

[First Reprint]

ASSEMBLY, No. 1933

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JANUARY 26, 2004

Sponsored by:

Assemblyman LARRY CHATZIDAKIS

District 8 (Burlington)

SYNOPSIS

Requires DEP to maintain online recycled-content products marketplace.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on November 22, 2004, with amendments.



A1933 [1R] CHATZIDAKIS

2

1 AN ACT concerning the marketing of recycled products, ¹[amending
2 P.L.1987, c.365, and amending and]¹ supplementing P.L.1987,
3 c.102 ¹, and amending P.L.1987, c.365¹ .

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) The Legislature finds and declares that the public
9 interest would be served if the State established and maintained an
10 online recycled products website as a marketing venue to assist
11 recycled-content product manufacturers and their customers find each
12 other; that it would be beneficial for such manufacturers to showcase
13 their recycled-content products in a State sponsored "RecycleStore,"
14 in the manner demonstrated by a successful program of the same name
15 conducted by the California Integrated Waste Management Board; that
16 such a website portal could link manufacturers' websites to facilitate
17 exchanges between prospective customers and producers of recycled
18 products; that the Department of Environmental Protection, in
19 conjunction with the New Jersey Buy Recycled Business Network,
20 should expand the department's existing website to include an online
21 recycled products marketplace to facilitate the marketing of recycled
22 products and recycled paper products in New Jersey.

23 The Legislature therefore determines that the Bureau of Recycling
24 and Planning in the Division of Solid and Hazardous Waste in the
25 Department of Environmental Protection shall establish and maintain
26 an online recycled-content products marketplace within its website to
27 facilitate the promotion, marketing and sale of recycled products and
28 recycled paper products in this State.

29
30 2. (New section) a. The Department of Environmental Protection
31 shall establish and maintain an online recycled-content products
32 marketplace within its website portal dedicated to the promotion,
33 marketing and sale of recycled products and recycled paper products.
34 The Bureau of Recycling and Planning in the Division of Solid and
35 Hazardous Waste shall administer the website, in consultation with the
36 New Jersey Buy Recycled Business Network.

37 b. The online recycled-content products marketplace shall be
38 known as the New Jersey Recycled Products Marketplace (hereinafter
39 referred to as the "NJ RecycleStore website"). The NJ RecycleStore
40 website shall serve as a marketing venue to assist the manufacturers of
41 recycled-content products and their customers to find ¹and¹ locate one
42 another.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AEN committee amendments adopted November 22, 2004.

1 c. In establishing the NJ RecycleStore website, the department
2 shall prepare guidelines, which shall include, but need not be limited
3 to, the following:

4 (1) All recycled products or recycled paper products listed on the
5 NJ RecycleStore website may be ordered directly from the
6 manufacturers, including, but not limited to, those manufacturers that
7 accept online ordering via their own business websites ¹[.]:¹

8 (2) Customers may be able to purchase recycled products or
9 recycled paper products directly from the manufacturers listed on the
10 NJ RecycleStore website, whether at wholesale or retail, who may be
11 contacted directly using the contact information provided by the NJ
12 RecycleStore website ¹[.]:¹

13 (3) Any manufacturer who is a member of the New Jersey Buy
14 Recycled Business Network may have its products listed on the NJ
15 RecycleStore website ¹[.]:¹

16 (4) To showcase its recycled-content products on the NJ
17 RecycleStore website, manufacturers may contact the Bureau of
18 Recycling and Planning or the New Jersey Buy Recycled Business
19 Network ¹[.]:^{and}¹

20 (5) The NJ RecycleStore website shall contain the following
21 statement:

22 "The NJ RecycleStore is sponsored by the Bureau of Recycling and
23 Planning in the Division of Solid and Hazardous Waste, Department
24 of Environmental Protection, in consultation with the New Jersey Buy
25 Recycled Business Network. There are no fees for participating in this
26 program."
27

28 3. (New section) The department shall, within 30 days of the
29 effective date of this act, prepare and adopt guidelines for the
30 operation of the NJ RecycleStore website as provided in section 2 of
31 P.L. , c. (C.)(now before the Legislature as this bill).
32

33 4. Section 11 of P.L.1987, c.365 (C.13:1E-96.1.) is amended to
34 read as follows:

35 11. a. All of the functions, powers and duties heretofore exercised
36 by the Department of Energy and the commissioner thereof pursuant
37 to P.L.1981, c.278 (C.13:1E-92 et seq.) are continued and transferred
38 to and vested in the Department of Environmental Protection and the
39 commissioner thereof.

40 b. Whenever in any law, rule, regulation, order, contract,
41 document, judicial or administrative proceeding or otherwise,
42 reference is made to the Office of Recycling in the Department of
43 Energy, the same shall mean and refer to the [Office of Recycling]
44 Bureau of Recycling and Planning in the Division of Solid and
45 Hazardous Waste in the Department of Environmental Protection or
46 its successor.

47 (cf: P.L.1987, c.365, s.11)

1 ¹[5. Section 2 of P.L.1987, c.102 (C.13:1E-99.12) is amended to
2 read as follows:

3 2. As used in sections 1 through 24 [and], sections 40 and 41 of
4 P.L.1987, c.102 and sections 1 through 3 of P.L. , c. (C.)
5 (now before the Legislature as this bill)(C.13:1E-99.11 through
6 13:1E-99.32 [and], 13:1E-99.33 and 13:1E-99.34 and C.):

7 "Agricultural or horticultural land" means land deemed actively
8 devoted to agricultural or horticultural use pursuant to the "Farmland
9 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.);

10 "Beverage" means milk, alcoholic beverages, including beer or
11 other malt beverages, liquor, wine, vermouth and sparkling wine, and
12 nonalcoholic beverages, including fruit juice, mineral water and soda
13 water and similar nonalcoholic carbonated and noncarbonated drinks
14 intended for human consumption;

15 "Beverage container" means an individual, separate, hermetically
16 sealed, or made airtight with a metal or plastic cap, bottle or can
17 composed of glass, metal, plastic or any combination thereof,
18 containing a beverage;

19 "Class A recyclable material" means a source separated
20 nonputrescible recyclable material which is specifically excluded from
21 approval of the department prior to receipt, storage, processing or
22 transfer at a recycling center pursuant to subsection b. of section 41
23 of P.L.1987, c.102 (C.13:1E-99.34), which material includes source
24 separated nonputrescible metal, glass, paper, plastic containers, and
25 corrugated and other cardboard;

26 "Class B recyclable material" means a source separated recyclable
27 material which is subject to approval of the department prior to
28 receipt, storage, processing or transfer at a recycling center pursuant
29 to subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34) and
30 which includes, but need not be limited to, scrap tires, wood waste,
31 tree stumps, and certain construction or demolition debris, including
32 waste asphalt, bricks, cinder blocks and concrete;

33 "Class C recyclable material" means a source separated
34 compostable material which is subject to approval of the department
35 prior to receipt, storage, processing or transfer at a recycling center
36 pursuant to subsection b. of section 41 of P.L.1987, c.102
37 (C.13:1E-99.34) and which includes, but need not be limited to,
38 organic materials such as food waste, vegetative food waste and yard
39 trimmings;

40 "Commingled" means a combining of nonputrescible source
41 separated recyclable materials for the purpose of recycling;

42 "Compostable" means able to undergo physical, chemical, thermal
43 or biological degradation under aerobic conditions such that the
44 material to be composted enters into and is physically indistinguishable
45 from the finished compost, and which ultimately mineralizes in the
46 environment at a rate similar to known compostable materials such as

1 paper and yard trimmings;

2 "Composting" means the controlled biological degradation of
3 organic matter to make compost;

4 "Contaminant" means solid waste which adheres to, or which is
5 otherwise contained on or in, source separated recyclable materials;

6 "County" means any county of this State of whatever class;

7 "Department" means the Department of Environmental Protection;

8 "Designated recyclable materials" means those recyclable materials,
9 including metal, glass, paper, or plastic, polycoated paperboard
10 packaging, including beverage containers and aseptic packaging, food
11 waste, corrugated and other cardboard, newspaper, magazines, or
12 high-grade office paper designated in a district recycling plan to be
13 source separated in a municipality pursuant to section 3 of P.L.1987,
14 c.102 (C.13:1E-99.13);

15 "Disposition" or "disposition of designated recyclable materials"
16 means the transportation, placement, reuse, sale, donation, transfer or
17 temporary storage for a period not exceeding six months of designated
18 recyclable materials for all possible uses except for disposal as solid
19 waste;

20 "District" means a solid waste management district as designated by
21 section 10 of P.L.1975, c.326 (C.13:1E-19), except that, as used in the
22 provisions of P.L.1987, c.102 (C.13:1E-99.11 et seq.), "district" shall
23 not include the Hackensack Meadowlands District;

24 "District recycling plan" means the plan prepared and adopted by
25 the governing body of a county and approved by the department to
26 implement the State Recycling Plan goals pursuant to section 3 of
27 P.L.1987, c.102 (C.13:1E-99.13);

28 "Food waste" means food processing byproducts, vegetative waste,
29 off-specification food products, food product overruns, and similar
30 food waste materials;

31 "Leaf composting facility" means a solid waste facility which is
32 designed and operated solely for the purpose of composting leaves and
33 shall also include leaf mulching operations on land deemed actively
34 devoted to agricultural or horticultural use as defined in section 5 of
35 P.L.1964, c.48 (C.54:4-23.5);

36 "Market" or "markets" means the disposition of designated
37 recyclable materials;

38 "Municipality" means any city, borough, town, township or village
39 situated within the boundaries of this State;

40 "Municipal solid waste stream" means all residential, commercial
41 and institutional solid waste generated within the boundaries of any
42 municipality;

43 "Paper" means all paper grades, including but not limited to,
44 newspaper, corrugated and other cardboard, high-grade office paper,
45 fine paper, bond paper, offset paper, xerographic paper, mimeo paper,
46 duplicator paper, and related types of cellulosic material containing not
47 more than 10% by weight or volume of non-cellulosic material such as

1 laminates, binders, coatings, or saturants;

2 "Paper product" means any paper items or commodities, including
3 but not limited to, paper napkins, towels, construction material, toilet
4 tissue, paper and related types of cellulosic products containing not
5 more than 10% by weight or volume of non-cellulosic material such as
6 laminates, binders, coatings, or saturants;

7 "Plastic container" means any formed or molded and hermetically
8 sealed, or made airtight with a metal or plastic cap, rigid container
9 with a minimum wall thickness of not less than 0.010 inches, and
10 composed primarily of thermoplastic synthetic polymeric material;

11 "Post-consumer waste material" means any finished product
12 generated by a business or consumer which has served its intended end
13 use, and which has been separated from solid waste for the purposes
14 of collection, recycling and disposition and which does not include
15 secondary waste material;

16 "Recognized academic institution" means any of the following
17 educational or research institutions located in this State: a duly
18 authorized institution of higher education licensed by the Board of
19 Higher Education; a public school operated by a local school district;
20 a private vocational school; or a nonpublic school satisfying the State's
21 compulsory attendance requirements;

22 "Recyclable material" means those materials which would otherwise
23 become solid waste, and which may be collected, separated or
24 processed and returned to the economic mainstream in the form of raw
25 materials or products;

26 "Recycled paper" means any paper having a total weight consisting
27 of not less than 50% secondary waste paper material and with not less
28 than 10% of its total weight consisting of post-consumer waste
29 material;

30 "Recycled paper product" means any paper product consisting of
31 not less than 50% secondary waste paper material and with not less
32 than 10% of its total weight consisting of post-consumer waste
33 material;

34 "Recycled product" or "product made from recycled material"
35 means any nonpaper item or commodity which is manufactured or
36 produced in whole or in part from post-consumer waste material;

37 "Recycling" means any process by which materials which would
38 otherwise become solid waste are collected, separated or processed
39 and returned to the economic mainstream in the form of raw materials
40 or products;

41 "Recycling center" means any facility designed and operated solely
42 for receiving, storing, processing or transferring source separated
43 recyclable materials; except that "recycling center" shall not include a
44 scrap [processing] metal shredding facility;

45 "Recycling services" means the services provided by persons
46 engaging in the business of recycling, including the collection,
47 transportation, processing, storage, purchase, sale or disposition, or

1 any combination thereof, of recyclable materials;

2 "Residue" means any solid waste generated as a result of processing
3 source separated recyclable materials at a recycling center;

4 "Scrap [processing] metal shredding facility" means a commercial
5 industrial facility designed and operated for receiving, storing,
6 processing and transferring scrap automobiles, appliances or other
7 source separated, nonputrescible ferrous and nonferrous metal, which
8 materials are purchased by the owner or operator thereof, and which
9 are altered or reduced in volume or physical characteristics onsite by
10 mechanical methods, including but not limited to baling, cutting,
11 torching, crushing, or shredding, for the purposes of resale for
12 remelting, refining, smelting or remanufacturing into raw materials or
13 products;

14 "Secondary waste material" means waste material generated after
15 the completion of a manufacturing process;

16 "Secondary waste paper material" means paper waste generated
17 after the completion of a paper making process, such as envelope
18 cuttings, bindery trimmings, printing waste, cutting and other
19 converting waste, butt rolls and mill wrappers; except that secondary
20 waste paper material shall not include fibrous waste generated during
21 the manufacturing process, such as fibers recovered from waste water
22 or trimmings of paper machine rolls, fibrous byproducts of harvesting,
23 extractive or woodcutting processes, or forest residue such as bark, or
24 mill broke;

25 "Source separated recyclable materials" means recyclable materials
26 which are separated at the point of generation by the generator thereof
27 from solid waste for the purposes of recycling;

28 "Source separation" or "source separated" means the process by
29 which recyclable materials are separated at the point of generation by
30 the generator thereof from solid waste for the purposes of recycling;

31 "Vegetative food waste" means food processing waste from
32 materials such as fruits, vegetables and grains, and similar vegetable
33 food waste materials;

34 "Vegetative waste composting facility" means a solid waste facility
35 which is designed and operated for the purpose of composting leaves,
36 either exclusively or in combination with other vegetative wastes
37 authorized by the department;

38 "Yard trimmings" means grass clippings, leaves and brush.

39 (cf: P.L.1994, c.122, s.1)]¹

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41 ¹[6.] 5.¹ This act shall take effect immediately.