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ASSEMBLY, No. 4851

STATE OF NEW JERSEY
219th LEGISLATURE

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Sponsored by:

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District 19 (Middlesex)

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District 19 (Middlesex)

SYNOPSIS

Concerns use of steel slag as aggregate.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on December 16, 2021,
with amendments.



(Sponsorship Updated As Of: 12/20/2021)

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

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. a. Notwithstanding any law, or rule or regulation adopted
 8 pursuant thereto, to the contrary, beginning 90 days after the effective
 9 date of this ¹**[act]** section¹, a person may use steel slag as an
 10 aggregate in any commercial or industrial development, and a licensed
 11 site remediation professional may authorize the use of steel slag as an
 12 aggregate in the remediation of a contaminated site, provided ¹that the
 13 steel slag meets all applicable engineering or geotechnical standards
 14 and specifications, that¹ such use ¹is for a purpose enumerated in
 15 subsection b. of this section, and that the use¹ does not cause the
 16 exceedance of any:

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

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

22 ¹Notwithstanding any law, or any rule or regulation adopted
 23 pursuant thereto, to the contrary, the use of steel slag as alternative fill
 24 in the remediation of a contaminated site pursuant to this section shall
 25 not require prior written approval from the Department of
 26 Environmental Protection.¹

27 b. ¹Steel slag may be used pursuant to subsection a. of this
 28 section only for the following purposes:

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

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

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

38 (4) as engineered aggregate base, sub-base, and loadbearing
 39 courses;

40 (5) as railroad ballast;

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted December 16, 2021.

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

5 (8) in controlled industrial uses, including, but not limited to,
6 granular fills required for unpaved parking and storage areas, pipe and
7 tank backfill, and berm construction;

8 (9) as a replacement for natural aggregate at steel mills;

9 (10) as cover material for roads to working surfaces at solid waste
10 landfills;

11 (11) as roofing granules; and

12 (12) as cover material for the installation of solar collectors.

13 c.¹ No later than 90 days after the effective date of this **‘[act]**
14 **section**¹, the Department of Environmental Protection shall adopt,
15 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
16 (C.52:14B-1 et seq.), rules and regulations concerning the use of steel
17 slag as an aggregate as necessary in order to ensure the protection of
18 the public health, safety, and the environment.

19 **‘[c.] d.**¹ As used in this section:

20 “Aggregate” means a material formed from fragments or particles,
21 which can be utilized in construction or other related industries.

22 ¹“Alternative fill” means material to be used in a remedial action,
23 which contains contaminants in excess of the most stringent soil
24 remediation standards, site-specific alternative standards, or site-
25 specific interim standards adopted pursuant to section 35 of P.L.1993,
26 c.139 (C.58:10B-12), and which does not contain free liquids.
27 “Alternative fill” includes material that contains contaminants in
28 excess of any standards, or action levels for contaminants without
29 standards, promulgated by the Department of Environmental
30 Protection.

31 “Contaminant” means the same as that term is defined in section
32 23 of P.L.1993, c.139 (C.58:10B-1).¹

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

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

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

39 “Remediation” means the same as that term is defined in section
40 23 of P.L.1993, c.139 (C.58:10B-1).

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

43 (1) not a hazardous waste, as determined by the department;

44 (2) poured from the furnace in a molten state, cooled, and
45 processed to remove free metallic compounds; and

1 (3) sold and distributed in the stream of commerce as an aggregate
2 and managed as an item of value in a controlled manner, and is not
3 discarded.

4

5 2. This act shall take effect immediately.