

ASSEMBLY, No. 2921

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1997

By Assemblymen ROONEY and DiGAETANO

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

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

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

19 "Composting" means the controlled biological degradation of
20 organic matter to make compost;

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 waste" means food processing byproducts, vegetative waste,
46 off-specification food products, food product overruns, and similar

1 food waste materials;

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

7 "Market" or "markets" means the disposition of designated
8 recyclable materials;

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

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

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

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

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

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

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

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

44 "Recycled paper" means any paper having a total weight consisting
45 of not less than 50% secondary waste paper material and with not less
46 than 10% of its total weight consisting of post-consumer waste

1 material;

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

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

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

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

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

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

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

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

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

44 "Source separated recyclable materials" means recyclable materials
45 which are separated at the point of generation by the generator thereof
46 from solid waste for the purposes of recycling;

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

4 "Vegetative food waste" means food processing waste from
5 materials such as fruits, vegetables and grains, and similar vegetable
6 food waste materials;

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

11 "Yard trimmings" means grass clippings, leaves and brush.

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

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

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

23 b. No recycling center shall receive, store, process or transfer any
24 [waste] recyclable material other than Class A recyclable material,
25 including source separated nonputrescible [or source separated
26 commingled nonputrescible] metal, glass, paper, or plastic containers,
27 and corrugated and other cardboard without the prior approval of the
28 department.

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

32 No recycling center shall receive, store, process or transfer any
33 Class C recyclable material unless the owner or operator thereof has
34 received prior approval of the department therefor.

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

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37 3. (New section) a. Notwithstanding the provisions of any other
38 law, rule or regulation to the contrary, any owner or operator of
39 a recycling center that is located on a site consisting of 5 acres or less
40 and is designed and operated solely for receiving, storing, processing
41 or transferring Class C recyclable material, which facility (1) has
42 been in lawful operation for at least 10 years; (2) has been previously
43 classified as a solid waste facility for which a registration statement
44 and engineering design approval was issued by the department
45 pursuant to sections 4 and 5 of P.L.1970, c.39 (C.13:1E-4 and
46 13:1E-5); or (3) has been reclassified by the department as a recycling

1 center for Class C source separated compostable material, shall qualify
2 for, and receive from the department, an exemption under
3 N.J.A.C.7:26A-1.4 (a) 14 from the requirement to obtain a general
4 recycling center approval pursuant to the provisions of
5 N.J.A.C.7:26A-3.1 et seq.

6 b. Notwithstanding the provisions of any other law, rule, regulation
7 or administrative order of the department to the contrary, the
8 continued operation of any recycling center satisfying the criteria set
9 forth in subsection a. of this section shall not be subject to the
10 provisions of N.J.A.C.7:26A-3.16 or any other law, rule or regulation
11 limiting its operations.

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13 4. This act shall take effect immediately.

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STATEMENT

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18 This bill would exempt certain recycling centers that are designed
19 and operated solely for receiving, storing, processing or transferring
20 Class C recyclable material from the requirement to obtain a general
21 recycling center approval pursuant to the provisions of N.J.A.C.
22 7:26A-3.1 et seq., which are newly revised rules and regulations that
23 were adopted by the DEP on December 16, 1996, under certain
24 specified circumstances.

25 To qualify for an exemption under the bill, a recycling center must
26 satisfy the following criteria:

27 (1) The facility must be located on a site consisting of 5 acres or
28 less and designed and operated solely for receiving, storing, processing
29 or transferring Class C recyclable material;

30 (2) The facility must have been in lawful operation for at least 10
31 years;

32 (3) The facility had been previously classified by the DEP as a solid
33 waste facility for which a valid registration statement and engineering
34 design approval was issued pursuant to law; and

35 (4) As a consequence of the new rules and regulations the facility
36 has been reclassified by the DEP as a recycling center for Class C
37 source separated compostable material.

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42 Exempts certain composting facilities from certain rules and
43 regulations.