



## **NJ ASPHALT PAVEMENT ASSOCIATION NEWSLETTER**

**Issue: # 2023-2**

**May 2023**

We continue our commitment to inform our members about important industry news and issues. To that end, we welcome story contributions, member highlights, and any suggestions to include newsworthy information.

Please contact Stacey Lindenmuth, [staceyl@njapa.com](mailto:staceyl@njapa.com), in the Association office if you have any press releases, company news or other information you would like to share with the Association.

### **NJAPA Advocates for Continued Federal Infrastructure Investment**

NJAPA Staff and several NJAPA members recently participated in the Transportation Construction Coalition Congressional Fly-In. The Transportation Construction Coalition is an organization of more than 35 construction industry associations and labor unions focused on investment in transportation infrastructure. NJAPA met with all four New Jersey representatives who serve on the Transportation & Infrastructure Committee as well as with senior staff in the office of Congressman Bill Pascrell, a longtime industry supporter and member of the critically important House Ways & Means Committee.

NJAPA representatives focused on the need to fully and efficiently implement the Infrastructure and Jobs Act , the need to provide long-term, stable funding for the Highway Trust Fund and near term, increase funding for airport projects in the upcoming Federal Aviation reauthorization as well as protect federal transportation money from reductions as part of any debt ceiling agreement.

Pictured are NJAPA President Peter Kocheck and Rob Whaley, both from Weldon Materials, with NJ Representatives serving on the House Transportation & Infrastructure Committee; Congressman Tom Kean, (R-7) Congressman Jeff Van Drew, (R-2) Congressman Donald Payne, (D-10) and Congressman Rob Menendez, Jr. (D-8).



## Dirty Dirt Law Implementation and Enforcement Update

As we have previously reported, on July 5, 2022, Governor Murphy signed S2870/A4255, which extends the deadline to submit A901 license applications until 30 days after the Department adopts regulations to implement the Dirty Dirt law. Under this same law, the Department must

implement the rules and regulations pursuant to the Dirty Dirt law by July 5, 2023. As part of the development of these rules, NJDEP has expressed a willingness to meet with industry groups to discuss the Dirty Dirt law's applicability and industry's concerns with its interpretation. NJAPA, in coordination with other industry groups, is plugged into these efforts.

While we wait for the Department to publish these rules, it is important to keep in mind that a business entity must be registered with the Department if it is actively engaged in "soil and fill recycling services," which includes the "collection, transportation, processing, brokering, storage, purchase, sale or disposition of soil and fill recyclable material."

As a reminder, "soil and fill recycling materials," is defined as "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 law exempts (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. It is important to note that the Department has taken the position that any business that engages in soil and fill recycling services and did not submit a Soil and Fill Recycling Registration Form by July 14, 2022 is ineligible for the extension provided in S2870/A4255. As such, the Department's position is that these businesses would be required to cease regulated activities until they have filed a Soil and Fill Recycling Registration Form and received its A-901 license.

Several members have specifically inquired about the potential implications of the Dirty Dirt law on millings. We understand the Department is interpreting the Dirty Dirt law so that an A901 License would not be required for all RAP being used as an aggregate substitute for reintroduction into the asphalt production process, or in accordance with Department-issued fill material guidance. However, the Department has stated that an A901 License is required for RAP used for fill purposes. Based on this information, when RAP has not yet been reused and is being stored at an asphalt plant, it is unclear how the Department intends to make the distinction between RAP to be used as fill (which is subject to A901 requirements) and RAP to be used as an

aggregate substitute for reintroduction into the asphalt production process (which is not subject to A901 requirements).

As shared in a prior update, we expressed to the Department in a May 19, 2022, letter, [click here](#), that the Department's interpretation would ultimately create restrictions on the use of RAP as fill, and thus undermines the clear intent of the YEAR RAP Legislation. We are coordinating with other associations to engage key legislators and seek legislative relief before the Dirty Dirt rules are issued, and this is an issue we intend to include in that effort. In the meantime, any business who believes that it is involved with soil and fill recycling material and is uncertain as to whether the law applies to it should seek legal counsel.

We also want to remind members that the NJDEP has developed an annual Certification Program for businesses that exclusively handle Non-Restricted Soil and Fill Recyclable Materials. Non-Restricted Soil and Fill Recyclable Materials means non-putrescible, non-water soluble, non-decomposable, inert aggregate substitute, including rock, soil, broken or crushed brick, block, concrete, glass and/or clay or ceramic products, or any combination thereof, generated from land clearing, excavation, demolition, or redevelopment activities that are excluded from the definition of solid waste under the Solid Waste rules at N.J.A.C. 7:26-1.6(a)6.

Businesses can validly complete this annual certification process and can certify the material they handle does not contain concentrations of contaminants that exceed the Residential Ingestion-Dermal pathway or Residential Inhalation pathway remediation standards (set forth in N.J.A.C. 7:26D), whichever is most stringent, and that the material therefore qualifies as Non-Restricted Soil and Fill Recyclable Material. Businesses validly completing this annual certification process are still required to be registered but are not required to apply for an A-901 license.

Please contact the Association office should you have any questions regarding the Dirty Dirt law or wish to discuss.

## **NJAPA Announces Scholarship Recipients**

The NJ Asphalt Pavement Association is proud to announce this year's William J. Abbott Memorial Scholarship Recipients.

*Emma Byard - NJAPA Member Firm Trap Rock Industries, LLC*  
*Colin Byard - NJAPA Firm Trap Rock Industries, LLC*  
*Dylan Byard - NJAPA Firm Trap Rock Industries, LLC*  
*Ryan Byard - NJAPA Member Firm Trap Rock Industries, LLC*  
*Joseph Corrigan - NJAPA Member Firm Trap Rock Industries, LLC*  
*Mark Damoc - NJAPA Member Firm Trap Rock Industries, LLC*  
*Ciera Diggs - NJAPA Member Firm Trap Rock Industries, LLC*  
*Hailee Graziano - NJAPA Member Firm Trap Rock Industries, LLC*  
*Katerina Miller - NJAPA Member Firm Weldon Materials*  
*Jack Milne - NJAPA Member Firm Clayton Block Company*  
*Sruti Pabba - NJAPA Member Firm Trap Rock Industries, LLC*  
*Nicole Pereira - Trap Rock Industries, LLC*  
*Kyra Powers - NJAPA Member Firm Associated Asphalt*  
*Joseph Redmond - NJAPA Member Firm Riverside Materials Inc.*  
*Alexander Riccardelli - NJAPA Member Firm Walter R. Earle Corporation*  
*Sara Riccardelli - NJAPA Member Firm Walter R. Earle Corporation*  
*Isabella Rivera - NJAPA Member Firm Arawak Paving Co., Inc.*  
*Michael Rosato - NJAPA Member Firm Weldon Materials*  
*James Santarpio - NJAPA Member Firm Advance Scale Company, Inc.*  
*Sophia Sikora - NJAPA Member Firm Weldon Materials*  
*Ashley Springer - NJAPA Member Firm Earle Asphalt Corporation*  
*Ava Stroh - NJAPA Member Firm Hoffman Equipment*  
*Grace Vale - NJAPA Member Firm Black Rock Enterprises, LLC*

Congratulations to all the Scholarship winners!

**Retired New Jersey Turnpike Authority Chief Engineer Honored at  
Annual Awards Dinner**



Congratulations to all the award recipients. Thank you to all who attended the reception and a special thank you to our advertisers!

- A.E. Stone***
- Bayshore Family of Companies***
- Black Rock Enterprises***
- Boswell Engineering***
- Braen Stone***
- Della Pello Paving, Inc.***
- Dosch King Emulsions, Inc.***
- Earle***
- Foley Inc.***
- GT Mid Atlantic***
- JEM Paving***
- K & L Gates, LLP***
- NJ Alliance for Action***

***Newark Asphalt Corp.***  
***R.E. Pierson Materials Corp.***  
***Roman Asphalt Corp.***  
***L.N. Rothberg***  
***Smith-Sondy Asphalt Construction***  
***South State***  
***The Stavola Companies***  
***Tilcon New York***  
***Trap Rock Industries LLC***  
***UTCA***  
***Weldon Materials***

To view photos from the evening, please [click here](#).

## **NJDOT Advertises Several Large Projects as End of Fiscal Year 2023 Approaches**

As of May 22, 2023 NJDOT has awarded 82 contracts for \$601,489,073.48. This includes 30 paving specific projects with a contract value of \$191,263,381.57.

NJDOT advised their plan for Fiscal Year 2023 was to award a total of 112 projects with an estimated value of \$1.1 Billion. To meet that goal by the June 30 year end, they have announced a flurry of projects, with 24 currently advertised through June 8. This includes several very large contracts such as Route 7 Kearny Drainage and Route 1 & 9, New Road, St. Paul's Avenue.

The NJDOT Fiscal Year 2024 Capital Program will be approved as part of the Fiscal Year 2024 State Budget prior to July 1, 2023.

## **Don't Miss These Upcoming NJAPA Events**

- June 1 - NJAPA Board of Directors Meeting - Forsgate Country Club, Jamesburg, NJ

- July 9 - 12 - NAPA Mid-Year Meeting - Loews Kansas City Hotel, Kansas City, MO
- September 7 - NJAPA Board of Directors Meeting - Forsgate Country Club, Jamesburg, NJ
- October 25 - 26 - Northeast User Producer Group Annual Meeting - Providence, RI
- December - NJAPA Annual Holiday Luncheon & Scholarship Fundraiser
- December 7 - NJAPA Board of Directors Meeting - Forsgate Country Club, Jamesburg, NJ

Contact the NJAPA office if you have any questions.

(609) 838-1867

Kevin Monaco - [kevin@njapa.com](mailto:kevin@njapa.com)

Stacey Lindenmuth - [staceyl@njapa.com](mailto:staceyl@njapa.com)