

ASSEMBLY, No. 298

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROONEY

1 AN ACT concerning solid waste management and reduction,
2 supplementing P.L.1970, c.39 (C.13:1E-1 et seq.), and amending
3 P.L.1975, c.326 and P.L.1981, c.278.

4

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

7

8 1. (New section) This act shall be known, and may be cited, as the
9 "County and Municipal Waste Reduction Act."

10

11 2. (New section) The Legislature finds that incineration is a waste
12 processing method that should be used only as an option of last resort
13 for the processing of solid waste for ultimate disposal; that the
14 maximum use of source reduction, reuse, composting, and recycling
15 technologies will be compromised and seriously undermined if the
16 State allows the numerous proposed solid waste incinerators that have
17 been incorporated into approved solid waste management plans to
18 commence operations, commence or continue in construction or
19 expansion, or commence or continue in the siting process; that the
20 possible adverse effects to public health, the environment and the
21 State's economy from constructing, expanding, operating and
22 maintaining solid waste incinerators have not been adequately
23 addressed; and that the known and unknown threat to public health
24 and the ecosystem from over 400 pollutants emitted by municipal solid
25 waste incinerators, including lead, mercury, dioxin and acid gases in
26 unacceptable.

27 The Legislature further finds that the construction, expansion,
28 operation and maintenance of solid waste incinerators is characterized
29 by enormous capital expenditures and escalating operation and
30 maintenance expenses, costs that necessitate a substantial financial
31 commitment by the State and the debt service for which must be borne
32 by all taxpayers; that this commitment of public resources should be

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.

1 made, if at all, only as a last resort after thorough scrutiny and review,
2 and only after a host county has demonstrated, based on verifiable
3 data, at least a 75 percent reduction in its solid waste stream to be
4 accomplished through 10 percent source reduction and 65 percent
5 recycling, including municipal solid waste composting; and that every
6 county proposing to construct or expand a solid waste incinerator for
7 its long-term solid waste disposal needs must be required, at a
8 minimum, to undergo an extensive review of its project development
9 plan in order to effectively implement alternative, less environmentally
10 harmful technologies and life cycle waste management techniques,
11 thereby reducing the risk to public health from heavy metals and dioxin
12 and minimizing the economic impact of these projects.

13 The Legislature further finds that the source reduction of solid
14 waste is the preferred method of solid waste management over reuse,
15 recycling, landfilling or incineration; that source reduction minimizes
16 the amount of waste generated; that source reduction is a method that
17 prevents the generation of waste, which is more effective than
18 remedial solid waste management techniques; that source reduction of
19 waste results in decreased consumption of virgin materials, decreased
20 energy consumption, reduced pollution from mining and manufacturing
21 processes, reduced soil erosion, and reduced expenditures for solid
22 waste disposal for individuals, commercial establishments, and county
23 and municipal governments; that source reduction reduces the amount,
24 volume, and weight of solid waste ultimately resulting in greatly
25 reduced waste volume and flow; that disposable products are
26 inherently wasteful and should be discouraged from use; that excess
27 packaging is an impediment to sound solid waste management; that
28 fraudulent environmental claims on products and packages impede the
29 achievement of solid waste source reduction goals; that a solid waste
30 crisis exists within the State and it is in the public interest to reduce
31 the amount of solid waste generated as a first step in eliminating the
32 need for landfill space and incinerators, and to modify and simplify the
33 composition of solid waste; that the Governor's Emergency Solid
34 Waste Assessment Task Force recommended in 1990 that source
35 reduction be recognized and implemented as the first priority in the
36 State's solid waste management program; that the solid waste policy
37 of the State shall be to cap total waste generation within five years and
38 reduce total waste generation through source reduction within ten
39 years; and that source reduction promotes economic competitiveness
40 and a positive business climate.

41 The Legislature therefore determines that it is in the public interest
42 to impose special review procedures and requirements on the design,
43 financing, permitting, construction, or expansion of any solid waste
44 incinerator, including any proposed expansion of an existing solid
45 waste incinerator in operation as of the effective date of this act, any
46 proposed solid waste incinerator currently undergoing project review,

1 and any approved solid waste incinerator currently under construction.

2 The Legislature further determines that it shall be the public policy
3 of this State to become self-sufficient in its management of solid waste
4 by the year 2005 and to encourage the reduction of the amount and
5 toxicity of solid waste generated within each county, through source
6 reduction, reuse, composting and recycling, as the primary method of
7 solid waste management in the State; and it shall also be the policy of
8 this State to discourage, to the greatest extent practicable, the
9 incineration or landfilling of solid waste generated within any county
10 of the State; and that an integrated approach with respect to solid
11 waste management shall be adopted based on the following hierarchy:
12 source reduction, source separation and reuse, composting, recycling,
13 landfilling preceded by baling, shredding and compaction, and
14 incineration.

15

16 3. (New section) As used in this act:

17 "Commissioner" means the Commissioner of the Department of
18 Environmental Protection.

19 "Composting" means the biological process whereby the organic
20 components of a solid waste, including, but not limited to, food waste,
21 yard waste, and vegetative waste, are broken down into their chemical
22 elements and compounds to form humus.

23 "Container" means a package, covering, wrapping, box, or device
24 in which a material or product is marketed, protected, stored, treated,
25 handled, or transported, excluding any container used to hold,
26 transport or store any hazardous or potentially hazardous waste.

27 "Department" means the Department of Environmental Protection.

28 "Designated agency" means the department, unit or committee of
29 the county government designated by the board of chosen freeholders,
30 in the case of counties, or the Hackensack Commission, in the case of
31 the Hackensack Meadowlands District, to supervise the
32 implementation of the district solid waste management plan pursuant
33 to section 12 of P.L.1975, c.326 (C.13:1E-21); or the public authority
34 which has jurisdiction over solid waste management within the district,
35 including statutory power to enter into contracts or agreements.

36 "Disposable product" means any product designed to be discarded
37 after only one use or customarily used only once.

38 "Emblem" or "recycling emblem" means a design indicating the term
39 "recycled," "recyclable," "reusable," "compostable" or any other
40 combination thereof.

41 "Host county" means any county wherein a solid waste incinerator
42 is located or is to be located pursuant to a district solid waste
43 management plan required pursuant to the provisions of the "Solid
44 Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.).

45 "Material category" means any one of the following: clear glass,
46 amber glass, green glass, paper, newspaper, corrugated containers,

1 high-grade printing and writing paper, paperboard, coated paperboard,
2 plastic, polyethylene terephthalate (PETE), high density polyethylene
3 (HDPE), polyvinyl chloride, low density polyethylene (LDPE),
4 polypropylene, polystyrene, ferrous metal food and beverage
5 containers; non-food ferrous metal containers; aluminum food and
6 beverage and non-food, non-beverage containers.

7 "Municipal tonnage" means Type 10 and Type 23 solid waste as
8 defined by the department by rule or regulation adopted pursuant to
9 P.L.1970, c.39 (C.13:1E-1 et seq.).

10 "Packaging" means any container and appurtenant material that
11 provides a means of wrapping, holding, transporting, marketing,
12 protecting, or handling a product, including, but not limited to, pallets
13 and packing such as blocking, bracing, cushioning, weatherproofing,
14 strapping, coatings, or closures.

15 "Post-consumer waste" means items that are discarded after being
16 used by retail businesses, institutions, households, or individuals.

17 "Pre-consumer waste" means items such as unsold stock,
18 over-production, or by-products of production processes which are
19 discarded before being used as consumer items by retail businesses,
20 institutions, households, or individuals, including, but not limited to,
21 any recovered paper material; except that "pre-consumer waste" shall
22 not include any material that could be labeled hazardous or potentially
23 hazardous.

24 "Product" means any article produced by a human or mechanical
25 effort.

26 "Recovered paper material" means paper waste generated after the
27 completion of a paper making process, including envelope cuttings,
28 bindery trimmings, printing waste, cuttings and other converted waste,
29 butt rolls and mill wrappers, obsolete inventories and rejected unused
30 stock. "Recovered paper material" shall not include fibrous waste
31 generated during the manufacturing process such as fibers recovered
32 from wastewater or trimming of paper machine rolls (mill broke), or
33 fibrous by-products of harvesting, extractive or woodcutting processes
34 or forest residues such as bark, or sawdust.

35 "Residual ash" means the ash by-product that results from the
36 incineration of solid waste at a solid waste incinerator and includes fly
37 ash and bottom ash, or any combination thereof.

38 "Secondary material" or "recovered material" means material
39 derived from pre-consumer or post-consumer waste which can be used
40 to manufacture new products.

41 "Solid waste incinerator" means an incinerator used for the thermal
42 reduction of solid waste under the provisions of an adopted and
43 approved district solid waste management plan and permits approved
44 by the department. A "solid waste incinerator" also means a solid
45 waste facility constructed and operated for the incineration of solid
46 waste for energy production and the recovery of metals and other

1 materials for reuse, and a resource recovery facility as that term is
2 defined in section 2 of P.L.1985, c.38 (C.13:1E-137).

3 "Solid waste source reduction" means a reduction in the amount of
4 solid waste entering the solid waste stream. "Solid waste source
5 reduction" is an activity that reduces or eliminates the need to extract,
6 use, recycle, or dispose of waste materials through such measures as
7 reducing the volume or weight of materials entering the solid waste
8 stream, increasing product durability, reuse, repair, and refillability.
9 "Solid waste source reduction" also includes backyard composting and
10 such manufacturing processes as material input substitution, product
11 redesign, manufacturing changes and efficiency, changes in the use of
12 materials, and product substitution or elimination.

13 "Waste audit" means an actual sampling of waste generated to
14 determine its composition by material, product, volume, weight and
15 origin.

16 "Waste reduction" means any activity that reduces the amount of
17 waste material entering solid waste facilities for disposal as solid
18 waste, including recycling and municipal solid waste composting.

19

20 4. (New section) a. Not later than the first day of the fourth year
21 following the effective date of this act, every county shall adopt and
22 implement a comprehensive program for the in-state source reduction,
23 reuse, composting, recycling or disposal of all solid waste generated
24 within its boundaries pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.)
25 and the provisions of this act.

26 b. Not later than the first day of the fourth year following the
27 effective date of this act, every county shall provide for the reduction
28 of at least 75 percent of the county's total annual solid waste stream
29 requiring disposal, at least 55 percent of which shall be comprised of
30 municipal tonnage, based on 1990 tonnage data for the county as
31 compiled by the department, through 10 percent source reduction
32 techniques and 65 percent recycling, or any combination thereof,
33 excluding landfill disposal operations.

34

35 5. (New section) a. A county or designated agency shall not enter
36 into any contract providing for the out-of-state disposal of solid waste
37 generated within its boundaries after the first day of the fourth year
38 following the effective date of this act without the prior written
39 approval of the commissioner.

40 b. The commissioner shall not (1) approve any contract for the
41 out-of-state disposal of solid waste; (2) approve an amendment to a
42 district solid waste management plan providing for the out-of-state
43 disposal of solid waste; or (3) issue a waste flow or redirection order
44 authorizing the transportation of solid waste to out-of-state facilities
45 for disposal, for any county after the first day of the fourth year
46 following the effective date of this act, unless the county or designated

1 agency affected by the terms of the contract has demonstrated that it
2 has exhausted every appropriate source reduction, recycling, reuse,
3 composting, and disposal option available in the State.

4
5 6. (New section) The provisions of any other law, or any rule or
6 regulation adopted pursuant thereto, to the contrary notwithstanding,
7 the department shall not:

8 a. Issue any temporary or final registration statement or engineering
9 design approvals for any new solid waste incinerator, or for any
10 expansion of an existing solid waste incinerator, in any county prior to
11 the first day of the fourth year following the effective date of this act
12 and until the host county has satisfied the requirements of subsection
13 b. of section 9 of this act; or

14 b. Approve the commencement of operations at any new solid
15 waste incinerator currently under construction in any county prior to
16 the first day of the fourth year following the effective date of this act
17 and until the host county has satisfied the requirements of subsection
18 b. of section 9 of this act.

19
20 7. (New section) The department shall not issue any planning or
21 financing approvals or permits required pursuant to P.L.1954, c.212
22 (C.26:2C-1 et seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1970,
23 c.39 (C.13:1E-1 et seq.), P.L.1975, c.232 (C.13:1D-29 et seq.),
24 P.L.1977, c.74 (C.58:10A-1 et seq.), P.L.1981, c.262 (C.58:1A-1 et
25 seq.), or any other governmental approval issued pursuant to any
26 applicable law or regulation, or any other law, or any rule or
27 regulation adopted pursuant thereto, to any person proposing to
28 construct, own or operate a solid waste incinerator, or expand an
29 existing solid waste incinerator, prior to the first day of the fourth year
30 following the effective date of this act until the host county has
31 satisfied the requirements of subsection b. of section 9 of this act, and
32 unless the person proposing to own or operate the solid waste
33 incinerator has received a license approved by the department pursuant
34 to section 8 of P.L.1983, c.392 (C.13:1E-133).

35
36 8. (New section) The provisions of section 28 of P.L.1985, c.38
37 (C.13:1E-163) or any other law, or any rule or regulation adopted
38 pursuant thereto, to the contrary notwithstanding, the department or
39 the Division of Local Government Services in the Department of
40 Community Affairs shall not approve or conditionally approve any
41 previously submitted proposed contract for the design, financing,
42 construction, expansion, operation, or maintenance, or any
43 combination thereof, of a solid waste incinerator prior to the first day
44 of the fourth year following the effective date of this act and until the
45 host county has satisfied the requirements of subsection b. of section
46 9 of this act.

1 9. (New section) a. The provisions of any other law, or any rule
2 or regulation adopted pursuant thereto, to the contrary
3 notwithstanding, prior to the first day of the fourth year following the
4 effective date of this act, the department shall not issue any permits or
5 approvals required by law for the construction or operation of a solid
6 waste incinerator, and no person shall be permitted to finance,
7 construct, own or operate a new solid waste incinerator, or expand an
8 existing solid waste incinerator.

9 b. The provisions of any other law, or any rule or regulation
10 adopted pursuant thereto, to the contrary notwithstanding, after the
11 first day of the fourth year following the effective date of this act, the
12 department shall not issue any permits or approvals required by law for
13 the construction or operation of a solid waste incinerator, and no
14 person shall be permitted to finance, construct, own or operate a new
15 solid waste incinerator, or expand an existing solid waste incinerator,
16 unless the department determines after public notice and hearing, by
17 clear and convincing evidence, that the governing body of the host
18 county, and each participating county, as applicable, has satisfied all
19 of the following requirements:

20 (1) The host county and each participating county in any regional
21 agreement have achieved and sustained a reduction of at least 75
22 percent of the respective county's total annual solid waste stream
23 requiring disposal, at least 55 percent of which shall be comprised of
24 municipal tonnage, based on 1990 tonnage data for the county as
25 compiled by the department, through 10 percent source reduction
26 techniques and 65 percent recycling, or any combination thereof,
27 excluding landfill disposal operations;

28 (2) The host county can certify that the construction, expansion,
29 operation, or maintenance of a solid waste incinerator will not impair
30 or impede the ability of the host county, or of any county participating
31 in a regional agreement, to sustain a reduction of at least 75 percent
32 of the respective county's total annual solid waste stream, at least 55
33 percent of which shall be comprised of municipal tonnage, based on
34 1990 tonnage data for the county as compiled by the department,
35 through 10 percent source reduction techniques and 65 percent
36 recycling, or any combination thereof, excluding landfill disposal
37 operations;

38 (3) The host county can certify that the life cycle operation and
39 maintenance expenses, capital costs, debt service, liability insurance
40 costs, ash disposal costs, and potential remediation costs of a solid
41 waste incinerator would be less than other alternative technologies or
42 methods of solid waste disposal that may be available to the host
43 county, excluding landfill disposal operations, when compared over
44 equivalent time periods and applying the same economic assumptions;

45 (4) The host county can certify that it is not technologically or
46 economically feasible to provide for the environmentally sound

1 management of the solid waste remaining after the reduction of at least
2 75 percent of the county's total annual solid waste stream, at least 55
3 percent of which shall be comprised of municipal tonnage, based on
4 1990 tonnage data for the county as compiled by the department,
5 through 10 percent source reduction techniques and 65 percent
6 recycling, or any combination thereof, excluding landfill disposal
7 operations;

8 (5) The host county can certify that the construction, expansion,
9 operation, or maintenance of a solid waste incinerator within the
10 county will not impair or impede the ability of the State to achieve and
11 sustain a reduction of at least 75 percent of the State's total annual
12 solid waste stream, at least 55 percent of which shall be comprised of
13 municipal tonnage, based on 1990 tonnage data for the county as
14 compiled by the department, through 10 percent source reduction
15 techniques and 65 percent recycling, or any combination thereof,
16 excluding landfill disposal operations;

17 (6) The host county can certify that the construction, operation,
18 and maintenance of a solid waste incinerator, or expansion of an
19 existing solid waste incinerator, is necessary because all existing
20 operational solid waste incinerators in the State have achieved
21 maximum permitted capacity under their respective permits, and
22 measurable steps have been taken to reduce the toxicity and hazardous
23 materials in solid waste requiring disposal; and

24 (7) The host county can certify that the construction, expansion,
25 operation, or maintenance of a solid waste incinerator within the
26 county will not harm public health or result in any adverse
27 environmental impact, including a demonstration that the operation of
28 the proposed facility will not increase existing levels of heavy metals
29 and dioxin.

30

31 10. (New section) a. The provisions of section 9 of this act to the
32 contrary notwithstanding, if a host county can demonstrate to the
33 department that the host county is in compliance with the provisions
34 of subsection b. of section 9 of this act prior to the first day of the
35 fourth year following the effective date of this act, the department may
36 issue any permit necessary for the financing, construction, expansion,
37 ownership, operation, or maintenance of a solid waste incinerator
38 provided that the department makes a preliminary written finding that:
39 (1) the host county has met all of the relevant criteria set forth in
40 subsection b. of section 9 of this act; and (2) the construction,
41 expansion, operation, or maintenance of the solid waste incinerator
42 will not result in a total statewide solid waste disposal capacity in
43 excess of the disposal capacity required statewide after each county
44 has reduced its total annual solid waste stream in accordance with
45 subsection b. of section 4 of this act.

46 b. If the department makes a preliminary written finding pursuant

1 to subsection a. of this section, the commissioner shall, within 60 days
2 of the finding, conduct a public hearing at an appropriate location
3 within the host county and provide for a 90-day public comment
4 period. The department shall base any final determination on the
5 public record. No permit, financing approval, or registration statement
6 approval may be issued for the solid waste incinerator during the
7 comment period.

8
9 11. (New section) The provisions of any other law, or any rule or
10 regulation adopted pursuant thereto, to the contrary notwithstanding,
11 prior to the first day of the fourth year following the effective date of
12 this act, the department shall not issue any permits or approvals
13 required by law for the construction or operation of a solid waste
14 incinerator, and no person shall be permitted to finance, construct,
15 own or operate a new solid waste incinerator, or expand an existing
16 solid waste incinerator, until that person proposing to own or operate
17 the solid waste incinerator has received a license approved by the
18 department pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

19
20 12. (New section) Each host county and, in the case of a regional
21 agreement, each participating county, shall submit an annual report to
22 the commissioner demonstrating compliance with subsection b. of
23 section 9 of this act.

24
25 13. (New section) a. Within two years of the effective date of this
26 act, the department shall adopt, pursuant to the "Administrative
27 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in order to
28 achieve the purposes and goals of this act, including the mandate
29 concerning reduction of at least 75 percent of each county's total
30 annual solid waste stream, at least 55 percent of which shall be
31 comprised of municipal tonnage, based on 1990 tonnage data for the
32 county as compiled by the department, through 10 percent source
33 reduction techniques and 65 percent recycling, or any combination
34 thereof, excluding landfill disposal operations, rules and regulations to
35 prohibit the incineration, or disposal in a sanitary landfill facility of
36 metal containers, chlorinated plastics, scrap iron, glass, plastic
37 beverage containers, batteries, used tires, scrap corrugated cardboard,
38 yard waste, vegetative waste, food waste, newsprint, office paper,
39 mixed paper, and any other material deemed reusable, compostable, or
40 recyclable by the department.

41 b. The department may expand the list of proscribed items to
42 include any other material in the State's solid waste stream that is a
43 source of cadmium, lead, dioxin, mercury, chlorine, or halogens or the
44 removal of which would reduce the heavy metal content of residual ash
45 resulting from the combustion of solid waste at a solid waste
46 incinerator.

1 14. Section 17 of P.L.1975, c.326 (C.13:1E-26) is amended to
2 read as follows:

3 17. a. Prior to the construction, acquisition, or operation of any
4 solid waste facility in any [solid waste management] district pursuant
5 to the adopted and approved district solid waste management plan
6 therefor, the person proposing the construction, acquisition, or
7 operation, in addition to preparing an environmental impact statement
8 for the solid waste facility in such form as shall be required by the
9 commissioner pursuant to the provisions of section 6 of P.L.1970,
10 c.39 (C.13:1E-6), shall make or cause to be made any preliminary
11 surveys, investigations, studies, borings, maps, plans, drawings, and
12 estimates of costs and of revenues as the commissioner may deem
13 necessary relating to the type of solid waste facility.

14 The results of the environmental impact statements, surveys,
15 investigations, studies, borings, maps, plans, drawings, and estimates
16 required by the commissioner shall be submitted to the commissioner
17 for approval. No person may proceed to construct, acquire, or operate
18 any solid waste facility without having first obtained the approval of
19 the commissioner. Such approval shall be granted only if the
20 commissioner determines that:

21 (1) The proposed construction, acquisition, or operation is
22 consistent with the statewide solid waste management plan and
23 adopted and approved district solid waste management plan of the
24 [solid waste management] district within which the solid waste facility
25 is to be located; and

26 (2) The proposed solid waste facility will be constructed or
27 acquired, and operated, pursuant to the standards adopted [and
28 promulgated] therefor by the department pursuant to the provisions of
29 section 6 of P.L.1970, c.39 (C.13:1E-6).

30 b. In addition to the requirements of subsection a. of this section,
31 no person shall commence construction of a resource recovery facility
32 prior to the completion by the Attorney General and the department
33 of the requirements of sections 3 and 8 of P.L.1983, c.392
34 (C.13:1E-128 and 13:1E-133), unless such person has received a
35 temporary license approved by the department pursuant to section 10
36 of P.L.1983, c.392 (C.13:1E-135). The commissioner shall not
37 approve the commencement of construction of a resource recovery
38 facility unless the person proposing to own or operate the resource
39 recovery facility has received a license approved by the department
40 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133) or a
41 temporary license approved by the department pursuant to section 10
42 of P.L.1983, c.392 (C.13:1E-135).

43 c. In addition to the requirements of subsections a. and b. of this
44 section, no person may commence construction of a resource recovery
45 facility until the governing body of the county within which the
46 resource recovery facility is to be located has satisfied the

1 requirements of subsection b. of section 9 of P.L. , c. (C.) (now
2 before the Legislature as this bill). For the purposes of this
3 subsection, "resource recovery facility" also means a solid waste
4 incinerator as defined in section 3 of P.L. , c. (C.) (now before
5 the Legislature as this bill).

6 (cf: P.L.1991, c.269, s.16)

7

8 15. (New section) There is established in the Department of
9 Environmental Protection a solid waste source reduction program. The
10 purpose of this program is to formulate, implement, and coordinate
11 measures to reduce the volume of solid waste in the State.

12

13 16. (New section) a. Each State department of the Executive
14 Branch, office of the Legislative Branch, State authority, county,
15 medical and educational institution receiving State funds, and each
16 business with more than 500 employees shall submit to the
17 commissioner, no later than January 1, 1994, a Source Reduction Plan
18 that includes, but need not be limited to, provisions that:

19 (1) require the preparation of a waste audit;

20 (2) cap overall solid waste generation within five years at 1990
21 rates; and

22 (3) demonstrate a net reduction of 10 percent, by weight, through
23 source reduction measures within five years.

24 b. The provisions of subsection a. of this section shall apply to
25 businesses with more than 250 employees no later than January 1,
26 1995, and to businesses with more than 100 employees no later than
27 January 1, 1996.

28

29 17. (New section) The department shall adopt a plan requiring each
30 State department of the Executive Branch, the Legislative Branch, the
31 Judicial Branch, and State authority to develop and implement policy
32 guidelines for source reduction within procurement policy to result in
33 a 25 percent decrease in waste generated through source reduction,
34 including reducing the use of disposable products by 50% by July 1,
35 1995. Source reduction procurement policy shall include "life-time
36 cost accounting" of the product or method. Each agency and authority
37 shall submit to the Legislature by July 1, 1994, and annually thereafter,
38 a report on the implementation of the plan including the expenses and
39 savings, and reduction in tonnage of solid waste.

40

41 18. (New section) a. Each county shall adopt and implement a
42 system of solid waste charges on a per container basis within each
43 municipality in the county by January 1, 1994.

44 b. The pricing system may include cost identification and cost
45 allocation.

46 c. Each county shall submit to the commissioner by July 1, 1994 a

1 report evaluating implementation of a system of solid waste charges
2 on a per container basis for non-recyclable materials within each
3 municipality within the county.

4
5 19. (New section) The department shall develop a public education
6 program on solid waste source reduction. The program shall include,
7 but need not be limited to:

8 a. The promotion of packages and products that follow a hierarchy
9 of: (1) eliminate packaging, (2) reduce excess packaging, (3) contain
10 post-consumer recycled content, and (4) are recyclable;

11 b. The explanation of the environmental and health effects of
12 non-compostable and non-recyclable packaging and products;

13 c. The discouragement of the use of packages that are not
14 recyclable, difficult to recycle, made of virgin materials, or contain
15 excessive amounts of material, or may have adverse environmental
16 impacts when disposed of by incineration or landfilling;

17 d. The discouragement of the use of disposable products;

18 e. The discouragement of the use of disposable diapers;

19 f. The discouragement of the purchase of polystyrene consumer
20 products;

21 g. The discouragement of the purchase of hazardous household
22 products;

23 h. The encouragement of the reduction of office paper waste;

24 i. The encouragement of the reduction of "junk mail;" and

25 j. An explanation of the environmental and economic benefits of
26 source reduction.

27
28 20. (New section) a. There is established in the Department of
29 Environmental Protection the Solid Waste Source Reduction Advisory
30 Board. The board shall consist of the Commissioner of the Department
31 of Environmental Protection, ex officio, and nine public members
32 appointed by the Governor with the advice and consent of the Senate.
33 Of the public members on the board, four shall be representatives of
34 businesses, recommended by business, industry or trade organizations;
35 three from persons recommended by recognized environmental
36 organizations; one from persons recommended by recognized
37 consumer organizations; one from persons with experience in source
38 reduction at the local government level, recommended by local
39 government organizations.

40 Each of the public members shall be appointed for a term of three
41 years, except that of the public members first appointed by the
42 Governor, three shall serve for terms of three years, three shall serve
43 for two years, and two shall serve for terms of one year. In the event
44 that no recommendations for a particular category of membership are
45 made to the Governor within three months of the effective date of
46 P.L. , c. (C.)(now before the Legislature as this bill) in the

1 case of initial appointments, or within 60 days of the date of the
2 expiration of the term of office of any member or the occurrence of any
3 vacancy in the case of subsequent appointments, the Governor shall
4 appoint as a member for the category of membership a person whom
5 he believes will be representative thereof.

6 b. A majority of the membership of the board shall constitute a
7 quorum for the transaction of board business. Action may be taken
8 and motions adopted by the board at any meeting thereof by the
9 affirmative vote of a majority of the members of the board present and
10 voting.

11 c. The Governor shall appoint a chairperson and other officers as
12 may be necessary from among the members of the board. Members of
13 the board shall serve without compensation but the board may, within
14 the limits of funds appropriated or otherwise made available to it for
15 such purposes, reimburse its members for reasonable and necessary
16 expenses incurred in the discharge of their official duties.

17 d. The board may:

18 (1) Review any matters submitted to it by the department
19 concerning any aspect of the provisions or implementation of this act,
20 and report its recommendations to the department and the Senate
21 Environment Committee and the General Assembly Solid Waste
22 Committee, or their designated successors;

23 (2) Review the implementation of this act and submit any
24 recommendations for administrative or legislative changes it deems
25 necessary to the department and the Senate Environment Committee
26 and the General Assembly Solid Waste Committee, or their designated
27 successors; and

28 (3) Hold periodic public hearings concerning source reduction
29 techniques.

30 e. The board shall prepare and submit to the commissioner an
31 annual report summarizing its activities and making any
32 recommendations for legislative or administrative action it deems
33 important.

34

35 21. (New section) On or after July 1, 1993, no person may
36 produce, sell or distribute any product, packaging or material sold for
37 resale, including high-grade bleached printing and writing paper,
38 envelopes, and kraft paper, containing a "RECYCLABLE" emblem,
39 label, or any identification as "RECYCLABLE" in the State except if
40 the following criteria are met:

41 a. The product or packaging has an established collection system
42 serving at least 75% of the residents of the State and is recycled at a
43 minimum statewide recycling rate of 65% by July 1, 1994;

44 b. The packaging to which the emblem pertains can be recycled in
45 its entirety excluding labels, stickers, adhesives, closures, and is free
46 of any embellishment or closure that prevents recycling; and

1 c. The emblem or identification visibly differentiates between the
2 recyclability of the packaging and the contents enclosed within the
3 package.

4
5 22. (New section) On or after July 1, 1994, no person may
6 produce, sell or distribute any product, packaging or material sold for
7 resale, including high-grade printing and writing paper, envelopes, and
8 kraft paper, containing a "RECYCLED" emblem, label, or any
9 identification as "RECYCLED" except if the following criteria are
10 met:

11 a. The product or packaging contains post-consumer waste
12 material according to the following timetable:

13 1) a minimum of 35% post-consumer waste material after the
14 effective date of this act;

15 2) a minimum of 50% post-consumer waste material after January
16 1, 1994;

17 3) a minimum of 65% post-consumer waste material after January
18 1, 1995;

19 4) a minimum of 75% post-consumer waste material after January
20 1, 1998; and

21 b. The emblem visibly differentiates between the recycled content
22 of the packaging and the contents enclosed within the package.

23
24 23. (New section) On or after July 1, 1994, no person shall
25 produce, sell or distribute any product, packaging or material,
26 containing a "REUSABLE" emblem, label, or any identification as
27 "REUSABLE" except if the following criteria are met:

28 a. The original product can be returned for refilling or reuse
29 repeatedly in a program established by a manufacturer for reuse of the
30 manufactured product a minimum of five times for the same purpose;

31 b. The product has an established statewide collection system as
32 verified by the commissioner and has a statewide recycling rate of at
33 least 60% by July 1, 1994; and

34 c. The emblem visibly differentiates between the reusability of the
35 packaging and the contents enclosed within the package.

36
37 24. (New section) On or after July 1, 1994, no person shall
38 produce, sell or distribute any product, packaging or material,
39 containing a "COMPOSTABLE" emblem, label, or any identification
40 as "COMPOSTABLE" except if the following criteria are met:

41 a. The product, packaging, or material has an established collection
42 system in New Jersey and is composted at a statewide rate of 40% by
43 July 1, 1994, and

44 b. It can be demonstrated that the material will decompose
45 completely and safely into chemical elements.

1 25. (New section) Any manufacturer, vendor, or person wishing to
2 identify a product with the "REUSABLE," "RECYCLABLE,"
3 "RECYCLED," or "COMPOSTABLE" emblem, label or other similar
4 identification must file an application with the department 60 days
5 before use of the emblem, label, or word in the State, and annually
6 thereafter. The department shall adopt rules and regulations to
7 establish the criteria and document compliance with the criteria
8 established for each emblem, label, or other similar identification. If
9 this documentation is not on file at the time of inspection by the
10 department, it shall constitute a violation of this act.

11

12 26. (New section) a. On or after July 1, 1993, no plastic bagging
13 may be produced, sold, used or distributed in the State except if the
14 plastic bagging contains post-consumer waste material according to
15 the following schedule and category:

16 plastic bagging greater than 1.0 mil in thickness:

17 10% post-consumer waste material after July 1, 1993

18 30% post-consumer waste material after July 1, 1996

19 50% post-consumer waste material after July 1, 2000;

20 plastic bagging less than 1.0 mil in thickness:

21 30% post-consumer waste material after July 1, 1996.

22 b. No later than July 1, 1995, and annually thereafter, each plastic
23 manufacturer selling plastic bagging in the State shall submit to the
24 commissioner a report indicating the amount of post-consumer waste
25 material used in the manufacturing of the product during the previous
26 calendar year. Any manufacturer who fails to submit the report
27 required pursuant to this subsection shall be deemed to have failed to
28 meet the percentages of post-consumer waste material established
29 pursuant to this act and shall be in violation of this act.

30

31 27. (New section) a. On or after July 1, 1993, no telephone
32 directory stock may be produced, sold, used or distributed in the State
33 except if the telephone directory stock contains post-consumer waste
34 material according to the following schedule:

35 10% post-consumer waste material after July 1, 1994

36 20% post-consumer waste material after July 1, 1996

37 30% post-consumer waste material after July 1, 1997

38 40% post-consumer waste material after July 1, 2000

39 b. No later than July 1, 1994, and annually thereafter, each
40 directory publisher shall submit to the commissioner a report
41 indicating the post-consumer waste content of directories published
42 and distributed within the State the previous calendar year. Any
43 directory publisher who fails to submit the report required pursuant to
44 this subsection shall be deemed to have failed to meet the percentages
45 of post-consumer waste content required pursuant to this act and shall
46 be in violation of this act.

1 28. (New section) a. On or after July 1, 1993, no newsprint may
2 be produced, sold, used or distributed in the State except if the
3 newsprint contains post-consumer waste material according to the
4 following schedule:

5 10% post-consumer waste material after July 1, 1994

6 30% post-consumer waste material after July 1, 1995

7 40% post-consumer waste material after July 1, 1997

8 50% post-consumer waste material after July 1, 2000

9 b. No later than July 1, 1994, and annually thereafter, each
10 newspaper publisher shall submit to the commissioner a report
11 indicating the amount of post-consumer waste content incorporated
12 into the newspaper. Any newspaper publisher who fails to submit the
13 report required pursuant to this subsection shall be deemed to have
14 failed to meet the post-consumer waste content requirements of this
15 section and shall be in violation of this act.

16

17 29. (New section) a. On or after July 1, 1993, no high grade
18 printing and writing papers may be produced, sold, used or distributed
19 in the State except if the high grade printing and writing papers
20 contain post-consumer waste material according to the following
21 schedule:

22 30% post-consumer waste material after July 1, 1995

23 40% post-consumer waste material after July 1, 1997

24 50% post-consumer waste material after July 1, 2000

25 b. No later than July 1, 1996, and annually thereafter, each
26 manufacturer of high grade bleached printing and writing papers shall
27 submit to the commissioner a report indicating the amount of
28 post-consumer waste material incorporated into the product. Any
29 manufacturer who fails to submit the report required pursuant to this
30 subsection shall be deemed to have failed to meet the post-consumer
31 waste content requirements of this section and shall be in violation of
32 this act.

33

34 30. (New section) On or after July 1, 1994, no person shall sell,
35 offer for sale, or offer for promotional purposes any of the following:

36 a. multilayered or aseptic packaging that is not recyclable; or

37 b. disposable polystyrene food and beverage containers or covers
38 that are not recyclable.

39

40 31. (New section) The commissioner may exempt an item, product,
41 material, or type of packaging from the requirements of this act, upon
42 written documentation by an applicant for an exemption demonstrating
43 that the item or type of packaging has no acceptable alternative and
44 that imposing the requirements on that item, product, material, or type
45 of packaging would cause undue hardship except that the provisions
46 of this act shall not be deemed to apply to disposable products or

1 packaging necessary for health care, safety, sanitation, or related
2 health, veterinary, medical, or scientific research.

3
4 32. (New section) Any municipality or county may apply to the
5 commissioner for technical assistance grants for the purposes of this
6 act, including, but not limited to: funding for source reduction plans;
7 backyard composting education and implementation, designing,
8 implementing and education for a system of solid waste charges on a
9 per container basis, source reduction education; waste reduction
10 research, development, and education. An application for funds
11 pursuant to this section shall include such information required by the
12 department, adopted by rule or regulation pursuant to the provisions
13 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
14 et seq.).

15
16 33. Section 5 of P.L.1981, c.278 (C.13:1E-96) is amended to read
17 as follows:

18 5. a. The State Recycling and Source Reduction Fund (hereinafter
19 referred to as the "fund") is established as a nonlapsing, revolving
20 fund. The fund shall be administered by the Department of
21 Environmental Protection, and shall be credited with all tax revenue
22 collected by the division pursuant to section 4 of P.L.1981, c.278
23 (C.13:1E-95). Interest received on moneys in the fund and sums
24 received as repayment of principal and interest on outstanding loans
25 made from the fund shall be credited to the fund. The Department of
26 Environmental Protection, in the administration of the fund, is
27 authorized to assign to the New Jersey Economic Development
28 Authority the responsibility for making credit evaluations of applicants
29 for loans, for servicing loans on behalf of the department, and, the
30 provisions of any other law to the contrary notwithstanding, for
31 making recommendations as to the approval or denial of loans
32 pursuant to this section. The department is further authorized to pay
33 or reimburse the authority in the amounts as the department agrees are
34 appropriate for all services rendered by the authority in connection
35 with any assignment of responsibility under the terms of this section
36 out of moneys held in the fund for loans and the loan guarantee
37 program.

38 b. Moneys in the fund shall be allocated and used for the following
39 purposes and no others:

40 (1) Not less than 40% of the estimated annual balance of the fund
41 shall be used for the annual expenses of a program for recycling grants
42 and source reduction grants to municipalities or counties in those
43 instances where a county, at its own expense, provides for the
44 collection, processing and marketing of recyclable materials on a
45 regional basis. The amount of these grants shall be calculated on the
46 basis of the total number of tons of recyclable materials annually

1 recycled from residential, commercial and institutional sources within
2 that municipality, or group of municipalities in the case of a county
3 recycling program, except that no such grant shall exceed \$10.00 per
4 ton of materials recycled. The department may allocate a portion of
5 these grant moneys as bonus grants to municipalities and counties in
6 those instances where a municipality or county, at its own expense,
7 provides for the collection of recyclable materials in its recycling
8 program. The department shall announce each year the total amount
9 of moneys available in the bonus grant fund.

10 A municipality may distribute a portion of its grant moneys to
11 nonprofit groups that are located within that municipality and which
12 have contributed to the receipt of the recycling grant, except that this
13 distribution shall not exceed the value of approved documented
14 tonnage contributed by a nonprofit group.

15 A municipality may designate any nonprofit group as a recycling
16 agent. A recycling agent shall receive that part of the municipality's
17 recycling grant under this subsection that represents the percentage of
18 the grant received by the municipality due to the documented tonnage
19 contributed by that recycling agent. Moneys received by a recycling
20 agent shall be expended only for its recycling program. Any moneys
21 not used for recycling shall be returned by the recycling agent to the
22 municipality.

23 To be eligible for a grant pursuant to this subsection, a municipality
24 or county in the case of a county recycling program shall demonstrate
25 that the materials recycled by the municipal or county recycling
26 program were not diverted from a commercial recycling program
27 already in existence on the effective date of the ordinance or resolution
28 establishing the municipal or county recycling program.

29 No recycling grant to any municipality shall be used for
30 constructing or operating any facility for the baling of wastepaper or
31 for the shearing, baling or shredding of ferrous or nonferrous
32 materials;

33 (2) Not less than 35% of the estimated annual balance of the fund
34 shall be used to provide low interest loans or loan guarantees to
35 recycling businesses and industries, and to provide moneys for
36 research into collection, market stimulation and reuse techniques
37 applicable to recycling or the disposition of recyclable materials, or to
38 contract for market studies, and to establish a sufficient reserve for a
39 loan guarantee program for recycling businesses and industries;

40 (3) Not more than ~~[7%]~~4% of the estimated annual balance of the
41 fund shall be used for State source reduction program planning and
42 program funding and 3% shall be used for State recycling program
43 planning and program funding, including the administrative expenses
44 thereof;

45 (4) Not more than 8% of the estimated annual balance of the fund
46 shall be used for county recycling and source reduction program

1 planning and program funding, including the administrative expenses
2 thereof; and

3 (5) Not less than ~~[10%]~~5% of the estimated annual balance of the
4 fund shall be used for a public information and education program
5 concerning recycling activities and 5% for a public information and
6 education program concerning source reduction.

7 (cf: P.L.1990, c.117, s.1)

8

9 34. (New section) The department may, in accordance with a fee
10 schedule adopted as a rule or regulation pursuant to the provisions of
11 the "Administrative Procedure Act" P.L.1968, c.410 (52:14B-1 et
12 seq.), establish and charge reasonable fees for any of the services to be
13 performed or rendered in connection with the implementation of this
14 act, and for the costs of compliance monitoring and administration.
15 The fee schedule shall reasonably reflect the duration or complexity of
16 the specific service performed or rendered, information reviewed, or
17 inspection conducted. All fees collected pursuant to this section shall
18 be deposited in the State Recycling and Source Reduction Fund,
19 established pursuant to section 5 of P.L.1981, c.278.

20

21 35. (New section) If the department determines that a county has
22 failed to carry out its responsibilities pursuant to this act, the
23 department shall not consider requests from that county for grants or
24 loans from the "State Recycling and Source Reduction Fund," the
25 "Resource Recovery Investment Tax Fund" or the "Solid Waste
26 Services Tax Fund."

27

28 36. (New section) a. Any person convicted of a violation of this
29 act shall be subject to the penalties provided in section 9 of P.L.1970,
30 c.39 (C.13:1E-9).

31 b. The commissioner may revoke or suspend the operating permits
32 for any solid waste incinerator whose owner or operator violates the
33 provisions of this act.

34 c. A manufacturer, vendor or person found to be in violation of
35 sections 25, 26, 27, 28, or 29 of this act shall be subject to a
36 suspension of the sale or distribution of its product.

37

38 37. (New section) The department shall have the right to enter,
39 inspect materials, or review products, at any time during normal
40 business hours, and upon presentation of appropriate credentials, at
41 any retail, wholesale, food establishment, manufacturing or distribution
42 facility where any material or material category itemized in this act are
43 produced, sold, or distributed in order to determine compliance with
44 the provisions of this act.

45

46 38. (New section) The department shall adopt, within 12 months

1 of the effective date of this act and pursuant to the provisions of the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.), any rules or regulations necessary to implement the provisions
4 of this act.

5
6 39. (New section) This act shall not supersede any municipal,
7 county, or federal law regulating materials or any material category in
8 a more stringent manner than this act.

9
10 40. This act shall take effect immediately.

11
12
13 STATEMENT
14

15 This bill prohibits the financing, permitting, or construction of new
16 solid waste incinerators, or expansion of existing solid waste
17 incinerators, for three years. The prohibition includes any proposed
18 solid waste incinerator currently undergoing project review, any
19 approved solid waste incinerator currently under construction, and any
20 proposed expansion of an existing solid waste incinerator in operation
21 as of the enactment date of the bill. The bill seeks to encourage
22 reduction in the volume of solid waste, through source reduction,
23 reuse, composting, and recycling, as the primary method of solid waste
24 management in the State.

25 Upon expiration of the three-year period, no person will be issued
26 any permits or approvals required by law, or otherwise be permitted,
27 to finance, construct, own, or operate a new solid waste incinerator,
28 or expand an existing solid waste incinerator, unless that person has
29 received an "A-901" license approved by the Department of
30 Environmental Protection pursuant to P.L.1983, c.392 (C.13:1E-126
31 et seq.), and the host county demonstrates to the satisfaction of the
32 department that the following requirements have been met:

33 (1) The host county and each participating county in any regional
34 agreement have achieved and sustained a reduction of at least 75
35 percent of the respective county's total annual solid waste stream, 55
36 percent of which must be municipal tonnage only, based on 1990
37 tonnage data for the respective county as compiled by the department,
38 through source reduction, reuse, composting, or recycling, or any
39 combination thereof, excluding landfill disposal operations;

40 (2) The host county can certify that the construction, operation,
41 and maintenance of a solid waste incinerator, or expansion of an
42 existing solid waste incinerator, will not impair or impede the ability
43 of the host county, or of any county participating in a regional
44 agreement, to sustain a reduction of at least 75 percent of the
45 respective county's total annual solid waste stream, 55 percent of
46 which must be municipal tonnage only, based on 1990 tonnage data for

1 the respective county as compiled by the department, through source
2 reduction, reuse, composting, or recycling, or any combination
3 thereof, excluding landfill disposal operations;

4 (3) The host county can certify that the long-term operation and
5 maintenance expenses, capital costs, debt service, liability insurance
6 costs, and potential remediation costs of a solid waste incinerator
7 would be less costly than other alternative technologies or methods of
8 solid waste disposal that may be available to the host county,
9 excluding landfill disposal operations;

10 (4) The host county can certify that it is not practical or feasible to
11 provide for the environmentally sound management of the solid waste
12 remaining after the reduction of at least 75 percent of the county's
13 total annual solid waste stream, 55 percent of which must be municipal
14 tonnage only, based on 1990 tonnage data for the county as compiled
15 by the department, through source reduction, reuse, composting, or
16 recycling, or any combination thereof, excluding landfill disposal
17 operations;

18 (5) The host county can certify that the construction, operation,
19 and maintenance of a solid waste incinerator, or expansion of an
20 existing solid waste incinerator, within the county will not impair or
21 impede the ability of the State to achieve and sustain a reduction of at
22 least 75 percent of the State's total annual solid waste stream, 55
23 percent of which must be municipal tonnage only, based on 1990
24 tonnage data for the State as compiled by the department, through
25 source reduction, reuse, composting, or recycling, or any combination
26 thereof, excluding landfill disposal operations;

27 (6) The host county can certify that the construction, operation,
28 and maintenance of a solid waste incinerator, or expansion of an
29 existing solid waste incinerator, is necessary because all existing
30 operational solid waste incinerators in the State have achieved
31 maximum permitted capacity under their respective permits; and

32 (7) The host county can certify that the construction, expansion,
33 operation, or maintenance of a solid waste incinerator within the
34 county will not harm public health or result in any adverse
35 environmental impact, including a demonstration that the operation of
36 the proposed facility will not increase existing levels of heavy metals
37 and dioxin.

38 The department may, prior to the completion of the three-year
39 period, issue any permit necessary for the financing, construction,
40 expansion, ownership, operation, or maintenance of a solid waste
41 incinerator if the department makes a written finding that the host
42 county has met all of the relevant criteria set forth in paragraphs (1)
43 through (7) above, and the construction, expansion, operation, or
44 maintenance of the solid waste incinerator will not create a statewide
45 disposal capacity in excess of the capacity required statewide.

46 In addition, the bill requires every county to provide, not later than

1 the first day of the fourth year following the enactment of the bill, for
2 the reduction of at least 75 percent of its total annual solid waste
3 stream requiring disposal, 55 percent of which must be municipal
4 tonnage only, based on 1990 tonnage data for the county as compiled
5 by the department, through source reduction, reuse, composting, or
6 recycling, or any combination thereof, and excluding landfill disposal
7 operations. Every county will also be required by that date to provide
8 for the environmentally-sound disposal, source reduction, reuse,
9 composting, or recycling of solid waste generated within its
10 boundaries at a solid waste facility located within the State except if
11 a county seeking to transport municipal solid waste out-of-state
12 demonstrates to the satisfaction of the Department of Environmental
13 Protection that the county has made a good faith effort to provide for
14 the in-State disposal of solid waste generated within the county.

15 The bill requires the department, in order to achieve the purposes
16 and goals of this act, including the mandate concerning reduction of
17 at least 75 percent of each county's total annual solid waste stream, 55
18 percent of which must be municipal tonnage only, to adopt rules and
19 regulations to prohibit the incineration or disposal in a sanitary landfill
20 facility of metal containers, chlorinated plastics, scrap iron, glass,
21 plastic beverage containers, batteries, used tires, scrap corrugated
22 cardboard, yard waste, vegetative waste, food waste, newsprint, office
23 paper, mixed paper, and any other material deemed reusable,
24 compostable, or recyclable by the department. The department may
25 expand the list of proscribed items to any other waste material in the
26 solid waste stream that is a source of cadmium, lead, dioxin, or
27 mercury, chlorine or halogens or the removal of which would reduce
28 the heavy metal content of residual ash resulting from the combustion
29 of solid waste at a solid waste incinerator.

30 The bill requires each host county for a solid waste incinerator and,
31 in the case of a regional agreement, each participating county, to
32 submit an annual report to the commissioner demonstrating
33 compliance with all of the relevant criteria set forth in paragraphs (1)
34 through (7) above.

35 The bill also mandates steps designed to reduce the Statewide
36 generation of solid waste. As recommended by the Governor's
37 Emergency Solid Waste Assessment Task Force, the bill would
38 establish a solid waste source reduction program and a Solid Waste
39 Source Reduction Advisory Board. The bill would prohibit, as of July
40 1, 1994, any product or packaging from being identified or labeled
41 with the terms "recyclable," "recycled," "reusable" or "compostable"
42 unless specific standards are met. The bill would also mandate an
43 increasing minimum content of post-consumer waste for plastic
44 bagging, telephone directories, newsprint, and high grade paper.

45 The bill requires the preparation of source reduction plans by
46 counties, State agencies, and large manufacturers. The bill requires

1 the reduction in the use of disposable products by the State. The bill
2 would require counties to implement a system of solid waste charges
3 on a per container basis (also known as "volume-based collection")
4 within each municipality within the county. Finally, the bill also
5 mandates a public education solid waste source reduction program.
6
7
8 _____
9
10 The "County and Municipal Waste Reduction Act."