A-901 Solid Waste Permitting

New Jersey has stringent requirements governing the solid waste industry which are enforced primarily through comprehensive licensing requirements referred to as the A-901 process. Our attorneys have substantial experience providing legal services to businesses navigating the complexities of A-901 licensing requirements, ensuring compliance and facilitating smooth operations in the transportation, processing, brokering and disposal of solid, medical and hazardous waste and the provision of soil and fill recycling services.

The A-901 process is a comprehensive disclosure and background check regime mandated by the New Jersey Department of Environmental Protection (NJDEP). It applies broadly to entities engaged in solid waste activities, including transporters, brokers, facilities that receive, process or dispose of waste such as transfer stations and landfills, and certain entities engaged in soil and fill recycling services. Our attorneys guide clients through the process of preparing and submitting the extensive A-901 application, which requires detailed personal history disclosures for all owners, officers, directors, and key employees, as well as comprehensive business concern disclosures. We ensure that our clients have submitted the necessary documentation, and we respond to inquiries and discovery requests from the NJDEP or the New Jersey Division of Law.

In addition to obtaining A-901 licensure, various solid waste industry participants are required to obtain a Certificate of Public Convenience and Necessity (CPCN) from NJDEP. Our attorneys prepare required CPCN applications, which include the provision of pro forma revenue evaluations, insurance, and tax compliance information. A-901 licenses and CPCNs require annual updates and renewals. We provide ongoing counsel to ensure A-901 and CPCN renewals and maintenance of compliance with evolving state and county rules.

Amendments to the A-901 law, often referred to as “dirty dirt” regulations, have expanded the scope of the NJDEP’s licensure requirements to include "soil and fill recycling services." We advise clients in the construction, development, and related sectors on how these new requirements impact their operations, ensuring they meet the necessary registration and licensing requirements for managing excavated soil and fill.

Transactions involving licensed entities and brokers are complex. Our attorneys have substantial experience preparing agreements between solid waste licensed entities, including the structuring of transactions regarding the sale or transfer of assets or ongoing licensed operations. Because the NJDEP strictly limits the transfer of A-

901 licenses it is necessary that transactions among solid waste entities or buyer/seller of an A-901 licensed entity, structure the transaction to ensure compliance with New Jersey legal requirements, minimize delay and avoid extinguishment of the license.

In the event of alleged A-901 violations or other compliance issues, we defend clients in administrative proceedings and litigation before the NJDEP and other regulatory bodies, striving to minimize penalties and protect their business interests. Beyond A-901, we offer broader legal guidance on various waste management issues, including hazardous waste transportation, recycling regulations, and facility permitting, ensuring a holistic approach to environmental compliance for businesses in the waste industry.

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Experience

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- Advising a commercial facility services company and private equity investor on A-901 licensing and regulatory compliance in connection with acquisitions and expansion of solid waste and mechanical services businesses in New Jersey.

Insights & More

Client Alerts

Dirty Dirt Law Update: DEP Extends Compliance Deadlines, Opens Registration Process and Establishes Safe Harbor From A-901 Licensure for Providers of Soil and Fill Recycling Services
3.17.22

An Update on NJ's Dirty Dirt Law: DEP Issues New Compliance Advisory with Updated Registration and Licensing Deadlines for Providers of Soil and Fill Recycling Services
9.13.21

"Dirty Dirt Law" Compliance Requirements Extended Due to COVID-19
5.06.20

Beware of Dirty Dirt: New Jersey Enacts Stringent Licensing Requirements for Soil and Recycle Fill Providers; Providers of Soil and Fill Recycling Services Must Register with the DEP by April 20, 2020 for a Temporary License
4.13.20

Attention New Jersey Soil or Recycle Fill Providers or Brokers: Don't Miss April 20, 2020 Deadline for A-901 License Registration
3.30.20

New Jersey Enacts Stringent A-901 Licensing Requirements for Soil and Recycle Fill Providers to Protect Against "Dirty Dirt"
2.10.20