

ASSEMBLY, No. 2055

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Assemblyman ROONEY

1 AN ACT concerning composting, and amending and supplementing  
2 P.L.1987, c.102.

3

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

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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  
11 13:1E-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 "Farmland  
14 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.);

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

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

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

31 "Class B recyclable material" means a source separated recyclable  
32 material which is subject to approval of the department prior to  
33 receipt, storage, processing or transfer at a recycling center pursuant  
34 to subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34) and

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 which shall include, but need not be limited to, tires, wood waste, tree  
2 stumps, and certain construction or demolition debris, including  
3 asphalt, bricks, cinder blocks and concrete;

4 "Class C recyclable material" means a source separated  
5 compostable material which is subject to approval of the department  
6 prior to the receipt, storage, processing or transfer at a recycling  
7 center pursuant to subsection b. of section 41 of P.L.1987, c.102  
8 (C.13:1E-99.34) and which shall include, but need not be limited to,  
9 organic materials such as vegetative food waste, waste materials from  
10 farms, plants nurseries and greenhouses, and yard trimmings;

11 "Compostable" means able to undergo physical, chemical, thermal  
12 or biological degradation under aerobic conditions such that the  
13 material to be composted enters into and is physically indistinguishable  
14 from the finished compost, and which ultimately mineralizes in the  
15 environment at a rate similar to known compostable materials such as  
16 paper and yard trimmings;

17 "Composting" means the controlled biological degradation of  
18 organic matter to make compost;

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

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

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

24 "Department" means the Department of Environmental Protection;

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

32 "Disposition" or "disposition of designated recyclable materials"  
33 means the transportation, placement, reuse, sale, donation, transfer or  
34 temporary storage for a period not exceeding six months of designated  
35 recyclable materials for all possible uses except for disposal as solid  
36 waste;

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

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

45 "Food material" means edible materials generated from food  
46 processing facilities, wholesale and retail food sales establishments and

1 from residential and institutional premises. Food material may include  
2 edible materials contaminated or mixed with soiled or unrecyclable  
3 paper:

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

9 "Market" or "markets" means the disposition of designated  
10 recyclable materials;

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

13 "Municipal solid waste stream" means all residential, commercial  
14 and institutional solid waste generated within the boundaries of any  
15 municipality;

16 "Paper" means all paper grades, including but not limited to,  
17 newspaper, corrugated and other cardboard, high-grade office paper,  
18 fine paper, bond paper, offset paper, xerographic paper, mimeo paper,  
19 duplicator paper, and related types of cellulosic material containing not  
20 more than 10% by weight or volume of non-cellulosic material such as  
21 laminates, binders, coatings, or saturants;

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

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

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

36 "Recognized academic institution" means any of the following  
37 educational or research institutions located in this State: a duly  
38 authorized institution of higher education licensed by the Board of  
39 Higher Education; a public school operated by a local school district;  
40 a private vocational school; or a nonpublic school satisfying the State's  
41 compulsory attendance requirements;

42 "Recyclable material" means those materials which would otherwise  
43 become solid waste, and which may be collected, separated or  
44 processed and returned to the economic mainstream in the form of raw  
45 materials or products;

46 "Recycled paper" means any paper having a total weight consisting

1 of not less than 50% secondary waste paper material and with not less  
2 than 10% of its total weight consisting of post-consumer waste  
3 material;

4 "Recycled paper product" means any paper product consisting of  
5 not less than 50% secondary waste paper material and with not less  
6 than 10% of its total weight consisting of post-consumer waste  
7 material;

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

11 "Recycling" means any process by which materials which would  
12 otherwise become solid waste are collected, separated or processed  
13 and returned to the economic mainstream in the form of raw materials  
14 or products;

15 "Recycling center" means any facility designed and operated solely  
16 for receiving, storing, processing or transferring source separated  
17 recyclable materials; except that "recycling center" shall not include a  
18 scrap processing facility;

19 "Recycling services" means the services provided by persons  
20 engaging in the business of recycling, including the collection,  
21 transportation, processing, storage, purchase, sale or disposition, or  
22 any combination thereof, of recyclable materials;

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

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

34 "Secondary waste material" means waste material generated after  
35 the completion of a manufacturing process;

36 "Secondary waste paper material" means paper waste generated  
37 after the completion of a paper making process, such as envelope  
38 cuttings, bindery trimmings, printing waste, cutting and other  
39 converting waste, butt rolls and mill wrappers; except that secondary  
40 waste paper material shall not include fibrous waste generated during  
41 the manufacturing process, such as fibers recovered from waste water  
42 or trimmings of paper machine rolls, fibrous byproducts of harvesting,  
43 extractive or woodcutting processes, or forest residue such as bark, or  
44 mill broke;

45 "Source separated recyclable materials" means recyclable materials  
46 which are separated at the point of generation by the generator thereof

1 from solid waste for the purposes of recycling;

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

5 "Vegetative food material" means food waste and food processing  
6 waste from materials such as fruits, vegetables, and grains. Vegetative  
7 food material may include soiled or unrecyclable paper products;

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

12 "Yard trimmings" means grass clippings, leaves and brush.  
13 (cf: P.L.1994, c.122, s.1)

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15 2. (New section) The department shall adopt, pursuant to the  
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq),  
17 regulations concerning the application requirements and the design and  
18 operational standards for recycling centers designed and operated to  
19 receive, store, process, or transfer Class C recyclable material.

20 The regulations shall not require the recycling center to be enclosed  
21 or require that the recycling center contain a concrete slab, unless the  
22 recycling center is within 300 feet of a permanent residential dwelling  
23 unit.

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25 3. This act shall take effect immediately.

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## STATEMENT

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30 Current State policy allows for the composting of food waste  
31 commingled with soiled or unrecyclable paper. As a result, a  
32 significant amount of supermarket waste is being composted. This  
33 practice extends the life of the State's dwindling landfills. This bill  
34 would codify this State policy concerning food waste composting.  
35 Specifically, this bill would define "vegetative food material" to mean  
36 food waste and food processing waste from materials such as fruits,  
37 vegetables, and grains. As defined, vegetative food material may  
38 include soiled or unrecyclable paper products. The bill would further  
39 direct the Department of Environmental Protection to adopt  
40 regulations concerning the application requirements and the design and  
41 operational standards for recycling centers designed and operated to  
42 receive, store, process, or transfer Class C recyclable material, which  
43 includes vegetative food material.

44 Finally, the regulations shall not require the recycling center to be  
45 enclosed or require that the recycling center contain a concrete slab,

1 unless the recycling center is within 300 feet of a permanent residential  
2 dwelling unit.

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7 Provides for food waste composting.