

SENATE, No. 1683

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Concerns regulation of solid waste, hazardous waste, and soil and debris recycling industries.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/12/2018)

1 AN ACT concerning regulation of the solid waste, hazardous waste,
2 and soil and debris recycling industries, amending and
3 supplementing P.L.1983, c.392, and amending P.L.1991, c.269,
4 P.L.1970, c.40 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 date of
10 enactment of P.L. , c. (C.) (pending before the Legislature as
11 this bill), any business concern that engages in, or otherwise
12 provides, soil and debris recycling services shall register with the
13 Attorney General. The registration shall include:

14 (1) the name of the business concern; and

15 (2) the address of the business concern and the addresses of any
16 other locations where trucks or equipment used by the business
17 concern are kept.

18 b. No more than 90 days after submission of all information
19 required to be submitted pursuant to subsection a. of this section,
20 the Attorney General shall issue a soil and debris recycling
21 registration to the business concern that registers pursuant to
22 subsection a. of this section.

23
24 2. (New section) No business concern shall engage in soil and
25 debris recycling services unless it holds a soil and debris recycling
26 license issued pursuant to section 8 of P.L.1983, c.392 (C.13:1E-
27 133).

28
29 3. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to
30 read as follows:

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

33 a. "Applicant" means any business concern **[which] that (1)**
34 has filed a disclosure statement with the **[department and the]**
35 Attorney General and is seeking **[an initial] a** license, provided that
36 the business concern has furnished the department and the Attorney
37 General with any information required pursuant to P.L.1991,
38 c.269 (C.13:1E-128.1 et al.), or (2) has been issued a soil and
39 debris recycling registration, has filed a disclosure statement with
40 the department and the Attorney General, and is seeking a soil and
41 debris recycling license.

42 b. "Application" means the forms and accompanying
43 documents filed in connection with an applicant's or permittee's
44 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.

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

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

6 e. "Disclosure statement" means a statement submitted to the
7 **【department and the】** Attorney General by an applicant or a
8 permittee, which statement shall include:

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

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

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

44 (4) A description of the experience and credentials in, including
45 any past or present licenses for, the collection, transportation,
46 treatment, storage, transfer or disposal of solid waste or hazardous
47 waste, or the provision of soil and debris recycling services,

1 possessed by the applicant or the permittee, as the case may be, and
2 by the key employees, officers, directors, or partners thereof;

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

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

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

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

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

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

46 (11) Any other information the Attorney General **[**or the
47 department**]** may require that relates to the competency, reliability
48 or integrity of the applicant or the permittee.

1 The provisions of paragraphs (1) through ~~[(9)]~~ (11) of this
2 subsection to the contrary notwithstanding, if an applicant or a
3 permittee is a secondary business activity corporation, "disclosure
4 statement" means a statement submitted to the ~~department and~~
5 ~~the~~ Attorney General by an applicant or a permittee, which
6 statement shall include:

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

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

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

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

42 (e) A listing and explanation of any notices of violation or
43 prosecution, administrative orders or license revocations issued by
44 this State or any other state or federal authority to the applicant or
45 permittee in the 10 years immediately preceding the filing of the
46 application or disclosure statement, whichever is later, which are
47 pending or have resulted in a finding or a settlement of a violation
48 of any law or rule or regulation relating to the collection,

1 transportation, treatment, storage, recycling, processing, transfer or
2 disposal of solid waste or hazardous waste, or the provision of soil
3 and debris recycling services, by the applicant or permittee;

4 (f) A listing and explanation of any judgment, decree or order,
5 whether by consent or not, issued against the applicant or permittee
6 in the 10 years immediately preceding the filing of the application,
7 and of any pending civil complaints against the applicant or
8 permittee pertaining to a violation or alleged violation of federal or
9 state antitrust laws, trade regulations or securities regulations;

10 (g) A listing and explanation of any conviction issued against
11 the applicant or permittee for a felony resulting in a plea of nolo
12 contendere, or any conviction in the 10 years immediately
13 preceding the filing of the application, and of any pending
14 indictment, accusation, complaint or information for any felony
15 issued to the applicant or the permittee pursuant to any state or
16 federal statute; and

17 (h) A completed personal history disclosure form shall be
18 submitted to the [department and the] Attorney General by every
19 person required to be listed in this disclosure statement, except for
20 those individuals who are exempt from the personal history
21 disclosure requirements pursuant to paragraph (5) of subsection a.
22 of section 3 of P.L.1983, c.392 (C.13:1E-128).

23 f. "Key employee" means any individual employed by the
24 applicant, the permittee or the licensee in a supervisory capacity or
25 empowered to make discretionary decisions with respect to the solid
26 waste [or], hazardous waste, or soil and debris recycling operations
27 of the business concern; any family member of an officer, director,
28 partner, or key employee, employed by the applicant or permittee;
29 or any broker, consultant or sales person employed by, or who do
30 business with, the applicant, permittee, or licensee, with respect to
31 the solid waste, hazardous waste, or soil and debris recycling
32 operations of the business concern; but shall not include employees,
33 who are not family members, exclusively engaged in the physical or
34 mechanical collection, transportation, treatment, storage, transfer or
35 disposal of solid waste or hazardous waste, or the provision of soil
36 and debris recycling services.

37 g. "License" means the initial approval and first renewal by the
38 department of any registration statement or engineering design
39 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981,
40 c.279 (C.13:1E-49 et seq.), for the collection, transportation,
41 treatment, storage, transfer or disposal of solid waste or hazardous
42 waste in this State.

43 A "license" shall not include any registration statement or
44 engineering design approved for:

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

1 (2) Any person solely for the collection, transportation,
2 treatment, storage or disposal of solid waste or hazardous waste
3 generated by that person;

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

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

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

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

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

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

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

32 i. "Permittee" means and shall include:

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

40 (2) Any business concern which has filed a disclosure statement
41 with the department and the Attorney General and to which a
42 temporary license has been approved, issued or renewed by the
43 department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-
44 135), but which has not otherwise completed the requirements of
45 section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application
46 for a license has not been approved by the department pursuant to
47 section 8 of P.L.1983, c.392 (C.13:1E-133), provided that the
48 temporary license remains valid, and provided further that the

1 business concern has furnished the department and the Attorney
2 General with any information required pursuant to P.L.1991,
3 c.269 (C.13:1E-128.1 et al.);

4 (3) 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,
9 c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has
10 been given by the department between February 20, 1985 and
11 January 23, 1986, inclusive, provided that the registration statement
12 or engineering design approval remains valid, and provided further
13 that the business concern has furnished the department and the
14 Attorney General with any information required pursuant to
15 P.L.1991, c.269 (C.13:1E-128.1 et al.); **[or]**

16 (4) Any business concern to which a temporary approval of
17 registration has been given by the department at any time after
18 January 23, 1986 pursuant to statute or rule and regulation,
19 provided that such temporary approval of registration, statute, or
20 rule and regulation remains valid, and provided further that the
21 business concern has furnished the department and the Attorney
22 General with any information required pursuant to P.L.1991,
23 c.269 (C.13:1E-128.1 et al.) and filed a disclosure statement with
24 the department and the Attorney General; or

25 (5) Any business concern that has been issued a prior approval
26 to operate as a soil and debris recycling center from the Department
27 of Environmental Protection pursuant to section 41 of P.L.1987,
28 c.102 (C.13:1E-99.34) but whose application for a soil and debris
29 recycling license has not been approved .

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

31 k. "Secondary business activity corporation" means any
32 business concern which has derived less than 5% of its annual gross
33 revenues in each of the three years immediately preceding the one
34 in which the application for a license or a soil and debris recycling
35 license is being made from the collection, transportation, treatment,
36 storage, recycling, processing, transfer or disposal of solid waste or
37 hazardous waste, or the provision of soil and debris recycling
38 services, whether directly or through other business concerns
39 partially or wholly owned or controlled by the applicant or the
40 permittee, as the case may be, and which (1) has one or more
41 classes of security registered pursuant to section 12 of the
42 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78l),
43 or (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).

45 l. "Institutional investor" means a retirement fund administered
46 by a public agency for the exclusive benefit of federal, state, or
47 local public employees; government or government-owned entity;
48 investment company registered under the "Investment Company Act

1 of 1940" (15 U.S.C. s.80a-1 et seq.); collective investment trust
2 organized by banks under Part Nine of the Rules of the Comptroller
3 of the Currency; closed end investment trust; chartered or licensed
4 life insurance company or property and casualty insurance
5 company; banking or other chartered or licensed lending institution;
6 partnerships, funds or trusts managed by or directed in conjunction
7 with an investment adviser registered under the "Investment
8 Advisers Act of 1940" (15 U.S.C. s.80b-1 et seq.) or an institutional
9 investment manager required to make filings under subsection (f) of
10 section 13 of the "Securities Exchange Act of 1934," as amended
11 (15 U.S.C. s.78m); institutional buyer, as defined pursuant to
12 section 2 of the "Uniform Securities Law (1997)," P.L.1967,
13 c.93 (C.49:3-49); small business investment company licensed by
14 the United States Small Business Administration under subsection
15 (c) of section 301 of the "Small Business Investment Act of 1958,"
16 as amended (15 U.S.C. s.681); private equity or venture capital
17 entity having or managing aggregate capital commitments in excess
18 of \$25,000,000; and other persons as the **【department】** Attorney
19 General may determine for reasons consistent with the policies of
20 P.L.1983, c.392 (C.13:1E-126 et seq.).

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

23 (1) has one or more classes of security registered pursuant to
24 section 12 of the "Securities Exchange Act of 1934," as amended
25 (15 U.S.C. s.781);

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

29 (3) has one or more classes of securities traded in an open
30 market in any foreign jurisdiction, provided that the **【department】**
31 Attorney General determines that the foreign exchange provides
32 openness, integrity and oversight in its operations sufficient to meet
33 the intent of P.L.1983, c.392 (C.13:1E-126 et seq.), or that the
34 securities traded on the foreign exchange are regulated pursuant to a
35 statute of a foreign jurisdiction that is substantially similar, both in
36 form and effect, to section 12 or subsection (d) of section 15 of the
37 "Securities Exchange Act of 1934," as amended.

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

43 o. "Consultant" means a person who performs functions for a
44 business concern engaged in the collection, transportation,
45 treatment, storage, recycling, processing, transfer or disposal of
46 solid waste or hazardous waste, or the provision of soil and debris
47 recycling services, provided that "consultant" shall not include a
48 person who performs functions for a business concern and holds a

1 professional license from the State in order to perform those
2 functions.

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

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

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

26 s. "Soil and debris recycling license" means an approval to
27 operate a business concern engaged in soil and debris recycling
28 services issued pursuant to section 8 of P.L.1983, c.392 (C.13:1E-
29 133).

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

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

35

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

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

41 a. (1) Every applicant and permittee shall file a disclosure
42 statement with the **【department and the】** Attorney General;

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

1 (3) The Attorney General shall, upon the receipt of the
2 disclosure statement from an applicant for an initial license **【or】** ,
3 from a permittee, or from an applicant for a soil and debris
4 recycling license. prepare **【and transmit to the department】** an
5 investigative report on the applicant or the permittee, as the case
6 may be, based in part upon the disclosure statement. In preparing
7 this report, the Attorney General may request and receive criminal
8 history information from the State Commission of Investigation or
9 the Federal Bureau of Investigation;

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

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

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

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

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

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

1 (c) A business concern that is a secondary business activity
2 corporation or an institutional investor, including limited
3 partnership interests, that is not the applicant, licensee, or permittee
4 but which is listed in a disclosure statement pursuant to subsection
5 e. of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt
6 from disclosure requirements established in subsection e. of section
7 2 of P.L.1983, c.392 (C.13:1E-127) provided that the secondary
8 business activity corporation or institutional investor is not and will
9 not be engaged in active management of the commercial solid waste
10 or hazardous waste operations or the soil and debris recycling
11 operations of the applicant, licensee, or permittee conducted in New
12 Jersey;

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

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

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

45 b. All applicants, permittees and licensees, and all business
46 concerns that have been issued a soil and debris recycling license,
47 shall have the continuing duty to provide any assistance or
48 information requested by the department or the Attorney General,

1 and to cooperate in any inquiry or investigation conducted by the
2 Attorney General or the State Commission of Investigation and any
3 inquiry, investigation, or hearing conducted by the department.
4 Except as otherwise determined by the Superior Court pursuant to
5 subsection d. of this section, if, upon issuance of a formal request to
6 answer any inquiry or produce information, evidence or testimony,
7 any applicant, permittee or licensee, or any business concern that
8 has been issued a soil and debris recycling license, refuses to
9 comply, the application of the business concern for a license, or a
10 soil and debris recycling license, as the case may be, may be
11 denied, or the license or soil and debris recycling license of that
12 business concern may be revoked by the **【department】** Attorney
13 General.

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

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

40 If the Attorney General requires any or all of this information, a
41 written request for the additional information shall be served upon
42 the applicant, permittee or licensee, or the business concern that has
43 been issued a soil and debris recycling license. Within 60 days of
44 receipt of a written request for additional information, the applicant,
45 permittee or licensee, or the business concern that has been issued a
46 soil and debris recycling license may seek review of the Attorney
47 General's determination in the Superior Court. If the applicant,
48 permittee or licensee, or the business concern that has been issued a

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

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

22

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

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

33 b. Each interrogatory shall:

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

36 (2) Advise the person that he has the right to discuss the
37 interrogatory with legal counsel prior to returning it to the Attorney
38 General or prior to making material available, as provided in
39 subsection f. of this section, and that he has the right to file in
40 Superior Court a petition to modify or set aside the interrogatory, as
41 provided in subsection j. of this section;

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

45 (4) Prescribe a return date, which date shall provide a
46 reasonable period of time within which answers may be made and
47 material so demanded may be assembled and made available for

1 inspection and copying or reproduction, as provided in subsection f.
2 of this section.

3 c. No interrogatory shall:

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

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

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

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

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

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

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

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

40 No material produced pursuant to this section shall be available
41 for examination, without the consent of the person who produced
42 the material, by an individual other than the Attorney General or
43 any person retained by the Attorney General in connection with the
44 enforcement of this act. Under reasonable terms and conditions as
45 the Attorney General shall prescribe, documentary material while in
46 his possession shall be available for examination by the person who
47 produced the material or any of his duly authorized representatives.

1 In any investigation conducted pursuant to this act, the Attorney
2 General may present before the [department,] court or grand jury
3 any documentary material in his possession pursuant to this section,
4 subject to any protective order deemed proper by the Superior
5 Court.

6 g. Upon completion of:

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

9 (2) Any case or proceeding arising from the investigation, the
10 Attorney General shall return to the person who produced the
11 material all the material, other than copies thereof made by the
12 Attorney General pursuant to this section, which has not passed into
13 the control of [the department or] any court or grand jury through
14 the introduction thereof into the record of the case or proceeding.

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

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

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

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

42
43 6. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to
44 read as follows:

45 5. a. Whenever the Attorney General determines that there
46 exists a reasonable suspicion that any person may have information
47 or knowledge relevant to an investigation conducted pursuant to this
48 act, he may issue in writing and cause to be served upon that person

1 a **【subpena】 subpoena** to appear and be examined under oath before
2 the Attorney General.

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

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

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

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

15 c. Except as otherwise provided in this section, no information
16 derived pursuant to the **【subpena】 subpoena** shall be disclosed by
17 the Attorney General **【or the department】** without the consent of the
18 person testifying.

19 In any investigation conducted pursuant to this act, the Attorney
20 General may present before the **【department,】** court or grand jury
21 any information disclosed pursuant to the **【subpena】 subpoena**,
22 subject to any protective order deemed proper by the Superior
23 Court.

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

27 e. Whenever any person fails to comply with any **【subpena】**
28 **subpoena** 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
31 file in the Superior Court a petition for an order of the court for the
32 enforcement of the **【subpena】 subpoena**.

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

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

1 7. Section 8 of P.L.1983, c.392 (13:1E-133) is amended to read
2 as follows:

3 8. The provisions of any law to the contrary notwithstanding,
4 no license or soil and debris recycling license shall be approved by
5 the **【department】** Attorney General:

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

21 b. If any person required to be listed in the disclosure
22 statement, or otherwise shown to have a beneficial interest in the
23 business of the applicant, the permittee or the licensee, or to have
24 rented or leased at any or no cost real property, vehicles or other
25 equipment used for the collection, transportation, treatment,
26 processing, storage, transfer, or disposal of solid waste or hazardous
27 waste, or the provision of soil and debris recycling services, to the
28 applicant, the permittee, or the licensee, has been barred from the
29 provision of solid waste, hazardous waste or soil and debris
30 recycling services in any other jurisdiction outside of the State, or
31 has been convicted of any of the following crimes under the laws of
32 New Jersey or the equivalent thereof under the laws of any other
33 jurisdiction:

- 34 (1) Murder;
35 (2) Kidnapping;
36 (3) Gambling;
37 (4) Robbery;
38 (5) Bribery;
39 (6) Extortion;
40 (7) Criminal usury;
41 (8) Arson;
42 (9) Burglary;
43 (10) Theft and related crimes;
44 (11) Forgery and fraudulent practices;
45 (12) Fraud in the offering, sale or purchase of securities;
46 (13) Alteration of motor vehicle identification numbers;
47 (14) Unlawful manufacture, purchase, use or transfer of firearms;

1 (15) Unlawful possession or use of destructive devices or
2 explosives;

3 (16) Violation of N.J.S.2C:35-5, except possession of 84 grams
4 or less of marijuana, or of N.J.S.2C:35-10;

5 (17) Racketeering, P.L.1981, c.167 (C.2C:41-1 et seq.);

6 (18) Violation of criminal provisions of the "New Jersey
7 Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.);

8 (19) Any purposeful or reckless violation of the criminal
9 provisions of any federal or state environmental protection laws,
10 rules, or regulations, including, but not limited to, solid waste or
11 hazardous waste management laws, rules, or regulations;

12 (20) Violation of N.J.S.2C:17-2;

13 (21) Any offense specified in chapter 28 of Title 2C; or

14 (22) Violation of the "Solid Waste Utility Control Act of 1970,"
15 P.L.1970, c.40 (C.48:13A-1 et seq.) or P.L.1981, c.221 (C.48:13A-
16 6.1).

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

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

44 e. If any person required to be listed in the disclosure
45 statement, or otherwise shown to have a beneficial interest in the
46 business of the applicant, permittee or the licensee, or to have
47 rented or leased at any or no cost real property, vehicles or other
48 equipment used for the collection, transportation, treatment,

1 processing, storage, transfer, or disposal of solid waste or
2 hazardous waste, or the provision of soil and debris recycling
3 services, to the applicant, the permittee, or the licensee, has pursued
4 economic gain in an occupational manner or context which is in
5 violation of the criminal or civil public policies of this State, where
6 such pursuit creates a reasonable belief that the participation of that
7 person in any activity required to be licensed under this act would
8 be inimical to the policies of this act. For the purposes of this
9 section, "occupational manner or context" means the systematic
10 planning, administration, management, or execution of an activity
11 for financial gain.

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

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

47 A license or a soil and debris recycling license approved by the
48 **【department】** Attorney General for any applicant or permittee

1 pursuant to this section is non-transferable and shall be valid only
2 for the length of time for which it is given.

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

11
12 8. Section 7 of P.L.1991, c.269 (C.13:1E-133.1) is amended to
13 read as follows:

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

37 b. In determining whether a convicted individual has
38 affirmatively demonstrated rehabilitation, the **【department shall**
39 **request a recommendation thereon from the】** Attorney General **【,**
40 **which recommendation shall be】** shall make a finding, in writing
41 **【and】**, based upon a consideration of at least the following factors:

- 42 (1) The nature and responsibilities of the position which a
43 convicted individual would hold;
- 44 (2) The nature and seriousness of the crime;
- 45 (3) The circumstances under which the crime was committed;
- 46 (4) The date of the crime;

1 (5) The age of the convicted individual when the crime was
2 committed;

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

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

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

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

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

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

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

27 (3) The date of the crime;

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

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

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

1 behalf of, the Attorney General, and the cost thereof shall be borne
2 by the convicted business concern.

3 The Attorney General may require, on the basis of this
4 investigation and as a condition of **【recommending】** determining
5 that a convicted business concern has affirmatively demonstrated
6 rehabilitation, that a convicted business concern comply, or agree in
7 writing to comply, with any of the following:

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

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

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

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

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

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

34 e. The **【department】** Attorney General shall not determine that
35 a convicted business concern has affirmatively demonstrated
36 rehabilitation if the convicted business concern has not complied, or
37 agreed in writing to comply, with every requirement imposed by the
38 Attorney General pursuant to subsection d. of this section.

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

40

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

43 8. a. Notwithstanding any current prosecutions or pending
44 charges in any jurisdiction against any person required to be listed
45 in a disclosure statement, or otherwise shown to have a beneficial
46 interest in the business of an applicant, permittee or licensee, or to
47 have rented or leased at any or no cost real property, vehicles or
48 other equipment used for the collection, transportation, treatment,

1 processing, storage, transfer, or disposal of solid waste or hazardous
2 waste, or the provision of soil and debris recycling services, to the
3 applicant, the permittee, or the licensee, for any of the crimes
4 enumerated in subsection b. of section 8 of P.L.1983,
5 c.392 (C.13:1E-133), the **【department】** Attorney General may issue
6 or renew a license or a soil and debris recycling license to an
7 applicant, permittee or licensee if the **【department】** Attorney
8 General determines in a writing setting forth findings of fact that
9 the person against whom there are current prosecutions or pending
10 charges has affirmatively reestablished a reputation for good
11 character, honesty and integrity by clear and convincing evidence
12 pursuant to the provisions of this section. If the **【department】**
13 Attorney General determines that the nature and seriousness of the
14 crime alleged in a current prosecution or pending charge creates a
15 reasonable doubt that an applicant, permittee, or licensee will
16 engage in the activity for which a license is sought in a lawful and
17 responsible manner, the **【department】** Attorney General shall make
18 a determination in a writing setting forth findings of fact that the
19 person against whom there are current prosecutions or pending
20 charges cannot reestablish a reputation for good character, honesty
21 and integrity.

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

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

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

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

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

44 (4) The date of the alleged crime;

45 (5) The age of the individual against whom there are current
46 prosecutions or pending charges when the alleged crime was
47 committed;

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

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

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

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

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

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

22 (3) The date of the alleged crime;

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

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

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

47 The Attorney General may require, on the basis of this
48 investigation and as a condition of [recommending] finding that a

1 business concern against which there are current prosecutions or
2 pending charges has affirmatively reestablished a reputation for
3 good character, honesty and integrity, that a business concern
4 comply, or agree in writing to comply, with any of the following:

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

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

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

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

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

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

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

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

35

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

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

1 **【department】** Attorney General pursuant to section 8 of
2 P.L.1983, c.392 (C.13:1E-133); except that the department may
3 issue such permits if the **【department】** Attorney General has
4 approved, issued or renewed a temporary license for such person
5 pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).
6 (cf: P.L.1991, c.269, s.17)

7

8 11. Section 9 of P.L.1983, c.392 (C.13:1E-134) is amended to
9 read as follows:

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

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

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

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

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

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

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

37

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

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

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

1 the department determines that the issuance or renewal of a
2 temporary 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,
6 as the case may be, to own or operate a resource recovery facility or
7 other solid waste facility approved by the department for the long-
8 term solid waste disposal requirements of a district or districts
9 pursuant to the "Solid Waste Management Act," P.L.1970,
10 c.39 (C.13:1E-1 et seq.) prior to the completion by the Attorney
11 General **[and the department]** of the requirements of sections 3 and
12 8 of 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
14 the temporary license of a permittee if the Commissioner of the
15 Department of Environmental Protection determines, in writing,
16 that the issuance of a temporary license for that applicant or
17 renewal of the temporary license for that permittee is necessitated
18 by the public interest.

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

20

21 13. Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to read
22 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

1 proposed transporter has obtained a registration statement required
2 by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed
3 under section 9 of P.L.1989, c.34 (C.13:1E-48.9).

4 c. Notwithstanding the provisions of subsection b. of this
5 section, the department shall not have jurisdiction over rates or
6 charges for the transportation of regulated medical waste.
7 (cf: P.L.2003, c.169, s.13)

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

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

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

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

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

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

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

29 (cf: P.L.2003, c.169, s.19)

30
31 15. Section 3 of P.L.1971, c.461 (C.13:1E-18) is amended to
32 read as follows:

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

1 and "State agency" means any State department, division, agency,
2 commission or authority.

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

9 b. The fee schedule shall reasonably reflect the duration or
10 complexity of the specific service rendered, permit application
11 reviewed, or registration statement or engineering design
12 application approval sought.
13 (cf: P.L.1991, c.269, s.15)

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

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

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

43
44 17. (New section) No later than 90 days after the date of
45 enactment of P.L. , c. (C.) (pending before the Legislature as
46 this bill), the Department of Environmental Protection, the
47 Department of the Treasury, and the Attorney General shall enter
48 into a memorandum of agreement that provides for the

1 establishment of a records and information management system to
2 provide State regulators at each department and other relevant
3 government agencies in New Jersey and elsewhere with effective
4 and efficient access to information concerning individuals and
5 business concerns that are applicants, license holders, and
6 permittees in the solid waste, hazardous waste and recycling
7 industries. The information in the system shall include license and
8 permit information, records of violations, criminal charges and
9 convictions, debarment determinations and any other information
10 deemed to be relevant.

11

12 18. (New section) The State Treasurer shall establish a list to be
13 maintained in the Department of the Treasury of individuals and
14 business concerns that have:

15 a. been debarred from contracting with or receiving funds from
16 any unit in the Executive branch of State government, including any
17 entity exercising executive branch authority or independent State
18 authority, or any unit of local government or board of education;

19 b. had a permit, license, or soil and debris recycling license
20 denied or revoked pursuant to P.L.1983, c.392 (C.13:1E-126 et
21 seq.); or

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

24

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

36

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

40

41

42

STATEMENT

43

44 This bill amends the existing law to expand the requirement for
45 background checks to a broader range of persons involved in the
46 solid waste industry, such as sales persons, consultants, and
47 brokers. The bill also subjects persons or business concerns
48 engaging in soil and debris recycling services to the same regulation

1 and oversight under the law as that which applies to the solid waste
2 industry. Soil and debris recycling services include the recycling
3 of: (1) source-separated, non-putrescible, waste material resulting
4 from construction, remodeling, repair, and demolition operations on
5 houses, commercial buildings, pavements and other structures; (2)
6 source-separated, non-putrescible waste concrete, asphalt, brick,
7 block, asphalt-based roofing, scrap wood, and wood waste; and (3)
8 soil. For the purposes of P.L.1983, c.392 (C.13:1E-126 et seq.),
9 “recyclable materials” does not include metal, glass, or plastic
10 containers, paper, or corrugated cardboard. The bill prohibits the
11 issuance of an A-901 license to persons debarred from operating in
12 other states, and prohibits individuals otherwise deemed unsuitable
13 for the solid waste or recycling industries, convicted felons, and
14 others of questionable character from holding an indirect, non-
15 licensed stake in a solid waste or recycling industry (for example,
16 those involved in vehicle leasing arrangements or property rental
17 agreements with legitimate licensees). The bill consolidates A-901
18 responsibilities within the Office of the Attorney General.
19 Currently, these responsibilities are divided between the
20 Department of Environmental Protection and the Office of the
21 Attorney General.

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