

Frequently Asked Questions for P.L.2019, c.397 (the “Dirty Dirt” legislation):



1. What does P.L.2019, c.397 (the “Dirty Dirt” legislation) regulate?

P.L.2019, c.397 concerns the regulation of soil and fill recyclable materials and services.

2. What is the definition of soil and fill recyclable materials?

“Soil and fill recyclable materials” means non-putrescible aggregate substitute, including, but not limited to, broken or crushed brick, block, concrete, or other similar manufactured materials; soil or soil that may contain aggregate substitute or other debris or material, generated from land clearing, excavation, demolition, or redevelopment activities that would otherwise be managed as solid waste, and that may be returned to the economic mainstream in the form of raw materials for further processing or for use as fill material.

3. What is NOT included in the definition of soil and fill recyclable materials?

“Soil and fill recyclable materials” shall not include: (1) Class A recyclable material; (2) Class B recyclable material that is shipped to a Class B recycling center approved by the Department for receipt, storage, processing, or transfer; (3) beneficial use material for which the generator has obtained prior approval from the Department to transport to an approved and designated destination; and (4) virgin quarry products including, but not limited to, rock, stone, gravel, sand, clay, and other mined products.

4. Who needs to register with the Department?

Any business concern engaged in or otherwise providing soil and recyclable fill material services that does not currently possess a valid A-901 license must register with the Department.

“Soil and fill recycling services” means the services provided by persons engaging in the business of the collection, transportation, processing, brokering, storage, purchase, sale or disposition, or any combination thereof, of soil and fill recyclable materials. “Soil and fill recycling services” shall not include the operation of a solar electric power generation facility at a properly closed sanitary landfill where soil and fill materials have been previously deposited for permanent disposal. Business concerns who already have an A-901 license do not need to register with the Department.

5. How do I register with the Department?

You must complete the Soil and Fill Recycling Registration Form and submit it to the Department using the instructions provided on the Form. The Soil and Fill Recycling Registration Form is available at the website below:

<https://www.nj.gov/dep/dshw/a901/a901frms.htm>

6. When do I need to register with the Department?

All Registration forms must be submitted **on or before April 20, 2020.**

7. What happens after I register with the Department?

All business concerns who timely and properly register with the Department will receive a Soil and Fill Recycling Registration, with limited exceptions, within 90-days of submitting the Registration Form. All business concerns who receive the Soil and Fill Recycling Registration are considered “registrants.”

8. What happens if I miss the registration deadline?

If you miss the registration deadline of April 20, 2020, then you must file a valid and administratively complete Soil and Fill Recycling License application with the New Jersey Attorney General’s Office. **Any business concern who does not currently possess a valid A-901 license who fails to timely register with the Department will not be permitted to continue providing soil and fill recycling services after July 20, 2020.** Business concerns found engaged in or providing soil and fill recycling services without a Soil and Fill Recycling Registration will be subject to violations and penalties. In order to continue operations after July 20, 2020 without an A-901 license, you must fill out the Registration Form and submit it to the Department **on or before April 20, 2020.**

9. What is the difference between a Registration Form and a Soil and Fill Recycling License Application?

The submission of the Registration Form to the Department secures your business concern’s ability to continue operations past the July 20, 2020 cut-off date. The receipt of a Soil and Fill Recycling Registration has no bearing on your business concern’s final license application determination. The Soil and Fill Recycling License Application consists of multiple documents and can be found at <https://www.nj.gov/dep/dshw/a901/a901frms.htm>.

10. Who needs to file a Soil and Fill Recycling License Application?

All registrants and any business concern that does not possess a valid A-901 license seeking to engage in the soil and fill recyclable materials industry in the State of New Jersey will be required to file a Soil and Fill Recycling License Application with the New Jersey Attorney General’s Office. Business concerns who already have an A-901 license do not need to file a Soil and Fill Recycling License Application.

11. When do I need to file the Soil and Fill Recycling License Application?

All registrants must submit an administratively complete Soil and Fill Recycling License Application **on or before October 19, 2020.** If a registrant fails to timely submit its Soil and Fill Recycling License Application, the Soil and Fill Recycling Registration will automatically expire and become invalid. All other business concerns wishing to engage in or otherwise provide soil and fill recycling services may submit their Soil and Fill Recycling License Application at any time. Applications will be processed on a rolling basis.

12. Can I continue to operate while my application is pending with the New Jersey Attorney General’s Office?

No, not unless the Department has issued your business concern a Soil and Fill Recycling Registration or you currently possess a valid A-901 license. In order to obtain a Soil and Fill Recycling Registration, you must complete the Registration form **on or before April 20, 2020.**

13. Do I still need to register with the Department if I currently have Self-Generator exempt status?

If you are currently a Self-Generator that engages in or otherwise provides soil and recyclable fill material services, as defined above, you must register with the Department **on or before April 20, 2020,**

and then file an administratively complete Soil and Fill Recycling License Application **on or before October 19, 2020**. In order to register with the Department, you must complete the Registration Form and submit it to the Department.