

[First Reprint]
ASSEMBLY, No. 2921

STATE OF NEW JERSEY

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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:

6

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAW committee amendments adopted November 17, 1997.

1 material which is subject to approval of the department prior to
2 receipt, storage, processing or transfer at a recycling center pursuant
3 to subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34) and
4 which includes, but need not be limited to, scrap tires, wood waste,
5 tree stumps, and certain construction or demolition debris, including
6 waste asphalt, bricks, cinder blocks and concrete;

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

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

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

22 "Composting" means the controlled biological degradation of
23 organic matter to make compost;

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

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

27 "Department" means the Department of Environmental Protection;

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

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

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

44 "District recycling plan" means the plan prepared and adopted by
45 the governing body of a county and approved by the department to
46 implement the State Recycling Plan goals pursuant to section 3 of

1 P.L.1987, c.102 (C.13:1E-99.13);

2 "Food waste" means food processing byproducts, vegetative waste,
3 off-specification food products, food product overruns, and similar
4 food waste materials;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 "Secondary waste material" means waste material generated after
37 the completion of a manufacturing process;

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

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

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

7 "Vegetative food waste" means food processing waste from
8 materials such as fruits, vegetables and grains, and similar vegetable
9 food waste materials;

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

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

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

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

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

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

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

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

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

39
40 3. (New section) a. Notwithstanding the provisions of any other
41 law, rule or regulation to the contrary, any owner or operator of a
42 recycling center that is located on a site consisting of 5 acres or less
43 ¹[and is designed and operated solely for receiving, storing, processing
44 or transferring Class C recyclable material]¹, which facility (1) has
45 been in ¹[lawful]¹ operation for at least ¹[10] ⁵ years; (2) has been
46 previously classified as a solid waste facility for which a registration

1 statement ¹[and engineering design]¹ approval was issued by the
2 department pursuant to sections 4 and 5 of P.L.1970, c.39 (C.13:1E-4
3 and 13:1E-5); ¹[or]¹ (3) ¹has been owned or operated by a
4 municipality solely for receiving, storing, processing or transferring
5 leaves, grass or yard trimmings; (4) has no history of regulatory
6 complaints pertaining to operational matters, including noise, odor,
7 health or safety complaints; and (5)¹ has been reclassified by the
8 department as a recycling center for Class C source separated
9 compostable material, shall qualify for, and receive from the
10 department, an exemption under N.J.A.C.7:26A-1.4 (a) 14 from the
11 requirement to obtain a general recycling center approval pursuant to
12 the provisions of N.J.A.C.7:26A-3.1 et seq.

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

19

20 4. This act shall take effect immediately.

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25 Exempts certain composting facilities from certain rules and
26 regulations.