

**ASSEMBLY, No. 1205**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

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**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Requires district recycling plans to include compostable waste among source separated recyclable materials.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/3/2022)**

1 AN ACT concerning district recycling plans and amending  
2 P.L.1987, c.102.

3

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

6

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

9 2. As used in sections 1 through 24 and sections 40 and 41 of  
10 P.L.1987, c.102 (C.13:1E-99.11 through 13:1E-99.32 and 13:1E-  
11 99.33 and 13:1E-99.34):

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

16 "Beverage" means milk, alcoholic beverages, including beer or  
17 other malt beverages, liquor, wine, vermouth and sparkling wine,  
18 and nonalcoholic beverages, including fruit juice, mineral water and  
19 soda water and similar nonalcoholic carbonated and noncarbonated  
20 drinks intended for human consumption;

21 "Beverage container" means an individual, separate, hermetically  
22 sealed, or made airtight with a metal or plastic cap, bottle or can  
23 composed of glass, metal, plastic or any combination thereof,  
24 containing a beverage;

25 "Compostable waste" means biodegradable food waste, paper  
26 products, and yard trimmings. "Compostable waste" shall not  
27 include leaves.

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

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

31 "Department" means the Department of Environmental  
32 Protection;

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

40 "Disposition" or "disposition of designated recyclable materials"  
41 means the transportation, placement, reuse, sale, donation, transfer  
42 or temporary storage for a period not exceeding six months of  
43 designated recyclable materials for all possible uses except for  
44 disposal as solid waste;

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

Matter underlined thus is new matter.

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

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

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

14 "Market" or "markets" means the disposition of designated  
15 recyclable materials;

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

18 "Municipal solid waste stream" means all residential,  
19 commercial and institutional solid waste generated within the  
20 boundaries of any municipality;

21 "Paper" means all paper grades, including but not limited to,  
22 newspaper, corrugated and other cardboard, high-grade office  
23 paper, fine paper, bond paper, offset paper, xerographic paper,  
24 mimeo paper, duplicator paper, and related types of cellulosic  
25 material containing not more than 10 **[%]** percent by weight or  
26 volume of non-cellulosic material such as laminates, binders,  
27 coatings, or saturants;

28 "Paper product" means any paper items or commodities,  
29 including but not limited to, paper napkins, towels, construction  
30 material, toilet tissue, paper and related types of cellulosic products  
31 containing not more than 10 **[%]** percent by weight or volume of  
32 non-cellulosic material such as laminates, binders, coatings, or  
33 saturants;

34 "Plastic container" means any formed or molded and  
35 hermetically sealed, or made airtight with a metal or plastic cap,  
36 rigid container with a minimum wall thickness of not less than  
37 0.010 inches, and composed primarily of thermoplastic synthetic  
38 polymeric material;

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

44 "Recognized academic institution" means any of the following  
45 educational or research institutions located in this State: a duly  
46 authorized institution of higher education licensed by the Board of  
47 Higher Education; a public school operated by a local school

1 district; a private vocational school; or a nonpublic school  
2 satisfying the State's compulsory attendance requirements;

3 "Recyclable material" means those materials which would  
4 otherwise become solid waste, and which may be collected,  
5 separated or processed and returned to the economic mainstream in  
6 the form of raw materials or products;

7 "Recycled paper" means any paper having a total weight  
8 consisting of not less than 50 **[%]** percent secondary waste paper  
9 material and with not less than 10 **[%]** percent of its total weight  
10 consisting of post-consumer waste material;

11 "Recycled paper product" means any paper product consisting of  
12 not less than 50 **[%]** percent secondary waste paper material and  
13 with not less than 10 **[%]** percent of its total weight consisting of  
14 post-consumer waste material;

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

18 "Recycling" means any process by which materials which would  
19 otherwise become solid waste are collected, separated or processed  
20 and returned to the economic mainstream in the form of raw  
21 materials or products;

22 "Recycling center" means any facility designed and operated  
23 solely for receiving, storing, processing or transferring source  
24 separated recyclable materials; except that "recycling center" shall  
25 not include a scrap processing facility;

26 "Recycling services" means the services provided by persons  
27 engaging in the business of recycling, including the collection,  
28 transportation, processing, storage, purchase, sale or disposition, or  
29 any combination thereof, of recyclable materials;

30 "Scrap processing facility" means a commercial industrial  
31 facility designed and operated for receiving, storing, processing and  
32 transferring source separated, nonputrescible ferrous and nonferrous  
33 metal, which materials are purchased by the owner or operator  
34 thereof, and which are altered or reduced in volume or physical  
35 characteristics onsite by mechanical methods, including but not  
36 limited to baling, cutting, torching, crushing, or shredding, for the  
37 purposes of resale for remelting, refining, smelting or  
38 remanufacturing into raw materials or products;

39 "Secondary waste material" means waste material generated after  
40 the completion of a manufacturing process;

41 "Secondary waste paper material" means paper waste generated  
42 after the completion of a paper making process, such as envelope  
43 cuttings, bindery trimmings, printing waste, cutting and other  
44 converting waste, butt rolls and mill wrappers; except that  
45 secondary waste paper material shall not include fibrous waste  
46 generated during the manufacturing process, such as fibers  
47 recovered from waste water or trimmings of paper machine rolls,

1 fibrous byproducts of harvesting, extractive or woodcutting  
2 processes, or forest residue such as bark, or mill broke;

3 "Source separated recyclable materials" means recyclable  
4 materials which are separated at the point of generation by the  
5 generator thereof from solid waste for the purposes of recycling;

6 "Source separation" or "source separated" means the process by  
7 which recyclable materials are separated at the point of generation  
8 by the generator thereof from solid waste for the purposes of  
9 recycling;

10 "Vegetative waste composting facility" means a solid waste  
11 facility which is designed and operated for the purpose of  
12 composting leaves, either exclusively or in combination with other  
13 vegetative wastes authorized by the department.

14 (cf: P.L.1994, c.122, s.1)

15

16 2. Section 3 of P.L.1987, c.102 (C.13:1E-99.13) is amended to  
17 read as follows:

18 3. a. Each county shall prepare and adopt a district recycling  
19 plan to implement the State Recycling Plan goals. Each district  
20 recycling plan shall be adopted as an amendment to the district  
21 solid waste management plan required pursuant to the provisions of  
22 the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et  
23 seq.) and subject to the approval of the department. Each district  
24 recycling plan may be modified after adoption pursuant to a  
25 procedure set forth in the adopted plan as approved by the  
26 department.

27 b. Each district recycling plan required pursuant to this section  
28 shall include, but need not be limited to:

29 (1) Designation of a district recycling coordinator;

30 (2) Designation of the recyclable materials to be source  
31 separated in each municipality which shall include, in addition to  
32 leaves, compostable waste and at least three other recyclable  
33 materials separated from the municipal solid waste stream;

34 (3) Designation of the strategy for the collection, marketing and  
35 disposition of designated source separated recyclable materials in  
36 each municipality;

37 (4) Designation of recovery targets in each municipality to  
38 achieve the maximum feasible recovery of recyclable materials  
39 from the municipal solid waste stream which shall include, at a  
40 minimum, the following schedule:

41 (a) The recycling of at least 15 **[%]** percent of the total  
42 municipal solid waste stream by December 31, 1989;

43 (b) The recycling of at least 25 **[%]** percent of the total  
44 municipal solid waste stream by December 31, 1990; and

45 (c) The recycling of at least 50 **[%]** percent of the total  
46 municipal solid waste stream, including yard waste and vegetative  
47 waste, by December 31, 1995; and

1 (5) Designation of countywide recovery targets to achieve the  
2 maximum feasible recovery of recyclable materials from the total  
3 solid waste stream which shall include, at a minimum, the recycling  
4 of at least 60 **【%】 percent** of the total solid waste stream by  
5 December 31, 1995.

6 Within 24 months of the effective date of P.L.2007, c.311  
7 (C.13:1E-96.2 et al.), each district recycling plan shall be modified  
8 to include the designation of a district certified recycling  
9 coordinator.

10 No later than 24 months after the effective date of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill), each  
12 district recycling plan shall be modified to designate compostable  
13 waste as a recyclable material to be source separated.

14 For the purposes of this subsection, "district certified recycling  
15 coordinator" means a person who shall have completed the  
16 requirements of a course of instruction in various aspects of  
17 recycling program management, as determined and administered by  
18 the department; "total municipal solid waste stream" means the sum  
19 of the municipal solid waste stream disposed of as solid waste, as  
20 measured in tons, plus the total number of tons of recyclable  
21 materials recycled; and "total solid waste stream" means the  
22 aggregate amount of solid waste generated within the boundaries of  
23 any county from all sources of generation, including the municipal  
24 solid waste stream.

25 c. Each district recycling plan, in designating a strategy for the  
26 collection, marketing and disposition of designated recyclable  
27 materials in each municipality, shall authorize municipalities that  
28 adopt a recycling ordinance pursuant to subsection b. of section 6 of  
29 P.L.1987, c.102 (C.13:1E-99.16) to limit the collection of  
30 designated recyclable materials to specified operating hours in order  
31 to preserve the peace and quiet in neighborhoods during the hours  
32 when most residents are asleep.

33 d. A district recycling plan may be modified to require that  
34 each municipality within the county revise the ordinance adopted  
35 pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-  
36 99.16) to provide for the source separation and collection of used  
37 dry cell batteries as a designated recyclable material.

38 e. (Deleted by amendment, P.L.2008, c. 130)  
39 (cf: P.L.2008, c.130, s.19)  
40

41 3. Section 4 of P.L.1987, c.102 (C.13:1E-99.14) is amended to  
42 read as follows:

43 4. a. Each county shall, within six months of the adoption and  
44 approval by the department or a modification of the district  
45 recycling plan required pursuant to section 3 of **【this amendatory**  
46 **and supplementary act】** P.L.1987, c.102 (C.13:1E-99.13) , solicit  
47 proposals from, review the qualifications of, and enter into  
48 contracts or agreements on behalf of municipalities with persons

1 providing recycling services or operating recycling centers for the  
2 collection, storage, processing, and disposition of recyclable  
3 materials designated in the district recycling plan in those instances  
4 where these services are not otherwise provided by the  
5 municipality, interlocal service agreement or joint service program,  
6 or other private or public recycling program operator.

7 b. In the event that a county is unable to enter into contracts or  
8 otherwise execute agreements to market specific designated  
9 recyclable materials in order to achieve the designated recovery  
10 targets set forth in the district recycling plan, the county may  
11 petition the department for a temporary exemption from the  
12 provisions of subsection a. of this section for these specified  
13 materials. The department is authorized to grant, deny or  
14 conditionally grant the exemption. If the exemption is denied, the  
15 department shall assist the county in identifying and securing  
16 markets for the recyclable materials designated in the district  
17 recycling plan. Any exemption granted by the department shall not  
18 exceed one year in duration, and shall be granted or renewed only  
19 upon a finding that the county has made a good faith effort to  
20 identify and secure markets for its recyclable materials. Each  
21 county shall continue to solicit those recycling services necessary to  
22 achieve the maximum feasible recovery targets in each municipality  
23 as set forth in the district recycling plan.

24 (cf: P.L.1987, c.102, s.4)

25  
26 4. Section 5 of P.L.1987, c.102 (C.13:1E-99.15) is amended to  
27 read as follows:

28 5. Any county which has prepared and adopted a district  
29 recycling plan as an amendment to the district solid waste  
30 management plan required pursuant to the provisions of the "Solid  
31 Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), and  
32 the district recycling plan has been approved by the department  
33 prior to January 1, 1987, shall be exempt from the provisions of  
34 sections 3 and 4 of **【this amendatory and supplementary act】**  
35 P.L.1987, c.102 (C.13:1E-99.13 and C.13:1E-99.14) . To be  
36 eligible for an exemption pursuant to this section, a county shall  
37 have established and implemented a county-wide mandatory source  
38 separation and recycling program for at least three recyclable  
39 materials, in addition to leaves and compostable waste , and shall  
40 have demonstrated that it has secured markets for these materials.

41 (cf: P.L.1987, c.102, s.5)

42  
43 5. This act shall take effect immediately.

#### 44 45 46 STATEMENT

47  
48 This bill would amend the "New Jersey Statewide Mandatory  
49 Source Separation and Recycling Act," P.L.1987, c.102 (13:1E-

1 99.11 et seq.), to include compostable waste among the recyclable  
2 materials that are required to be source separated and recycled  
3 under district recycling plans.

4 For the purposes of the bill, the term "compostable waste" means  
5 biodegradable food waste, paper products, and yard trimmings.  
6 Leaves are excluded from the definition, since they are collected  
7 and recycled in a different manner than other recyclable materials.

8 The bill would require each solid waste management district to  
9 update its recycling plan within 24 months after the bill's date of  
10 enactment to reflect the new requirement. The bill would also  
11 require counties, or the New Jersey Sports and Exposition Authority  
12 in the case of the Hackensack Meadowlands district, to solicit  
13 proposals from, review the qualifications of, and enter into  
14 contracts or agreements on behalf of municipalities with persons  
15 providing recycling services for the collection, storage, processing,  
16 and disposition of recyclable materials each time the district  
17 recycling plan is updated. Under current law, counties, or the New  
18 Jersey Sports and Exposition Authority, as appropriate, are only  
19 required to do so upon the adoption of a district recycling plan.