

ASSEMBLY, No. 2857

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1997

By Assemblymen WOLFE and HOLZAPFEL

1 AN ACT concerning certain recycling centers, and amending and  
2 supplementing 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 containers, and  
30 corrugated 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 includes, but need not be limited to, scrap tires, wood waste,  
2 tree stumps, and certain construction or demolition debris, including  
3 waste asphalt, bricks, cinder blocks and concrete;

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

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

7 "Department" means the Department of Environmental Protection;

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

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

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

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

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

33 "Market" or "markets" means the disposition of designated  
34 recyclable materials;

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

37 "Municipal solid waste stream" means all residential, commercial  
38 and institutional solid waste generated within the boundaries of any  
39 municipality;

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

46 "Paper product" means any paper items or commodities, including

1 but not limited to, paper napkins, towels, construction material, toilet  
2 tissue, paper and related types of cellulosic products containing not  
3 more than 10% by weight or volume of non-cellulosic material such as  
4 laminates, binders, coatings, or saturants;

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

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

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

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

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

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

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

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

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

43 "Recycling services" means the services provided by persons  
44 engaging in the business of recycling, including the collection,  
45 transportation, processing, storage, purchase, sale or disposition, or  
46 any combination thereof, of recyclable materials;

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

11 "Secondary waste material" means waste material generated after  
12 the completion of a manufacturing process;

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

22 "Source separated recyclable materials" means recyclable materials  
23 which are separated at the point of generation by the generator thereof  
24 from solid waste for the purposes of recycling;

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

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

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

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34 2. Section 41 of P.L.1987, c.102 (C.13:1E-99.34) is amended to  
35 read as follows:

36 41. a. [Notwithstanding the provisions of P.L.1970, c.39  
37 (C.13:1E-1 et seq.) or any other law, rule or regulation to the  
38 contrary, no] No owner or operator of a recycling center as defined  
39 in section 2 of P.L.1987, c.102 (C.13:1E-99.12) shall be required by  
40 the department to obtain a registration statement, engineering design  
41 approval, or approval of an environmental and health impact statement  
42 prior to the commencement of operations.

43 b. No recycling center shall receive, store, process or transfer any  
44 [waste] recyclable material other than Class A recyclable material,  
45 including source separated nonputrescible [or source separated  
46 commingled nonputrescible] metal, glass, paper, or plastic containers,

1 and corrugated and other cardboard without the prior approval of the  
2 department.

3 No recycling center shall receive, store, process or transfer any  
4 Class B recyclable material unless the owner or operator thereof has  
5 received prior approval of the department therefor.

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

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8 3. (New section) Notwithstanding the provisions of any other law,  
9 rule or regulation to the contrary, the construction or operation of a  
10 proposed recycling center that is designed and operated solely for  
11 receiving, storing, processing or transferring Class B recyclable  
12 material and that is to be located within 2,000 yards of a proposed or  
13 operational public water supply reservoir shall not be approved by the  
14 department.

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16 4. (New section) Notwithstanding the provisions of any other law,  
17 rule or regulation to the contrary, the governing body of a county  
18 within which is located a proposed or operational public water supply  
19 reservoir may not modify the district recycling plan required pursuant  
20 to section 3 of P.L.1987, c.102 (C.13:1E-99.13) to incorporate into  
21 its adopted district recycling plan as approved by the department the  
22 construction or operation of any proposed recycling center for Class  
23 B recyclable material that is to be located within 2,000 yards of the  
24 proposed or operational public water supply reservoir.

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26 5. This act shall take effect immediately.

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#### STATEMENT

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31 This bill would prohibit the Department of Environmental  
32 Protection (DEP) from approving the construction or operation of a  
33 proposed recycling center for Class B recyclable material, which is to  
34 be located within 2,000 yards of a proposed or operational public  
35 water supply reservoir. The bill would also prohibit the governing  
36 body of the county from incorporating the recycling center into the  
37 district recycling plan.

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39 A recycling center for Class B recyclable material is a facility  
40 requiring prior approval of the DEP before the owner or operator may  
41 commence recycling operations. Class B recyclable material includes  
42 scrap tires, wood waste, tree stumps, and certain construction or  
43 demolition debris, including waste asphalt, bricks, cinder blocks and  
concrete.

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3 Prohibits the construction or operation of a recycling center for Class

4 B recyclable material within 2,000 yards of a proposed or operational

5 public water supply reservoir.