

ASSEMBLY BILL NO. 4851

(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 4851 (First Reprint) without my approval.

This bill would allow use of steel slag as an aggregate in commercial or industrial development or site remediation for any of twelve enumerated purposes without any further review or regulation by the Department of Environmental Protection ("DEP"), as long as the use does not cause an exceedance of a drinking water or ground water quality standard. The bill also would allow steel slag to be used as fill in site remediation without prior approval from DEP.

The Solid Waste Management Act and DEP's technical regulations for the remediation of contaminated sites are designed to ensure that New Jersey's environment and public health and safety are not jeopardized by the disposal, dumping, burying, or use of contaminated materials. Importantly, these statutes and regulations include exceptions where such concerns are not implicated. For example, DEP's rules regarding solid waste transportation, storage, processing, and disposal do not apply to materials that are reincorporated into a manufacturing process or that DEP has determined, either on a case-by-case basis or categorically, can be reused in a beneficial manner without resulting in the exceedance of applicable contaminant levels. Similarly, materials that do not meet the definition of clean fill may be used in the remediation of contaminated sites in amounts no greater than those needed to restore the site if this does not lead to increased contamination at the site (or with DEP's prior written approval).

Compliance with these regulations ensures not only the protection of drinking water, but also protection against the harmful effects of ingestion, inhalation, or contact with contaminants present in soil.

Because DEP's regulations already allow for industrial waste products to be put to productive reuse when it can be done in a safe and environmentally-sound manner, and because this bill would exempt one specific waste product without regard to whether these important safeguards have been satisfied, I herewith return Assembly Bill No. 4851 (First Reprint) without my approval.

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor