

[First Reprint]

ASSEMBLY, No. 5803

STATE OF NEW JERSEY
219th LEGISLATURE

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Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

SYNOPSIS

Exempts certain plastic materials processed at advanced plastic processing facilities from State laws regulating solid waste disposal and recycling.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 24, 2021.



1 AN ACT concerning certain plastic processing facilities, amending
2 P.L.1970, c.39, and supplementing Title 13 of the Revised
3 Statutes.

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

7
8 1. Section 3 of P.L.1970, c.39 (C.13:1E-3) is amended to read
9 as follows:

10 3. As used in the provisions of P.L.1970, c.39 (C.13:1E-1 et
11 seq.):

12 "Solid waste" means garbage, refuse, and other discarded
13 materials resulting from industrial, commercial and agricultural
14 operations, and from domestic and community activities, and shall
15 include all other waste materials including liquids, except for : (1)
16 source separated recyclable materials **[or]** ; (2) source separated
17 food waste collected by livestock producers approved by the State
18 Department of Agriculture to collect, prepare and feed such wastes
19 to livestock on their own farms ; or (3) source separated plastic
20 ¹[material] materials, except those plastic materials identified in
21 paragraph (2) of section 2 of P.L. , c. (C.) (pending before
22 the Legislature as this bill), which are¹ transported and delivered to,
23 and processed at, an advanced plastic processing facility.

24 "Solid waste collection" means the activity related to pick-up and
25 transportation of solid waste from its source or location to a solid
26 waste facility or other destination.

27 "Disposal" means the storage, treatment, utilization, processing,
28 resource recovery of, or the discharge, deposit, injection, dumping,
29 spilling, leaking or placing of any solid or hazardous waste into or
30 on any land or water, so that the solid or hazardous waste or any
31 constituent thereof may enter the environment or be emitted into the
32 air or discharged into any waters, including groundwaters.

33 "Solid waste management" includes all activities related to the
34 collection or disposal of solid waste by any person engaging in any
35 such process.

36 "Council" means the Advisory Council on Solid Waste
37 Management.

38 "Department" means the Department of Environmental
39 Protection.

40 "Commissioner" means the Commissioner of the Department of
41 Environmental Protection.

42 "Solid waste facilities" means and includes the plants, structures
43 and other real and personal property acquired, constructed or
44 operated or to be acquired, constructed or operated by, or on behalf

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted June 24, 2021.

1 of, any person, public authority or county pursuant to the provisions
2 of P.L.1970, c.39 (C.13:1E-1 et seq.) or any other act, including
3 transfer stations, incinerators, resource recovery facilities, sanitary
4 landfill facilities or other plants for the disposal of solid waste, and
5 all vehicles, equipment and other real and personal property and
6 rights therein and appurtenances necessary or useful and convenient
7 for the collection or disposal of solid waste in a sanitary manner.

8 "Public authority" means a municipal or county utilities authority
9 created pursuant to the "municipal and county utilities authorities
10 law," P.L.1957, c.183 (C.40:14B-1 et seq.); a county improvement
11 authority created pursuant to the "county improvement authorities
12 law," P.L.1960, c.183 (C.40:37A-44 et seq.); a pollution control
13 financing authority created pursuant to the "New Jersey Pollution
14 Control Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.); or
15 any other public body corporate and politic created for solid waste
16 management purposes in any county, pursuant to the provisions of
17 any law.

18 "Hackensack Meadowlands District" means the area within the
19 jurisdiction of the New Jersey Meadowlands Commission created
20 pursuant to the provisions of the "Hackensack Meadowlands
21 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et
22 seq.).

23 "Hackensack Commission" means the New Jersey Meadowlands
24 Commission created pursuant to the provisions of the "Hackensack
25 Meadowlands Reclamation and Development Act," P.L.1968, c.404
26 (C.13:17-1 et seq.).

27 "Public sewage treatment plant" means any structure or
28 structures required to be approved by the department pursuant to
29 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74 (C.58:10A-1
30 et seq.), by means of which domestic wastes are subjected to any
31 artificial process in order to remove or so alter constituents as to
32 render the waste less offensive or dangerous to the public health,
33 comfort or property of any of the inhabitants of this State, before
34 the discharge of the plant effluent into any of the waters of this
35 State; this definition includes plants for the treatment of industrial
36 wastes, as well as a combination of domestic and industrial wastes.

37 "Resource recovery" means the collection, separation, recycling
38 and recovery of metals, glass, paper and other materials for reuse;
39 or the incineration of solid waste for energy production and the
40 recovery of metals and other materials for reuse.

41 "Resource recovery facility" means a solid waste facility
42 constructed and operated for the incineration of solid waste for
43 energy production and the recovery of metals and other materials
44 for reuse; or a mechanized composting facility, or any other solid
45 waste facility.

46 "Sanitary landfill facility" means a solid waste facility at which
47 solid waste is deposited on or in the land as fill for the purpose of
48 permanent disposal or storage for a period exceeding six months,

1 except that it shall not include any waste facility approved for
2 disposal of hazardous waste.

3 "Transfer station" means a solid waste facility at which solid
4 waste is transferred from a solid waste collection vehicle to a
5 registered solid waste haulage vehicle, including a rail car, for
6 transportation to an offsite sanitary landfill facility, resource
7 recovery facility, or designated out-of-State disposal site for
8 disposal.

9 "Advanced plastic processing facility" means a facility that
10 receives, stores, and processes plastic material generated from
11 industrial, commercial, agricultural, or domestic activities,
12 transforming it into useable products, including but not limited to
13 plastic monomers, chemicals, waxes, lubricants, chemical
14 feedstocks, crude oil, diesel, gasoline, or home heating oil, using
15 chemical processes such as gasification, pyrolysis, and solvolysis.

16 (cf: P.L.2003, c.231, s.1)

17

18 2. (New section) a. ¹**【Plastic material】** (1) Except as
19 otherwise provided by paragraph (2) of this subsection, plastic
20 materials that are¹ transported and delivered to, and processed at, an
21 advanced plastic processing facility shall not be subject to the
22 provisions of any State law regulating recycling or the disposal of
23 solid waste, including, but not limited to, the "Solid Waste
24 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "New
25 Jersey Statewide Mandatory Source Separation and Recycling Act,"
26 P.L.1987, c.102 (C.13:1E-99.11 et al.), or any rules or regulations
27 adopted pursuant thereto. However, an advanced plastic processing
28 facility shall be subject to all other applicable State and federal
29 laws, including, but not limited to, those regulating land use, air
30 pollution, and water pollution. In particular, nothing in this act
31 shall be construed to exempt an advanced plastic processing facility
32 from the provisions of P.L.2020, c.92 (C.13:1D-157 et seq.).

33 ¹(2) The exemption from solid waste disposal and recycling
34 requirements, which is established by paragraph (1) of this
35 subsection, shall not apply to plastic materials that are composed of
36 polyethylene terephthalate (PETE) or high density polyethylene
37 (HDPE) and are labeled with material code "1" or "2" pursuant to
38 section 2 of P.L.1989, c.268 (C.13:1E-99.41).¹

39 b. Advanced plastic processing shall not be considered solid
40 waste disposal, solid waste management, resource recovery,
41 materials recovery, thermal destruction, incineration, combustion,
42 treatment, or reclamation, for the purposes of any State law
43 regulating recycling or the disposal of solid waste or any rules or
44 regulations adopted pursuant thereto.

45 c. An advanced plastic processing facility shall not be
46 considered a solid waste facility, solid waste disposal facility, solid
47 waste management facility, resource recovery facility, materials
48 recovery facility, thermal destruction facility, incinerator,

1 combustion facility, treatment facility, reclamation facility,
2 recycling facility, or recycling center for the purposes of any State
3 law regulating recycling or the disposal of solid waste or any rules
4 or regulations adopted pursuant thereto.

5 d. As used in this section:

6 "Advanced plastic processing" means the transformation of
7 plastic material generated from industrial, commercial, agricultural,
8 or domestic activities into useable products, including, but not
9 limited to, plastic monomers, chemicals, waxes, lubricants,
10 chemical feedstocks, crude oil, diesel, gasoline, or home heating oil,
11 using chemical processes such as gasification, pyrolysis, and
12 solvolysis.

13 "Advanced plastic processing facility" means the same as the
14 term is defined in section 3 of P.L.1970, c.39 (C.13:1E-3).

15

16 3. This act shall take effect immediately.