



# Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Compliance & Enforcement #2021-11 Issued: 09/10/2021

## **Dirty Dirt Law (Law) – Updated Schedules for Compliance Registration and Licensing Requirements for Business Concerns Engaged in Soil and Fill Recycling Services N.J.S.A. 13:1E-127.1 et seq.**

### **WHO IS AFFECTED BY THIS NEW LAW?**

On January 21, 2020, Governor Phil Murphy signed S-1683/A-4267 which expands the New Jersey Department of Environmental Protection's ("NJDEP") oversight of business concerns that engage in or provide soil and fill recycling services that do not already possess a valid A-901 License. As defined in the Law, "business concern" includes any corporation, association, firm, partnership, sole proprietorship, trust, limited liability company, or other commercial organization providing services for the collection, transportation, processing, brokering, storage, purchase, sale, or disposition of soil and fill recyclable materials as defined in the Law<sup>1</sup>.

"Soil and fill recyclable materials" are 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.

The following are not considered "Soil and fill recyclable materials" under the Law:

- (1) Source separated Class A recyclable material;
- (2) Source separated Class B recyclable material shipped to a NJDEP-approved Class B recycling center for receipt, storage, processing, or transfer;
- (3) Beneficial Use material for which the generator has obtained prior approval from the NJDEP pursuant to N.J.A.C. 7:26-1.7(g) to transport to an approved and designated destination;
- (4) Virgin quarry products including, but not limited to, rock, stone, gravel, sand, clay, and other mined products.

### **UPDATED DEADLINES**

On June 4, 2021, Governor Murphy signed Executive Order 244 (EO 244)<sup>2</sup> ending the Public Health Emergency that was declared on March 9, 2020, which tolled all original deadlines in relation to P.L. 2019 c.397 (Dirty Dirt Law). Pursuant to this Order, the new deadlines for the

<sup>1</sup> See N.J.S.A. 13:1E-126 et. seq at [https://www.nj.gov/dep/dshw/a901/pl\\_2019\\_c\\_397.pdf](https://www.nj.gov/dep/dshw/a901/pl_2019_c_397.pdf)

<sup>2</sup> EO 244: <https://nj.gov/infobank/eo/056murphy/pdf/EO-244.pdf>

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Dirty Dirt Law are as follows:

- Any business concern engaged in Soil and Fill Recycling Services as of January 21, 2020 that does not already possess an A-901 license must submit a Registration form to the NJDEP no later than **October 14, 2021**;
- Any business concern without a valid A-901 License or Soil and Fill Recycling Registration must cease engaging in Soil and Fill Recycling Services after **January 13, 2022**; and
- To obtain an A-901 License, a registrant must submit an administratively complete A-901 License application to the New Jersey Attorney General's Office no later than **April 15, 2022**.

## WHAT SHOULD I DO?

Any business concern who does not hold a valid A-901 License and was engaged in providing Soil and Fill Recycling Services as of January 21, 2020 and wishes to continue to do so must register with the NJDEP on or before October 14, 2021, and thereafter submit an administratively complete application for an A-901 License on or before April 15, 2022.

To register with the NJDEP, you must complete and submit a Soil and Fill Recycling Registration form, found at <https://www.nj.gov/dep/dshw/a901/a901frms.htm>. There is no cost to register. This website also contains a frequently asked questions (FAQs) and guidance document for more information.

NJDEP recommends registering as a precaution if you are uncertain that the services you provide are subject to this law. Submitting the completed registration form on or before the October 14, 2021 deadline secures your company's ability to continue providing Soil and Fill Recycling Services past January 13, 2022. However, the Soil and Fill Recycling Registration will automatically expire if a business concern does not file an administratively complete A-901 License application with the Attorney General's Office on or before April 15, 2022.

Following registration, all registrants must file an administratively complete A-901 License application with the New Jersey Office of the Attorney General on or before April 15, 2022. These applications will be reviewed by the Office of the Attorney General, with assistance from the New Jersey State Police, NJDEP, and other agencies to ensure a person has the necessary reliability, integrity, competency, and expertise before granting an A-901 License.

## WHAT IS NJDEP DOING?

A Soil and Fill Recycling Registration form and the associated approval process have been developed for persons to register in order to continue providing soil and fill recycling services prior to obtaining an A-901 License. Once a registration form is received by NJDEP, a Soil and Fill Recycling Registration will be issued no later than 90 days after receipt of the completed registration form. Persons shall maintain their Soil and Fill Recycling Registration as evidence of completing the registration process. Any person found to be engaged in Soil and Fill Recycling Services without a NJDEP-issued Soil and Fill Recycling Registration or a valid A-901 License

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after January 13, 2022 will be subject to violations and penalties. Persons that do not timely register with the NJDEP and/or fail to submit the A-901 License application or are ultimately denied an A-901 License will be precluded from providing Soil and Fill Recycling Services.

## WHO SHOULD I CONTACT WITH QUESTIONS?

**NJDEP - Division of Solid and Hazardous Waste**  
A-901 Unit

(609) 984-4250  
[soilandfill@dep.nj.gov](mailto:soilandfill@dep.nj.gov)

**NJDEP - Division of Waste Enforcement, Pesticides and Release Prevention**  
Transportation Oversight Unit

(609) 943-3019

**Office of the Attorney General - Division of Law A-901 Unit**

(609) 376-3270

## WHERE CAN I GET MORE INFORMATION?

The following website can be accessed for additional information:

<https://www.nj.gov/dep/dshw/a901/a901frms.htm> (A-901 Registration forms and info)

*Please note this advisory is intended to be a summary explanation of a NJDEP initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above*