Sponsored by:
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SYNOPSIS
Concerns regulation of solid waste, hazardous waste, and soil and debris recycling industries.

CURRENT VERSION OF TEXT
As introduced.

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

1. (New section) a. No later than 90 days after the date of enactment of P.L. , c. (C. ) (pending before the Legislature as this bill), any business concern that engages in, or otherwise provides, soil and debris recycling services shall register with the Attorney General. The registration shall include:
   (1) the name of the business concern; and
   (2) the address of the business concern and the addresses of any other locations where trucks or equipment used by the business concern are kept.
   b. No more than 90 days after submission of all information required to be submitted pursuant to subsection a. of this section, the Attorney General shall issue a soil and debris recycling registration to the business concern that registers pursuant to subsection a. of this section.

2. (New section) No business concern shall engage in soil and debris recycling services unless it holds a soil and debris recycling license issued pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

3. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to read as follows:
   a. "Applicant" means any business concern which (1) has filed a disclosure statement with the department and the Attorney General and is seeking a license, provided that the business concern has furnished the department and the Attorney General with any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et al.), or (2) has been issued a soil and debris recycling registration, has filed a disclosure statement with the department and the Attorney General, and is seeking a soil and debris recycling license.
   b. "Application" means the forms and accompanying documents filed in connection with an applicant's or permittee's request for a license or a soil and debris recycling license.

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.
c. "Business concern" means any corporation, association, firm, partnership, sole proprietorship, trust or other form of commercial organization.

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

e. "Disclosure statement" means a statement submitted to the Department and the Attorney General by an applicant or a permittee, which statement shall include:

   (1) The full name, business address and social security number of the applicant or the permittee, as the case may be, and of any officers, directors, partners, or key employees thereof and all persons holding any equity in or debt liability of the applicant or permittee, or, if the applicant or permittee is a publicly traded corporation, all persons holding more than 5% of the equity in or the debt liability of the applicant or permittee, except that (a) where the equity in or debt liability of the applicant or permittee is held by an institutional investor, the applicant or permittee need only supply the name, business address and the basis upon which the institutional investor qualifies as an institutional investor, and (b) where the debt liability is held by a chartered lending institution, the applicant or permittee need only supply the name and business address of the lending institution;

   (2) The full name, business address and social security number of all officers, directors, or partners of any business concern disclosed in the disclosure statement and the names and addresses of all persons holding any equity in or the debt liability of any business concern so disclosed, except that (a) where the business concern is a publicly traded corporation, the applicant or permittee need only supply the name and business address of the publicly traded corporation and copies of its annual filings with the Securities and Exchange Commission, or its foreign equivalent, (b) where the equity in or debt liability of that business concern is held by an institutional investor, the applicant or permittee need only supply the name, business address and the basis upon which the institutional investor qualifies as an institutional investor, and (c) where the debt liability is held by a chartered lending institution, the applicant or permittee need only supply the name and business address of the lending institution;

   (3) The full name and business address of any business concern which collects, transports, treats, stores, transfers or disposes of solid waste or hazardous waste, or that engages in soil and debris recycling services, in which the applicant or the permittee holds an equity interest;

   (4) A description of the experience and credentials in, including any past or present licenses for, the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services,
possessed by the applicant or the permittee, as the case may be, and by the key employees, officers, directors, or partners thereof;

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

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

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

(8) A listing of any agencies outside of New Jersey which had regulatory responsibility over the applicant or the permittee, as the case may be, in connection with the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste or in connection with the provision of soil and debris recycling services;

(9) The full name and business address of any individual or business concern that leases real property or equipment used for the collection, transportation, treatment, processing, storage, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, to the applicant, permittee, or licensee;

(10) A listing and explanation of any civil litigation pending between the applicant, permittee, licensee, key employee, officer, director, or partner thereof and any other person engaged in the collection, transportation, treatment, processing, storage, transfer, or disposal of solid waste or hazardous waste or in the provision of soil and debris recycling services, related to the provision of solid waste, hazardous waste or soil and debris recycling services; and

(11) Any other information the Attorney General [or the department] may require that relates to the competency, reliability or integrity of the applicant or the permittee.
The provisions of paragraphs (1) through (9) of this subsection to the contrary notwithstanding, if an applicant or a permittee is a secondary business activity corporation, "disclosure statement" means a statement submitted to the [department and the Attorney General by an applicant or a permittee, which statement shall include:

(a) The full name, primary business activity, office or position held, business address, home address, date of birth and federal employer identification number of the applicant or the permittee, as the case may be, and of all officers, directors, partners, or key employees of the business concern; and of all persons holding more than 5% of the equity in or debt liability of that business concern, except that where the debt liability is held by a chartered lending institution, the applicant or permittee need only supply the name and business address of the lending institution. The Attorney General or the department may request the social security number of any individual identified pursuant to this paragraph;

(b) The full name, business address and federal employer identification number of any business concern in any state, territory or district of the United States, which (i) engages in soil and debris recycling services, or (ii) collects, transports, treats, stores, recycles, brokers, transfers or disposes of solid waste or hazardous waste on a commercial basis, in which the applicant or the permittee holds an equity interest of 25% or more, and the type, amount and dates of the equity held in such business concern;

(c) A listing of every license, registration, permit, certificate of public convenience and necessity, uniform tariff approval or equivalent operating authorization held by the applicant or permittee within the last five years under any name for the collection, transportation, treatment, storage, recycling, processing, transfer or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, on a commercial basis in any state, territory or district of the United States, and the name of every agency issuing such operating authorization;

(d) If the applicant or the permittee is a subsidiary of a parent corporation, or is the parent corporation of one or more subsidiaries, or is part of a group of companies in common ownership, as the case may be, a chart, or, if impractical or burdensome, a list showing the names, federal employer identification numbers and relationships of all parent, sister, subsidiary and affiliate corporations, or members of the group;

(e) A listing and explanation of any notices of violation or prosecution, administrative orders or license revocations issued by this State or any other state or federal authority to the applicant or permittee in the 10 years immediately preceding the filing of the application or disclosure statement, whichever is later, which are pending or have resulted in a finding or a settlement of a violation of any law or rule or regulation relating to the collection,
transportation, treatment, storage, recycling, processing, transfer or
disposal of solid waste or hazardous waste, or the provision of soil
and debris recycling services, by the applicant or permittee;
(f) A listing and explanation of any judgment, decree or order,
whether by consent or not, issued against the applicant or permittee
in the 10 years immediately preceding the filing of the application,
and of any pending civil complaints against the applicant or
permittee pertaining to a violation or alleged violation of federal or
state antitrust laws, trade regulations or securities regulations;
(g) A listing and explanation of any conviction issued against
the applicant or permittee for a felony resulting in a plea of nolo
contendere, or any conviction in the 10 years immediately
preceding the filing of the application, and of any pending
indictment, accusation, complaint or information for any felony
issued to the applicant or the permittee pursuant to any state or
federal statute; and
(h) A completed personal history disclosure form shall be
submitted to the [department and the] Attorney General by every
person required to be listed in this disclosure statement, except for
those individuals who are exempt from the personal history
disclosure requirements pursuant to paragraph (5) of subsection a.
f. "Key employee" means any individual employed by the
applicant, the permittee or the licensee in a supervisory capacity or
empowered to make discretionary decisions with respect to the solid
waste [or], hazardous waste, or soil and debris recycling operations
of the business concern; any family member of an officer, director,
partner, or key employee, employed by the applicant or permittee;
or any broker, consultant or sales person employed by, or who do
business with, the applicant, permittee, or licensee, with respect to
the solid waste, hazardous waste, or soil and debris recycling
operations of the business concern; but shall not include employees,
who are not family members, exclusively engaged in the physical or
mechanical collection, transportation, treatment, storage, transfer or
disposal of solid waste or hazardous waste, or the provision of soil
and debris recycling services.
g. "License" means the initial approval and first renewal by the
department of any registration statement or engineering design
pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981,
c.279 (C.13:1E-49 et seq.), for the collection, transportation,
treatment, storage, transfer or disposal of solid waste or hazardous
waste in this State.
A "license" shall not include any registration statement or
engineering design approved for:
(1) Any State department, division, agency, commission or
authority, or county, municipality or agency thereof;
Any person solely for the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste generated by that person;

(3) Any person for the operation of a hazardous waste facility, if at least 75% of the total design capacity of that facility is utilized to treat, store or dispose of hazardous waste generated by that person;

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

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

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

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

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

h. "Licensee" means any business concern which has completed the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application for the issuance or renewal of a license has been approved by the Attorney General pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

i. "Permittee" means and shall include:

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

(2) Any business concern which has filed a disclosure statement with the department and the Attorney General and to which a temporary license has been approved, issued or renewed by the department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135), but which has not otherwise completed the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application for a license has not been approved by the department pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133), provided that the temporary license remains valid, and provided further that the
business concern has furnished the department and the Attorney
General with any information required pursuant to P.L.1991,
c.269 (C.13:1E-128.1 et al.);
(3) Any business concern which has filed a disclosure statement
with the department and the Attorney General and to which a valid
registration statement or engineering design approval for the
collection, transportation, treatment, storage, transfer or disposal of
solid waste or hazardous waste pursuant to P.L.1970,
c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has
been given by the department between February 20, 1985 and
January 23, 1986, inclusive, provided that the registration statement
or engineering design approval remains valid, and provided further
that the business concern has furnished the department and the
Attorney General with any information required pursuant to
P.L.1991, c.269 (C.13:1E-128.1 et al.); [or]
(4) Any business concern to which a temporary approval of
registration has been given by the department at any time after
January 23, 1986 pursuant to statute or rule and regulation,
provided that such temporary approval of registration, statute, or
rule and regulation remains valid, and provided further that the
business concern has furnished the department and the Attorney
General with any information required pursuant to P.L.1991,
c.269 (C.13:1E-128.1 et al.) and filed a disclosure statement with
the department and the Attorney General; or
(5) Any business concern that has been issued a prior approval
to operate as a soil and debris recycling center from the Department
of Environmental Protection pursuant to section 41 of P.L.1987,
c.102 (C.13:1E-99.34) but whose application for a soil and debris
recycling license has not been approved.

j. "Person" means any individual or business concern.
k. "Secondary business activity corporation" means any
business concern which has derived less than 5% of its annual gross
revenues in each of the three years immediately preceding the one
in which the application for a license or a soil and debris recycling
license is being made from the collection, transportation, treatment,
storage, recycling, processing, transfer or disposal of solid waste or
hazardous waste, or the provision of soil and debris recycling
services, whether directly or through other business concerns
partially or wholly owned or controlled by the applicant or the
permittee, as the case may be, and which (1) has one or more
classes of security registered pursuant to section 12 of the
or (2) is an issuer subject to subsection (d) of section 15 of the
l. "Institutional investor" means a retirement fund administered
by a public agency for the exclusive benefit of federal, state, or
local public employees; government or government-owned entity;
investment company registered under the "Investment Company Act
of 1940" (15 U.S.C. s.80a-1 et seq.); collective investment trust
organized by banks under Part Nine of the Rules of the Comptroller
of the Currency; closed end investment trust; chartered or licensed
life insurance company or property and casualty insurance
company; banking or other chartered or licensed lending institution;
partnerships, funds or trusts managed by or directed in conjunction
with an investment adviser registered under the "Investment
Advisers Act of 1940" (15 U.S.C. s.80b-1 et seq.) or an institutional
investment manager required to make filings under subsection (f) of
(15 U.S.C. s.78m); institutional buyer, as defined pursuant to
section 2 of the "Uniform Securities Law (1997)," P.L.1967,
c.93 (C.49:3-49); small business investment company licensed by
the United States Small Business Administration under subsection
(c) of section 301 of the "Small Business Investment Act of 1958,"
as amended (15 U.S.C. s.681); private equity or venture capital
entity having or managing aggregate capital commitments in excess
of $25,000,000; and other persons as the Attorney
General may determine for reasons consistent with the policies of

m. "Publicly traded corporation" means a corporation or other
legal entity, except a natural person, which:
(1) has one or more classes of security registered pursuant to
(15 U.S.C. s.78l);
(2) is an issuer subject to subsection (d) of section 15
or
(3) has one or more classes of securities traded in an open
market in any foreign jurisdiction, provided that the Attorney General determines that the foreign exchange provides
openness, integrity and oversight in its operations sufficient to meet
the intent of P.L.1983, c.392 (C.13:1E-126 et seq.), or that the
securities traded on the foreign exchange are regulated pursuant to a
statute of a foreign jurisdiction that is substantially similar, both in
form and effect, to section 12 or subsection (d) of section 15 of the

n. "Broker" means a person who arranges agreements between a
business concern and its customers for the collection, transportation, treatment, storage, recycling, processing, transfer or
disposal of solid waste or hazardous waste, or the provision of soil
and debris recycling services.

o. "Consultant" means a person who performs functions for a
business concern engaged in the collection, transportation, treatment, storage, recycling, processing, transfer or disposal of
solid waste or hazardous waste, or the provision of soil and debris
recycling services, provided that "consultant" shall not include a
person who performs functions for a business concern and holds a
professional license from the State in order to perform those
functions.

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

q. "Recyclable materials" means (1) source-separated, non-
putrescible, waste material resulting from construction, remodeling,
repair, and demolition operations on houses, commercial buildings,
pavements and other structures, (2) source-separated, non-
putrescible waste concrete, asphalt, brick, block, asphalt-based
roofing, scrap wood, and wood waste, and (3) soil, which would
otherwise become solid waste, and which may be collected,
separated or processed and returned to the economic mainstream in
the form of raw materials or products. For the purposes of
P.L.1983, c.392 (C.13:1E-126 et seq.), “recyclable materials” shall
not include metal, glass, or plastic containers, paper, or corrugated
board.

r. "Sales person" means a person or persons that makes or
arranges for sales for a business concern, for the collection,
transportation, treatment, storage, recycling, processing, transfer or
disposal of solid waste or hazardous waste or the provision of soil
and debris recycling services.

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

t. "Soil and debris recycling services" means the services
provided by persons engaging in the business of the collection,
transportation, processing, storage, purchase, sale or disposition, or
any combination thereof, of recyclable materials.

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

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

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

a. (1) Every applicant and permittee shall file a disclosure
statement with the [department and the] Attorney General;

(2) Except as otherwise provided in this subsection, any person
required to be listed in the disclosure statement shall be
fingerprinted for identification and investigation purposes in
accordance with procedures therefor established by the Attorney
General;
(3) The Attorney General shall, upon the receipt of the disclosure statement from an applicant for an initial license or from a permittee, or from an applicant for a soil and debris recycling license, prepare and transmit to the department an investigative report on the applicant or the permittee, as the case may be, based in part upon the disclosure statement. In preparing this report, the Attorney General may request and receive criminal history information from the State Commission of Investigation or the Federal Bureau of Investigation;

(4) In conducting a review of the application, the Attorney General shall include a review of the disclosure statement and investigative report;

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

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

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

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

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

(d) A business concern that is a publicly traded corporation that is not the applicant, licensee, or permittee but which is listed in a disclosure statement pursuant to subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from disclosure requirements established in subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127) provided that the name and business address of the publicly traded corporation and copies of its annual filings with the Securities and Exchange Commission, or its foreign equivalent, are filed with the disclosure forms of the applicant, licensee, or permittee. Subsidiaries intervening in the chain of equity between the publicly traded corporation and the applicant, licensee, or permittee, and the officers and directors of those intervening subsidiaries, shall also be exempt from the disclosure requirements established in subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127) provided that the intervening subsidiary is not and will not be engaged in active management of the commercial solid waste or hazardous waste operations or the soil and debris recycling operations of the applicant, licensee, or permittee conducted in New Jersey;

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

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

b. All applicants, permittees and licensees, and all business concerns that have been issued a soil and debris recycling license, shall have the continuing duty to provide any assistance or information requested by the department or the Attorney General,
and to cooperate in any inquiry or investigation conducted by the
Attorney General or the State Commission of Investigation and any
inquiry, investigation, or hearing conducted by the department.
Except as otherwise determined by the Superior Court pursuant to
subsection d. of this section, if, upon issuance of a formal request to
answer any inquiry or produce information, evidence or testimony,
any applicant, permittee or licensee, or any business concern that
has been issued a soil and debris recycling license, refuses to
comply, the application of the business concern for a license, or a
soil and debris recycling license, as the case may be, may be
denied, or the license or soil and debris recycling license of that
business concern may be revoked by the [department] Attorney
General.

c. If any of the information required to be included in the
disclosure statement changes, or if any information provided
concerning the applicability of an exemption under subsection d. of
this section changes, or if any additional information should be
added to the disclosure statement after it has been filed, the
applicant, permittee or licensee, or the business concern that has
been issued a soil and debris recycling license, shall provide that
information to the department and the Attorney General, in writing,
within 30 days of the change or addition.

d. The provisions of paragraphs (5) and (6) of subsection a. of
this section to the contrary notwithstanding, the Attorney General
may at any time require any person required to be listed in the
disclosure statement to file a completed personal history disclosure
form and a full disclosure statement with the [department and the]
Attorney General pursuant to paragraphs (1) through (9) of
subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127), or to
be fingerprinted for identification and investigation purposes
pursuant to paragraph (2) of subsection a. of this section, if the
Attorney General determines that there exists a reasonable
suspicion that the additional information is likely to lead to
information relevant to a determination regarding the approval of a
license or a soil and debris recycling license pursuant to section 8 of
P.L.1983, c.392 (C.13:1E-133), the revocation of a license or soil
and debris recycling license pursuant to section 9 of P.L.1983,
c.392 (C.13:1E-134), or the severance of a disqualifying person
If the Attorney General requires any or all of this information, a
written request for the additional information shall be served upon
the applicant, permittee or licensee, or the business concern that has
been issued a soil and debris recycling license. Within 60 days of
receipt of a written request for additional information, the applicant,
permittee or licensee, or the business concern that has been issued a
soil and debris recycling license may seek review of the Attorney
General's determination in the Superior Court. If the applicant,
permittee or licensee, or the business concern that has been issued a
soil and debris recycling license fails to provide the additional information to the Attorney General within 60 days of receipt of the written request, the Attorney General may file with the Superior Court a petition for an order requiring the applicant, permittee or licensee, or the business concern that has been issued a soil and debris recycling license to provide the additional information. In a proceeding brought by either party, the applicant, permittee or licensee, or the business concern that has been issued a soil and debris recycling license shall demonstrate that the additional information requested is not likely to lead to information relevant to a determination regarding the approval of a license or soil and debris recycling license pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133), the revocation of a license or soil and debris recycling license pursuant to section 9 of P.L.1983, c.392 (C.13:1E-134), or the severance of a disqualifying person pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135). For good cause shown, the court may review in camera the submission of the Attorney General or the applicant, permittee or licensee, or the business concern that has been issued a soil and debris recycling license, or any part thereof.

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

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

4. a. Whenever the Attorney General determines that there exists a reasonable suspicion that any person may have information or be in possession, custody, or control of any documentary materials relevant to an investigation of an applicant, permittee or licensee conducted pursuant to this act, he may issue in writing, and cause to be served upon that person an investigative interrogatory requiring that person to answer questions under oath and produce material for examination.

b. Each interrogatory shall:
   (1) Identify the licensee, permittee or applicant who is the subject of the investigation;
   (2) Advise the person that he has the right to discuss the interrogatory with legal counsel prior to returning it to the Attorney General or prior to making material available, as provided in subsection f. of this section, and that he has the right to file in Superior Court a petition to modify or set aside the interrogatory, as provided in subsection j. of this section;
   (3) Describe the class or classes of documentary material to be produced thereunder with sufficient particularity as to permit the material to be reasonably identified;
   (4) Prescribe a return date, which date shall provide a reasonable period of time within which answers may be made and material so demanded may be assembled and made available for
inspection and copying or reproduction, as provided in subsection f. of this section.

c. No interrogatory shall:

(1) Contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued in aid of a grand jury investigation; or

(2) Require the production of any documentary evidence which would be otherwise privileged from disclosure if demanded by a subpoena duces tecum issued in aid of a grand jury investigation.

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

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

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

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

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

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

No material produced pursuant to this section shall be available for examination, without the consent of the person who produced the material, by an individual other than the Attorney General or any person retained by the Attorney General in connection with the enforcement of this act. Under reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in his possession shall be available for examination by the person who produced the material or any of his duly authorized representatives.
In any investigation conducted pursuant to this act, the Attorney General may present before the court or grand jury any documentary material in his possession pursuant to this section, subject to any protective order deemed proper by the Superior Court.

g. Upon completion of:
(1) The review and investigation for which any documentary material was produced under this section, and
(2) Any case or proceeding arising from the investigation, the Attorney General shall return to the person who produced the material all the material, other than copies thereof made by the Attorney General pursuant to this section, which has not passed into the control of any court or grand jury through the introduction thereof into the record of the case or proceeding.

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

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

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

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

6. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to read as follows:
5. a. Whenever the Attorney General determines that there exists a reasonable suspicion that any person may have information or knowledge relevant to an investigation conducted pursuant to this act, he may issue in writing and cause to be served upon that person
a subpoena to appear and be examined under oath before the Attorney General.

b. The subpoena shall:

(1) Identify the licensee, permittee or applicant who is the subject of the investigation;

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

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

c. Except as otherwise provided in this section, no information derived pursuant to the subpoena shall be disclosed by the Attorney General or the department without the consent of the person testifying.

In any investigation conducted pursuant to this act, the Attorney General may present before the department, court or grand jury any information disclosed pursuant to the subpoena, subject to any protective order deemed proper by the Superior Court.

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

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

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

(cf: P.L.1991, c.269, s.5)
7. Section 8 of P.L.1983, c.392 (13:1E-133) is amended to read as follows:
8. The provisions of any law to the contrary notwithstanding, no license or soil and debris recycling license shall be approved by the Attorney General:
   a. Unless the Attorney General finds that the applicant, or the permittee, as the case may be, in any prior performance record in the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, has exhibited sufficient integrity, reliability, expertise, and competency to engage in the collection or transportation of solid waste or hazardous waste, or to operate the solid waste facility or hazardous waste facility, or engage in soil and debris recycling services, given the potential economic consequences for affected counties, municipalities and ratepayers or significant adverse impacts upon human health and the environment which could result from the irresponsible participation therein or operation thereof, or if no prior record exists, that the applicant or the permittee is likely to exhibit that integrity, reliability, expertise and competence.
   b. If any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, the permittee or the licensee, or to have rented or leased at any or no cost real property, vehicles or other equipment used for the collection, transportation, treatment, processing, storage, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, to the applicant, the permittee, or the licensee, has been barred from the provision of solid waste, hazardous waste or soil and debris recycling services in any other jurisdiction outside of the State, or has been convicted of any of the following crimes under the laws of New Jersey or the equivalent thereof under the laws of any other jurisdiction:
      (1) Murder;
      (2) Kidnapping;
      (3) Gambling;
      (4) Robbery;
      (5) Bribery;
      (6) Extortion;
      (7) Criminal usury;
      (8) Arson;
      (9) Burglary;
      (10) Theft and related crimes;
      (11) Forgery and fraudulent practices;
      (12) Fraud in the offering, sale or purchase of securities;
      (13) Alteration of motor vehicle identification numbers;
      (14) Unlawful manufacture, purchase, use or transfer of firearms;
(15) Unlawful possession or use of destructive devices or explosives;
(16) Violation of N.J.S.2C:35-5, except possession of 84 grams or less of marijuana, or of N.J.S.2C:35-10;
(17) Racketeering, P.L.1981, c.167 (C.2C:41-1 et seq.);
(19) Any purposeful or reckless violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations, including, but not limited to, solid waste or hazardous waste management laws, rules, or regulations;
(20) Violation of N.J.S.2C:17-2;
(21) Any offense specified in chapter 28 of Title 2C; or

c. If the Attorney General determines that there is a reasonable suspicion to believe that a person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, the permittee or the licensee, or to have rented or leased at any cost or at no cost real property, vehicles or other equipment used for the collection, transportation, treatment, processing, storage, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, to the applicant, the permittee, or the licensee, does not possess a reputation for good character, honesty and integrity, and that person or the applicant, the permittee or the licensee fails, by clear and convincing evidence, to establish his reputation for good character, honesty and integrity.

d. With respect to the approval of an initial license or a soil and debris recycling license, if there are current prosecutions or pending charges in any jurisdiction against any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant or the permittee, or to have rented or leased at any or no cost real property, vehicles or other equipment used for the collection, transportation, treatment, processing, storage, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, to the applicant or the permittee, for any of the crimes enumerated in subsection b. of this section, provided, however, that at the request of the applicant, permittee, or the person charged, the [department] Attorney General shall defer decision upon such application during the pendency of such charge.

e. If any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or the licensee, or to have rented or leased at any or no cost real property, vehicles or other equipment used for the collection, transportation, treatment,
processing, storage, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, to the applicant, the permittee, or the licensee, has pursued economic gain in an occupational manner or context which is in violation of the criminal or civil public policies of this State, where such pursuit creates a reasonable belief that the participation of that person in any activity required to be licensed under this act would be inimical to the policies of this act. For the purposes of this section, "occupational manner or context" means the systematic planning, administration, management, or execution of an activity for financial gain.

f. If the Attorney General determines that any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or the licensee, or to have rented or leased at any or no cost real property, vehicles or other equipment used for the collection, transportation, treatment, processing, storage, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, to the applicant, the permittee, or the licensee, has been identified by the State Commission of Investigation or the Federal Bureau of Investigation as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel, where such identification, membership or association creates a reasonable belief that the participation of that person in any activity required to be licensed under this act would be inimical to the policies of this act. For the purposes of this section, "career offender" means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this State; and a "career offender cartel" means any group of persons who operate together as career offenders.

A license or a soil and debris recycling license may be approved by the [department] Attorney General for any applicant or permittee if the information contained within the disclosure statement and investigative report, including any determination made by the Attorney General concerning the character, honesty and integrity of any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant or permittee, or to have rented or leased at any or no cost real property, vehicles or other equipment used for the collection, transportation, treatment, processing, storage, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, to the applicant, the permittee, or the licensee, would not require disqualification pursuant to subsection a., b., c., e. or f. of this section.

A license or a soil and debris recycling license approved by the [department] Attorney General for any applicant or permittee...
pursuant to this section is non-transferable and shall be valid only for the length of time for which it is given.

Any applicant or permittee who is denied [an initial] a license or a soil and debris recycling license pursuant to this section shall, upon a written request transmitted to the [department] Attorney General within 30 days of that denial, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
(cf: P.L.1991, c.269, s.6)

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

7. a. Notwithstanding the conviction of any person required to be listed in a disclosure statement, or otherwise shown to have a beneficial interest in the business of an applicant, permittee or licensee or to have rented or leased at any or no cost real property, vehicles or other equipment used for the collection, transportation, treatment, processing, storage, transfer, or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, to the applicant, the permittee, or the licensee, for any of the crimes enumerated in subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the [department] Attorney General may issue or renew a license or a soil and debris recycling license to an applicant, permittee or licensee if the [department] Attorney General determines in a writing setting forth findings of fact that the convicted person has affirmatively demonstrated rehabilitation by clear and convincing evidence pursuant to the provisions of this section. If the [department] Attorney General determines that the nature and seriousness of the crime creates a reasonable doubt that an applicant, permittee, or licensee will engage in the activity for which a license or soil and debris recycling license is sought in a lawful and responsible manner, the [department] Attorney General shall make a determination in a writing setting forth findings of fact that the convicted person cannot affirmatively demonstrate rehabilitation.

b. In determining whether a convicted individual has affirmatively demonstrated rehabilitation, the [department shall request a recommendation thereon from the] Attorney General [., which recommendation shall be] shall make a finding, in writing [and], based upon a consideration of at least the following factors:

(1) The nature and responsibilities of the position which a convicted individual would hold;
(2) The nature and seriousness of the crime;
(3) The circumstances under which the crime was committed;
(4) The date of the crime;
(5) The age of the convicted individual when the crime was committed;

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

(7) Any evidence of good conduct in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, or the recommendation of persons who have supervised the convicted individual since the conviction; and

(8) The full criminal record of the convicted individual, any record of civil or regulatory violations or notices or any complaints alleging any such civil or regulatory violations, or any other allegations of wrongdoing.

Notwithstanding any other provision of this subsection, a convicted individual shall have affirmatively demonstrated rehabilitation pursuant to the provisions of this section if the convicted individual produces evidence of a pardon issued by the Governor of this or any other state, or evidence of the expungement of every conviction for any of the crimes enumerated in subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133).

c. In determining whether a convicted business concern has affirmatively demonstrated rehabilitation, the department shall request a recommendation thereon from the Attorney General, which recommendation shall be shall make a finding, in writing and, based upon a consideration of at least the following factors:

(1) The nature and seriousness of the crime;

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

(3) The date of the crime;

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

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

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

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

(1) changes in the convicted business concern's organizational
structure to reduce the opportunity and motivation of individual
employees to engage in criminal activity, including procedures for
informing employees of the requirements of relevant state and
federal law;

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

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

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

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

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

e. The [department] Attorney General shall not determine that
a convicted business concern has affirmatively demonstrated
rehabilitation if the convicted business concern has not complied, or
agreed in writing to comply, with every requirement imposed by the
Attorney General pursuant to subsection d. of this section.
(cf: P.L.1991, c.269, s.7)

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

8. a. Notwithstanding any current prosecutions or pending
charges in any jurisdiction against any person required to be listed
in a disclosure statement, or otherwise shown to have a beneficial
interest in the business of an applicant, permittee or licensee, or to
have rented or leased at any or no cost real property, vehicles or
other equipment used for the collection, transportation, treatment,
processing, storage, transfer, or disposal of solid waste or hazardous
waste, or the provision of soil and debris recycling services, to the
applicant, the permittee, or the licensee, for any of the crimes
enumerated in subsection b. of section 8 of P.L.1983,
c.392 (C.13:1E-133), the [department] Attorney General may issue
or renew a license or a soil and debris recycling license to an
applicant, permittee or licensee if the [department] Attorney
General determines in a writing setting forth findings of fact that
the person against whom there are current prosecutions or pending
charges has affirmatively reestablished a reputation for good
character, honesty and integrity by clear and convincing evidence
pursuant to the provisions of this section. If the [department]
Attorney General determines that the nature and seriousness of the
crime alleged in a current prosecution or pending charge creates a
reasonable doubt that an applicant, permittee, or licensee will
engage in the activity for which a license is sought in a lawful and
responsible manner, the [department] Attorney General shall make
a determination in a writing setting forth findings of fact that the
person against whom there are current prosecutions or pending
charges cannot reestablish a reputation for good character, honesty
and integrity.

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

b. In determining whether an individual against whom there are
current prosecutions or pending charges has affirmatively
reestablished a reputation for good character, honesty and integrity,
the [department shall request a recommendation thereon from the]
Attorney General[, which recommendation shall be] shall make a
finding, in writing, and based upon a consideration of at least the
following factors:

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

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

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

(4) The date of the alleged crime;

(5) The age of the individual against whom there are current
prosecutions or pending charges when the alleged crime was
committed;
(6) Whether the alleged crime was an isolated or repeated act;

(7) Any evidence of good conduct in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, or the recommendation of persons who have supervised the individual since the date of the alleged crime; and

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

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

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

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

(3) The date of the alleged crime;

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

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

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

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

(1) changes in the business concern’s organizational structure to reduce the opportunity and motivation of individual employees to engage in criminal activity, including procedures for informing employees of the requirements of relevant state and federal law;

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

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

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

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

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

e. The [department] Attorney General shall not determine that a business concern against which there are current prosecutions or pending charges has affirmatively reestablished a reputation for good character, honesty and integrity if the business concern has not complied, or agreed in writing to comply, with every requirement imposed by the Attorney General pursuant to subsection d. of this section.

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

10. Section 17 of P.L.1991, c.269 (C.13:1E-133.3) is amended to read as follows:

17. The Department of Environmental Protection shall not issue any permits required pursuant to P.L.1954, c.212 (C.26:2C-1 et seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1975, c.232 (C.13:1D-29 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), P.L.1981, c.262 (C.58:1A-1 et seq.), or any other law, or any rules and regulations adopted thereto, to any person proposing to own or operate a resource recovery facility prior to the completion by the Attorney General [and the department] of the requirements of sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133), and unless the person proposing to own or operate the resource recovery facility has received a license approved by the
11. Section 9 of P.L.1983, c.392 (C.13:1E-134) is amended to read as follows:

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

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

b. Fraud, deceit or misrepresentation in securing the license or soil and debris recycling license, or in the conduct of the licensed activity;

c. Offering, conferring or agreeing to confer any benefit to induce any other person to violate the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or of any other law relating to the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, or the provision of soil and debris recycling services, or of any rule or regulation adopted pursuant thereto;

d. Coercion of a customer by violence or economic reprisal or the threat thereof to utilize the services of any permittee or licensee, or a business concern that holds a soil and debris recycling license;

e. Preventing, without authorization of the department, any permittee or licensee from disposing of solid waste or hazardous waste at a licensed, authorized or approved treatment, storage, transfer or disposal facility.

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

12. Section 10 of P.L.1991, c.269 (C.13:1E-135) is amended to read as follows:

10. a. (1) Notwithstanding the disqualification of the applicant or permittee pursuant to subsection a., b., c., e. or f. of section 8 of P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a license or a soil and debris recycling license if the applicant or permittee severs the interest of or affiliation with the person who would otherwise cause that disqualification.

(2) The department may issue or renew a temporary license to any applicant or permittee for periods not to exceed six months if
the department determines that the issuance or renewal of a temporary license is necessitated by the public interest.

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

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

13. Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to read as follows:

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

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

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

b. No person shall transport regulated medical waste until found by the Department of Environmental Protection to be qualified by experience, training or education to engage in such business, and is able to furnish proof of financial responsibility, and holds a certificate of public convenience and necessity issued by the Department of Environmental Protection. No certificate shall be issued for the transportation of regulated medical waste until the
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proposed transporter has obtained a registration statement required
by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed
c. Notwithstanding the provisions of subsection b. of this
section, the department shall not have jurisdiction over rates or
charges for the transportation of regulated medical waste.
(cf: P.L.2003, c.169, s.13)

read as follows:
10. The Department of Environmental Protection shall revoke or
suspend the certificate of public convenience and necessity issued
to any person engaged in the solid waste collection business or the
solid waste disposal business upon the finding that such person:
seq.) or P.L.1991, c.381 (C.48:13A-7.1 et al.), or any rule,
regulation or administrative order adopted or issued pursuant
thereto; or
b. Has violated any provision of any laws related to pollution
of the air, water or lands of this State; or

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

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

e. Has been denied approval of a license under the provisions
of P.L.1983, c.392 (C.13:1E-126 et seq.), or has had its license
revoked by the [Department of Environmental Protection] Attorney
General, as the case may be.
(cf: P.L.2003, c.169, s.19)

15. Section 3 of P.L.1971, c.461 (C.13:1E-18) is amended to
read as follows:
3. a. The department may in accordance with a fee schedule
adopted as a rule or regulation establish and charge annual or
periodic fees for any of the services to be performed in connection
et seq.) I, except that the annual or periodic fees charged by the
department to cover the costs incurred by any State agency relevant
to pre-licensing investigations, post-licensing compliance
monitoring or related activities under the provisions of P.L.1983,
c.392 (C.13:1E-126 et seq.) shall be based upon the size of the
business concern. For the purposes of this subsection, "business
concern" means any corporation, association, firm, partnership, sole
proprietorship, trust or other form of commercial organization;
"size" means the number of key employees or persons required to
be listed in the disclosure statement, or otherwise shown to have a
beneficial interest in the business of the applicant, permittee or
licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127);
and "State agency" means any State department, division, agency, commission or authority.

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

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

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

16. (New section) a. The Attorney General shall establish application and license fees for any license or soil and debris recycling license issued pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The fees shall be based upon the cost of investigation and consideration of the license application, and the actual and prospective costs of the investigative and enforcement functions of the office. The annual or periodic fees shall cover the costs incurred by any State agency relevant to pre-licensing investigations, post-licensing compliance monitoring or related activities under the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.) and shall be based upon the size of the business concern. For the purposes of this section, "business concern" means any corporation, association, firm, partnership, sole proprietorship, trust or other form of commercial organization; "size" means the number of key employees or persons required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127); and "State agency" means any State department, division, agency, commission or authority.

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

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

17. (New section) No later than 90 days after the date of enactment of P.L. , c. (C. ) (pending before the Legislature as this bill), the Department of Environmental Protection, the Department of the Treasury, and the Attorney General shall enter into a memorandum of agreement that provides for the
establishment of a records and information management system to provide State regulators at each department and other relevant government agencies in New Jersey and elsewhere with effective and efficient access to information concerning individuals and business concerns that are applicants, license holders, and permittees in the solid waste, hazardous waste and recycling industries. The information in the system shall include license and permit information, records of violations, criminal charges and convictions, debarment determinations and any other information deemed to be relevant.

18. (New section) The State Treasurer shall establish a list to be maintained in the Department of the Treasury of individuals and business concerns that have:
   a. been debarred from contracting with or receiving funds from any unit in the Executive branch of State government, including any entity exercising executive branch authority or independent State authority, or any unit of local government or board of education;
   b. had a permit, license, or soil and debris recycling license denied or revoked pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.); or
   c. had any license denied or revoked pursuant to P.L.1977, c.110 (C.5:12-1 et seq.).

19. (New section) The Attorney General shall seek to establish with the State of New York and other states in the region a reciprocal information exchange system to facilitate the sharing of information among the states on the solid waste, hazardous waste, and recycling industries in the respective states. Each year for the first three years after the date of enactment of P.L.  , c. (C. ) (pending before the Legislature as this bill), the Attorney General shall prepare and submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report on the progress made toward establishing and implementing this interstate cooperative effort.

20. Section 2 of this act shall take effect on the 180th day after the date of enactment, and the remainder of this act shall take effect immediately.

STATEMENT

This bill amends the existing law to expand the requirement for background checks to a broader range of persons involved in the solid waste industry, such as sales persons, consultants, and brokers. The bill also subjects persons or business concerns engaging in soil and debris recycling services to the same regulation
and oversight under the law as that which applies to the solid waste industry. Soil and debris recycling services include the recycling of: (1) source-separated, non-putrescible, waste material resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements and other structures; (2) source-separated, non-putrescible waste concrete, asphalt, brick, block, asphalt-based roofing, scrap wood, and wood waste; and (3) soil. For the purposes of P.L.1983, c.392 (C.13:1E-126 et seq.), “recyclable materials” does not include metal, glass, or plastic containers, paper, or corrugated cardboard. The bill prohibits the issuance of an A-901 license to persons debarred from operating in other states, and prohibits individuals otherwise deemed unsuitable for the solid waste or recycling industries, convicted felons, and others of questionable character from holding an indirect, non-licensed stake in a solid waste or recycling industry (for example, those involved in vehicle leasing arrangements or property rental agreements with legitimate licensees). The bill consolidates A-901 responsibilities within the Office of the Attorney General. Currently, these responsibilities are divided between the Department of Environmental Protection and the Office of the Attorney General.

The bill requires the Department of Environmental Protection, the Department of the Treasury, and the Attorney General to enter into a memorandum of agreement to provide for the establishment of a records management system to provide regulators with more effective and efficient access to information on the solid waste and soil and debris recycling industries and their license and permit holders and license and permit applicants, and to facilitate appropriate sharing of such information among relevant government agencies in New Jersey and elsewhere. The bill requires the Attorney General to establish a reciprocal information exchange system with the State of New York and other states in the region to facilitate sharing of information on the solid waste and soil and debris recycling industries among the states in the region. The bill also requires the establishment of a centralized list in the Department of the Treasury of individuals and corporate entities who have been debarred by various State agencies from participation in a number of regulated industries apart from solid waste and recycling, such as construction, the casino gaming industry, and transportation. This requirement ensures that the status of persons and businesses deemed unfit to work under one agency’s purview is made known to all other appropriate agencies.