



# New Jersey Enacts Legislation Requiring Registration and Licensing for Individuals and Businesses Engaged in Soil and Fill Recycling Services

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On January 21, 2020, New Jersey enacted legislation requiring the registering and licensing of individuals or businesses engaged in soil and fill recycling services. The new Law expands the existing background checks and licensing requirements for persons engaged in the solid waste industry (a process commonly known as “A-901”) to now include persons or companies engaged in the collection, transportation, processing, brokering, storage, purchase, sale, recycling or disposition of soil, construction and demolition debris. These services are deemed to begin when soil or fill material is picked up at a site, and to continue until such time as it is placed at the location at which it will be used as fill.

The new Law was enacted in response to a State investigative report that found the sale and brokering of contaminated soil to be commonplace. The Law also requires the New Jersey Attorney General to establish a reciprocal information exchange system with the State of New York and other states in the Region to facilitate the sharing of information on the solid waste, soil and debris recycling industries in the Region.

Compliance with the new Law involves multiple steps. First, individuals or businesses that engage in soil and fill recycling services and do not already possess an A-901 license must file a Soil and Fill Recycling Registration Form with the New Jersey Department of Environmental Protection by April 20, 2020. Within 90 days of submission of the registration form, and if a registrant’s activities fall within the scope of services covered by the new Law, a Soil and Fill Recycling Registration will be issued. The registrant must then file a License Application with the new Jersey Attorney General’s Office on or before October 19, 2020. Any registrant who fails to file an administratively complete License Application by October 19, 2020 will cause their interim Soil and Fill Recycling Registration to automatically expire and become invalid.

Businesses or individuals that register by the April 20, 2020 deadline may continue to engage in soil and fill recycling services while awaiting a license. Those who do not file a registration form by that date will have to wait to have a license in hand before performing any services after that date. After July 20, 2020, only companies who either possess an A-901 license or a Registration will be permitted to continue providing soil and fill recycling services during the license application process. And any company found to be providing these services after July

20, 2020 without a valid Registration or A-901 license will be subject to violations and penalties.

The broad language of this new Law leaves some unanswered questions regarding the exact circumstances in which the new requirements apply and how they will be enforced.

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