 or regulation adopted, or license issued, pursuant thereto, the  
35 department may issue an order specifying the provision or  
36 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or the rule,  
37 regulation, or license of which the person is in violation, citing the  
38 action which constituted the violation, ordering abatement of the  
39 violation, and giving notice to the person of his right to a hearing on  
40 the matters contained in the order. The ordered party shall have 20  
41 calendar days from receipt of the order within which to deliver to  
42 the department a written request for a hearing. Such order shall be  
43 effective upon receipt, and any person to whom such order is  
44 directed shall comply with the order immediately. A request for  
45 hearing shall not automatically stay the effect of the order.

46       d. The department, a local board of health, or a county health  
47 department may institute an action or proceeding in the Superior  
48 Court for injunctive and other relief, including the appointment of a  
49 receiver for any violation of P.L.1983, c.392 (C.13:1E-126 et seq.),

1 or of any rule or regulation adopted, or license issued, pursuant to  
2 P.L.1983, c.392 (C.13:1E-126 et seq.), and the court may proceed in  
3 the action in a summary manner. In any such proceeding the court  
4 may grant temporary or interlocutory relief. Such relief may  
5 include, singly or in combination:

6 (1) A temporary or permanent injunction;

7 (2) Assessment of the violator for the costs of any investigation,  
8 inspection, or monitoring survey which led to the establishment of  
9 the violation, and for the reasonable costs of preparing and  
10 litigating the case under this subsection;

11 (3) Assessment of the violator for any cost incurred by the State  
12 in removing, correcting, or terminating the adverse effects upon air  
13 quality or water quality resulting from any violation of any  
14 provision of P.L.1983, c.392 (C.13:1E-126 et seq.), or any rule or  
15 regulation adopted, or licensed issued, pursuant thereto for which  
16 the action under this subsection may have been brought;

17 (4) Assessment against the violator of compensatory damages  
18 for any loss or destruction of wildlife, fish or aquatic life, and for  
19 any other actual damages caused by any violation of P.L.1983,  
20 c.392 (C.13:1E-126 et seq.) or any rule or regulation adopted, or  
21 license issued, pursuant thereto for which the action under this  
22 subsection may have been brought. Assessments under this  
23 subsection shall be paid to the State Treasurer, or to the local board  
24 of health, or to the county health department, as the case may be,  
25 except that compensatory damages may be paid by specific order of  
26 the court to any persons who have been aggrieved by the violation.

27 If a proceeding is instituted by a local board of health or county  
28 health department, notice thereof shall be served upon the  
29 department in the same manner as if the department were a named  
30 party to the action or proceeding. The department may intervene as  
31 a matter of right in any proceeding brought by a local board of  
32 health or county health department.

33 e. The department is authorized to assess a civil administrative  
34 penalty of not more than \$50,000.00 for each violation provided  
35 that each day during which the violation continues shall constitute  
36 an additional, separate, and distinct offense. The department shall  
37 not assess a civil administrative penalty in excess of \$25,000.00 for  
38 a single violation, or in excess of \$2,500.00 for each day during  
39 which a violation continues, until the department has adopted,  
40 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
41 (C.52:14B-1 et seq.), rules and regulations requiring the  
42 department, in assessing a civil administrative penalty, to consider  
43 the operational history of the violator, the severity of the violation,  
44 the measures taken to mitigate or prevent further violations, and  
45 whether the penalty will maintain an appropriate deterrent. No  
46 assessment shall be levied pursuant to this section until after the  
47 violator has been notified by certified mail or personal service. The  
48 notice shall include a reference to the section of the statute, rule,  
49 regulation, or license violated, a concise statement of the facts

1 alleged to constitute a violation, a statement of the amount of the  
2 civil administrative penalties to be imposed, and a statement of the  
3 party's right to a hearing. The ordered party shall have 20 calendar  
4 days from receipt of the notice within which to deliver to the  
5 department a written request for a hearing. After the hearing and  
6 upon finding that a violation has occurred, the department may  
7 issue a final order after assessing the amount of the fine specified in  
8 the notice. If no hearing is requested, the notice shall become a  
9 final order after the expiration of the 20-day period. Payment of the  
10 assessment is due when a final order is issued or the notice becomes  
11 a final order. The authority to levy a civil administrative penalty is  
12 in addition to all other enforcement provisions in P.L.1983, c.392  
13 (C.13:1E-126 et seq.) and P.L.1970, c. 39 (C. 13:1E-1 et seq.), and  
14 the payment of any assessment shall not be deemed to affect the  
15 availability of any other enforcement provisions in connection with  
16 the violation for which the assessment is levied. The department  
17 may settle any civil administrative penalty assessed under this  
18 section in an amount the department determines appropriate.

19 f. Any person who violates the provisions of P.L.1983, c.392  
20 (C.13:1E-126 et seq.), or any rule or regulation adopted, or licensed  
21 issued, pursuant thereto shall be liable to a penalty of not more than  
22 \$50,000.00 per day, to be collected in a civil action commenced by  
23 a local board of health, a county health department, or the  
24 department.

25 Any person who violates an administrative order issued pursuant  
26 to subsection c. of this section, or a court order issued pursuant to  
27 subsection d. of this section, or who fails to pay an administrative  
28 assessment in full pursuant to subsection e. of this section is subject  
29 upon order of a court to a civil penalty not to exceed \$100,000.00  
30 per day of such violations.

31 Any penalty imposed pursuant to this subsection may be  
32 collected with costs in a summary proceeding pursuant to "the  
33 penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior  
34 Court and the municipal court shall have jurisdiction to enforce the  
35 provisions of "the penalty enforcement law" in connection with this  
36 act.

37 g. Any person who engages in soil and fill recycling services  
38 without a registration issued pursuant to section 1 of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill), or a soil and  
40 fill recycling license issued pursuant to  
41 section 8 of P.L.1983, c.392 (C.13:1E-133), as appropriate, or who  
42 knowingly makes any false or misleading statement to the  
43 department or the Attorney General in connection with a  
44 registration or license, shall, upon conviction, be guilty of a crime  
45 of the third degree and, notwithstanding the provisions of  
46 N.J.S.2C:43-3, shall be subject to a fine of not more than  
47 \$50,000.00 for the first offense and not more than \$100,000.00 for  
48 the second and each subsequent offense and restitution, in addition

1 to any other appropriate disposition authorized by subsection b. of  
2 N.J.S.2C:43-2.

3 h. Any person who collects, transports, treats, stores, brokers,  
4 transfers, or disposes of solid waste or hazardous waste, or that  
5 engages in soil and fill recycling services, shall furnish the  
6 appropriate license or registration upon the request of any law  
7 enforcement officer or any agent of the department, a local board of  
8 health, or a county health department.

9 i. Pursuit of any remedy specified in this section shall not  
10 preclude the pursuit of any other remedy provided by any other law.  
11 Administrative and judicial remedies provided in this section may  
12 be pursued simultaneously.<sup>2</sup>

13

14 <sup>2</sup>18. (New section) The department, a local board of health, and  
15 a county health department shall have the right to enter, inspect, and  
16 take samples at or from, any facility or premises used in connection  
17 with the provision of soil and fill recycling services in order to  
18 determine compliance with a registration issued pursuant to section  
19 1 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
20 a soil and fill recycling license issued pursuant to section 8 of  
21 P.L.1983, c.392 (C.13:1E-133), and any other applicable law, and  
22 rules and regulations adopted pursuant thereto.<sup>2</sup>

23

24 <sup>1</sup>[20. Section 2 of this act shall take effect on the 180th day after  
25 the date of enactment, and the remainder of this act]

26

27 <sup>2</sup>[17.] 19.<sup>2</sup> This act<sup>1</sup> shall take effect immediately.

28

29

30

31

32 Concerns regulation of solid waste, hazardous waste, and soil  
33 and fill recycling industries.