

"Dirty Dirt Law" Compliance Requirements Extended Due to COVID-19

Client Alert

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On May 2, 2020, New Jersey Governor Phil Murphy issued Executive Order 136 (EO 136) extending the timeframes required for persons involved in "soil and fill recycling services" to register and to submit A-901 license applications to the New Jersey Department of Environmental Protection (DEP).

Under the so-called "Dirty Dirt Law" (N.J.S.A. 13:1E-127.1) signed by Governor Murphy on January 21, 2020, any business concern that does not already have a solid waste A-901 license and engages in, or otherwise provides, "soil and fill recycling services" is required to register with the DEP and to obtain an A-901 license. The Dirty Dirt Law is intended to reduce the practice of improperly classifying contaminated soil and debris as recyclable materials or clean fill for purposes of collection, transportation and disposal, as outlined in our [April 13, 2020 Client Alert](#).


The Dirty Dirt Law required all businesses or persons engaged in providing soil and fill recycling services to register with the DEP by April 20, 2020. Ninety (90) days after the submission of a registration application the DEP was required to issue a temporary registration. Under the Dirty Dirt Law, by October 17, 2020, soil and fill recycling service providers must submit a comprehensive registration application seeking a permanent license. The Dirty Dirt Law prohibits a person or business from participating in the provision of soil and fill recycling services without a timely registration approval or a license.

EO 136 recognizes that due to business disruption attributable to the COVID-19 crisis, it is appropriate to extend the deadlines for initial registration, the DEP's review of registration submissions, the deadline after which a business may not engage in soil and fill recycling services without a valid registration, and the timeframe for a registrant to submit an administratively complete license application.

Each existing deadline under the Dirty Dirt Law has been extended by the number of days of the Public Health Emergency declared by Governor Murphy's March 9, 2020 Executive Order 103 plus an additional 60 days. As a

result, the deadlines for the submission of registration and license applications will remain undetermined until the Public Health Emergency is declared resolved.

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