

[First Reprint]

**SENATE, No. 4268**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED DECEMBER 9, 2021

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**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.



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  
9 effective date of this **'[act] section'**<sup>1</sup>, a person may use steel slag as  
10 an aggregate in any commercial or industrial development, and a  
11 licensed site remediation professional may authorize the use of steel  
12 slag as an aggregate in the remediation of a contaminated site,  
13 provided 'that the steel slag meets all applicable engineering or  
14 geotechnical standards and specifications, that'<sup>1</sup> such use 'is for a  
15 purpose enumerated in subsection b. of this section, and that the  
16 use'<sup>1</sup> does not cause the exceedance of any:

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

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

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

27 b. 'Steel 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,  
31 bases, 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,  
36 an ecological evaluation, approved by the Department of  
37 Environmental 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  
43 to, water abide by all other applicable laws, rules, and regulations;

44 (7) as soil amendment to reduce the leachability of contaminants  
45 in the soil. A use pursuant to this paragraph shall be evaluated by

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCM committee amendments adopted December 16, 2021.

1 either a licensed site remediation professional or the Department of  
2 Environmental Protection prior to its implementation;

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

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

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

9 (11) as roofing granules; and

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

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

17 **‘[c.] d.**<sup>1</sup> As used in this section:

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

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

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

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

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

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

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

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

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

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

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

48  
49 2. This act shall take effect immediately.