ASSEMBLY, No. 3237

STATE OF NEW JERSEY

219th LEGISLATURE

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Sponsored by:
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District 23 (Hunterdon, Somerset and Warren)
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SYNOPSIS

Requires DEP to develop, and solid waste management districts to use, standardized labels for recycling bins.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/5/2021)

AN ACT concerning the identification of recycling bins, and amending P.L.1970, c.39 and P.L.1987, c.102.

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

1. Section 6 of P.L.1970, c.39 (C.13:1E-6) is amended to read as follows:

6. a. The department shall, in addition to such other powers as it may possess by law:

(1) Undertake a program of research and development for the purpose of determining the most efficient, sanitary and economical way of collecting, disposing and utilizing solid waste.

(2) Formulate and promulgate, amend and repeal codes, rules and regulations concerning solid waste collection and solid waste disposal activities. Such codes, rules and regulations shall establish the procedures relating to the preparation and submission of environmental impact statements prior to the construction, acquisition, or operation of any solid waste facility, and shall establish standards for the construction and operation of solid waste facilities, which standards shall include, but not be limited to, provisions requiring: the maintenance of ground water quality monitoring wells to check water pollution; periodic monitoring of water quality by chemical analysis; measures to monitor methane gas production at sanitary landfills; plans for erosion control; revegetation procedures and plans for the maintenance, upkeep, and reuse of any sanitary landfill site; adequate cover material; safety measures; rodent, insect, bird, dust, fire and odor control programs; and such other measures as shall be deemed necessary to protect the public health and safety and the natural environment.

All codes, rules and regulations heretofore adopted by the Public Health Council relating to refuse disposal shall continue in full force and effect and be enforceable by the department, subject to its power as herein provided to amend or repeal the same.

(3) Develop, formulate, promulgate and review for the purpose of revising or updating not less than once every **[**2**]** <u>two</u> years, a Statewide solid waste management plan which shall encourage the maximum practicable use of resource recovery procedures and which shall provide the objectives, criteria and standards for the evaluation of solid waste management plans prepared pursuant to the provisions of **[**this amendatory and supplementary act**]** <u>P.L.1970, c.39 (C.13:1E-1 et seq.)</u> for solid waste management districts in this State; and to the extent practicable, encourage and assist in the development and formulation of such solid waste management plans and guidelines to implement such plans. Such

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

objectives, criteria and standards shall be promulgated within 180 days of the effective date of **[**this act**]** P.L.1970, c.39 (C.13:1E-1 et seq.) ; provided, however, that general guidelines sufficient to initiate the solid waste management planning process by solid waste management districts in this State shall be promulgated within 30 days of the effective date of **[**this act**]** P.L.1970, c.39 (C.13:1E-1 et seq.) . In the development and formulation of the Statewide solid waste management plan the department shall consult with relevant agencies and instrumentalities of the Federal Government, and the aforesaid objectives, criteria and standards provided by said Statewide solid waste management plan shall conform, to the extent practicable, or as may be required, to the provisions of any Federal law concerning such objectives, criteria and standards.

(4) Make an annual report to the Governor and the Legislature evaluating the operation of **[**this amendatory and supplementary act**]** P.L.1970, c.39 (C.13:1E-1 et seq.) , including any recommendations deemed necessary by the department to better effectuate the purposes hereof.

(5) No later than one year after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), develop a system of standardized labels to be used by solid waste management districts, which identify recycling bins and containers according to the recyclable materials that the bins and containers are intended to hold.

b. The department may, in addition:

(1) Order any district, pursuant to the Statewide solid waste management plan, the objectives, criteria and standards contained therein, the environmental and economic studies conducted by the department therefor and in a manner designed to enhance the environment within the concerned districts, (a) to plan for the construction of resource recovery facilities, (b) to specify what processes should be utilized therein, (c) to develop a joint program with one or more adjacent districts for providing resource recovery facilities, and (d) for those districts affected by the guarantee provided in P.L.1968, c.404, s. 9.1 (C.13:17-10), to cooperate on a continuing basis with the department and with the other districts so affected in the development of a combined approach to solid waste management in northeastern New Jersey and make the final determination in the event of any overlap or conflict between the Hackensack Commission and any board of chosen freeholders pursuant to their respective responsibilities under **[**this amendatory and supplementary act**]** P.L.1970, c.39 (C.13:1E-1 et seq.) or pursuant to the Hackensack Commission's responsibilities under P.L.1968, c.404 (C.13:17-1 et seq.).

(2) Acquire, by purchase, grant, contract or condemnation, title to real property, for the purpose of demonstrating new methods and techniques for the collection, disposal and utilization of solid waste;

(3) Purchase, operate and maintain, pursuant to the provisions of [this act] P.L.1970, c.39 (C.13:1E-1 et seq.) , any facility, site, laboratory equipment or machinery necessary to the performance of its duties pursuant to [this act] P.L.1970, c.39 (C.13:1E-1 et seq.) ;

(4) Apply for, receive and expend funds from any public or private source;

(5) Contract with any other public agency, including county and municipal boards of health, or corporation incorporated under the laws of this or any other state for the performance of any function under [this act] P.L.1970, c.39 (C.13:1E-1 et seq.) . Any such contract with a county or municipal board of health may provide for the inspection and monitoring of solid waste facilities; the enforcement of the department's standards therefor; and the training of county or municipal health officers engaged in such inspection, monitoring or enforcement;

(6) Make grants to assist in experimenting with new methods of solid waste collection, disposal, or utilization, pursuant to the provisions of sections 21 through 25 of [this amendatory and supplementary act] P.L.1970, c.39 (C.13:1E-1 et seq.) ;

(7) Construct and operate, on an experimental basis, incinerators or other facilities for the disposal or utilization of solid waste, to provide the various municipalities and counties of this State, the Board of Public [Utility Commissioners] Utilities , the Hackensack Commission, and the Division of Local Government Services in the Department of Community Affairs with statistical data on costs and methods of solid waste collection and disposal;

(8) Make annual and such other reports as it may deem proper to the Governor and the Legislature evaluating the demonstrations and experiments conducted during each calendar year.

(cf: P.L.1975, c.326, s.7)

2. Section 3 of P.L.1987, c.102 (C.13:1E-99.13) is amended to read as follows:

3. a. Each county shall prepare and adopt a district recycling plan to implement the State Recycling Plan goals. Each district recycling plan shall be adopted as an amendment to the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and subject to the approval of the department. Each district recycling plan may be modified after adoption pursuant to a procedure set forth in the adopted plan as approved by the department.

b. Each district recycling plan required pursuant to this section shall include, but need not be limited to:

(1) Designation of a district recycling coordinator;

(2) Designation of the recyclable materials to be source separated in each municipality which shall include, in addition to

leaves, at least three other recyclable materials separated from the municipal solid waste stream;

(3) Designation of the strategy for the collection, marketing and disposition of designated source separated recyclable materials in each municipality;

(4) Designation of recovery targets in each municipality to achieve the maximum feasible recovery of recyclable materials from the municipal solid waste stream which shall include, at a minimum, the following schedule:

(a) The recycling of at least 15 **[**%**]** percent of the total municipal solid waste stream by December 31, 1989;

(b) The recycling of at least 25 **[**%**]** percent of the total municipal solid waste stream by December 31, 1990; and

(c) The recycling of at least 50 **[**%**]** percent of the total municipal solid waste stream, including yard waste and vegetative waste, by December 31, 1995; and

(5) Designation of countywide recovery targets to achieve the maximum feasible recovery of recyclable materials from the total solid waste stream which shall include, at a minimum, the recycling of at least 60 **[**%**]** percent of the total solid waste stream by December 31, 1995.

Within 24 months of the effective date of P.L.2007, c.311 (C.13:1E-96.2 et al.), each district recycling plan shall be modified to include the designation of a district certified recycling coordinator.

No later than two years after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), each district recycling plan shall be modified to require that all new recycling bins and containers distributed in the district be affixed with a label in accordance with the system developed by the department pursuant to paragraph (5) of subsection a. of section 6 of P.L.1970, c.39 (C.13:1E-6).

For the purposes of this subsection, "district certified recycling coordinator" means a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the department; "total municipal solid waste stream" means the sum of the municipal solid waste stream disposed of as solid waste, as measured in tons, plus the total number of tons of recyclable materials recycled; and "total solid waste stream" means the aggregate amount of solid waste generated within the boundaries of any county from all sources of generation, including the municipal solid waste stream.

c. Each district recycling plan, in designating a strategy for the collection, marketing and disposition of designated recyclable materials in each municipality, shall authorize municipalities that adopt a recycling ordinance pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-99.16) to limit the collection of

designated recyclable materials to specified operating hours in order to preserve the peace and quiet in neighborhoods during the hours when most residents are asleep.

d. A district recycling plan may be modified to require that each municipality within the county revise the ordinance adopted pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-99.16) to provide for the source separation and collection of used dry cell batteries as a designated recyclable material.

e. (Deleted by amendment, P.L.2008, c.130)

(cf: P.L.2008, c.130, s.19)

3. This act shall take effect immediately.

STATEMENT

This bill would require the Department of Environmental Protection (DEP), within one year, to develop a system of standardized labels, which identify recycling bins and containers according to the recyclable materials that the containers are intended to hold. The bill also requires each solid waste management district, within two years after the bill is enacted into law, to update its recycling plan to require that new recycling bins and containers distributed in the district be labeled in accordance with the system developed by the DEP.