

# ASSEMBLY, No. 5803

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**SYNOPSIS**

Exempts plastic material processed at advanced plastic processing facilities from State laws regulating solid waste disposal and recycling.

**CURRENT VERSION OF TEXT**

As introduced.



A5803 MCKEON

2

1 AN ACT concerning certain plastic processing facilities, amending  
2 P.L.1970, c.39, and supplementing Title 13 of the Revised  
3 Statutes.

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

7  
8 1. Section 3 of P.L.1970, c.39 (C.13:1E-3) is amended to read  
9 as follows:

10 3. As used in the provisions of P.L.1970, c.39 (C.13:1E-1 et  
11 seq.):

12 "Solid waste" means garbage, refuse, and other discarded  
13 materials resulting from industrial, commercial and agricultural  
14 operations, and from domestic and community activities, and shall  
15 include all other waste materials including liquids, except for : (1)  
16 source separated recyclable materials **[or]** ; (2) source separated  
17 food waste collected by livestock producers approved by the State  
18 Department of Agriculture to collect, prepare and feed such wastes  
19 to livestock on their own farms ; or (3) source separated plastic  
20 material transported and delivered to, and processed at, an advanced  
21 plastic processing facility .

22 "Solid waste collection" means the activity related to pick-up and  
23 transportation of solid waste from its source or location to a solid  
24 waste facility or other destination.

25 "Disposal" means the storage, treatment, utilization, processing,  
26 resource recovery of, or the discharge, deposit, injection, dumping,  
27 spilling, leaking or placing of any solid or hazardous waste into or  
28 on any land or water, so that the solid or hazardous waste or any  
29 constituent thereof may enter the environment or be emitted into the  
30 air or discharged into any waters, including groundwaters.

31 "Solid waste management" includes all activities related to the  
32 collection or disposal of solid waste by any person engaging in any  
33 such process.

34 "Council" means the Advisory Council on Solid Waste  
35 Management.

36 "Department" means the Department of Environmental  
37 Protection.

38 "Commissioner" means the Commissioner of the Department of  
39 Environmental Protection.

40 "Solid waste facilities" means and includes the plants, structures  
41 and other real and personal property acquired, constructed or  
42 operated or to be acquired, constructed or operated by, or on behalf  
43 of, any person, public authority or county pursuant to the provisions  
44 of P.L.1970, c.39 (C.13:1E-1 et seq.) or any other act, including  
45 transfer stations, incinerators, resource recovery facilities, sanitary

**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 thus is new matter.**

1 landfill facilities or other plants for the disposal of solid waste, and  
2 all vehicles, equipment and other real and personal property and  
3 rights therein and appurtenances necessary or useful and convenient  
4 for the collection or disposal of solid waste in a sanitary manner.

5 "Public authority" means a municipal or county utilities authority  
6 created pursuant to the "municipal and county utilities authorities  
7 law," P.L.1957, c.183 (C.40:14B-1 et seq.); a county improvement  
8 authority created pursuant to the "county improvement authorities  
9 law," P.L.1960, c.183 (C.40:37A-44 et seq.); a pollution control  
10 financing authority created pursuant to the "New Jersey Pollution  
11 Control Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.); or  
12 any other public body corporate and politic created for solid waste  
13 management purposes in any county, pursuant to the provisions of  
14 any law.

15 "Hackensack Meadowlands District" means the area within the  
16 jurisdiction of the New Jersey Meadowlands Commission created  
17 pursuant to the provisions of the "Hackensack Meadowlands  
18 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et  
19 seq.).

20 "Hackensack Commission" means the New Jersey Meadowlands  
21 Commission created pursuant to the provisions of the "Hackensack  
22 Meadowlands Reclamation and Development Act," P.L.1968, c.404  
23 (C.13:17-1 et seq.).

24 "Public sewage treatment plant" means any structure or  
25 structures required to be approved by the department pursuant to  
26 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74 (C.58:10A-1  
27 et seq.), by means of which domestic wastes are subjected to any  
28 artificial process in order to remove or so alter constituents as to  
29 render the waste less offensive or dangerous to the public health,  
30 comfort or property of any of the inhabitants of this State, before  
31 the discharge of the plant effluent into any of the waters of this  
32 State; this definition includes plants for the treatment of industrial  
33 wastes, as well as a combination of domestic and industrial wastes.

34 "Resource recovery" means the collection, separation, recycling  
35 and recovery of metals, glass, paper and other materials for reuse;  
36 or the incineration of solid waste for energy production and the  
37 recovery of metals and other materials for reuse.

38 "Resource recovery facility" means a solid waste facility  
39 constructed and operated for the incineration of solid waste for  
40 energy production and the recovery of metals and other materials  
41 for reuse; or a mechanized composting facility, or any other solid  
42 waste facility.

43 "Sanitary landfill facility" means a solid waste facility at which  
44 solid waste is deposited on or in the land as fill for the purpose of  
45 permanent disposal or storage for a period exceeding six months,  
46 except that it shall not include any waste facility approved for  
47 disposal of hazardous waste.

1 "Transfer station" means a solid waste facility at which solid  
2 waste is transferred from a solid waste collection vehicle to a  
3 registered solid waste haulage vehicle, including a rail car, for  
4 transportation to an offsite sanitary landfill facility, resource  
5 recovery facility, or designated out-of-State disposal site for  
6 disposal.

7 "Advanced plastic processing facility" means a facility that  
8 receives, stores, and processes plastic material generated from  
9 industrial, commercial, agricultural, or domestic activities,  
10 transforming it into useable products, including but not limited to  
11 plastic monomers, chemicals, waxes, lubricants, chemical  
12 feedstocks, crude oil, diesel, gasoline, or home heating oil, using  
13 chemical processes such as gasification, pyrolysis, and solvolysis.

14 (cf: P.L.2003, c.231, s.1)

15

16 2. (New section) a. Plastic material transported and delivered  
17 to, and processed at, an advanced plastic processing facility shall  
18 not be subject to the provisions of any State law regulating  
19 recycling or the disposal of solid waste, including, but not limited  
20 to, the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1  
21 et seq.) and the "New Jersey Statewide Mandatory Source  
22 Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et  
23 al.), or any rules or regulations adopted pursuant thereto. However,  
24 an advanced plastic processing facility shall be subject to all other  
25 applicable State and federal laws, including, but not limited to,  
26 those regulating land use, air pollution, and water pollution. In  
27 particular, nothing in this act shall be construed to exempt an  
28 advanced plastic processing facility from the provisions of  
29 P.L.2020, c.92 (C.13:1D-157 et seq.).

30 b. Advanced plastic processing shall not be considered solid  
31 waste disposal, solid waste management, resource recovery,  
32 materials recovery, thermal destruction, incineration, combustion,  
33 treatment, or reclamation, for the purposes of any State law  
34 regulating recycling or the disposal of solid waste or any rules or  
35 regulations adopted pursuant thereto.

36 c. An advanced plastic processing facility shall not be  
37 considered a solid waste facility, solid waste disposal facility, solid  
38 waste management facility, resource recovery facility, materials  
39 recovery facility, thermal destruction facility, incinerator,  
40 combustion facility, treatment facility, reclamation facility,  
41 recycling facility, or recycling center for the purposes of any State  
42 law regulating recycling or the disposal of solid waste or any rules  
43 or regulations adopted pursuant thereto.

44 d. As used in this section:

45 "Advanced plastic processing" means the transformation of  
46 plastic material generated from industrial, commercial, agricultural,  
47 or domestic activities into useable products, including, but not  
48 limited to, plastic monomers, chemicals, waxes, lubricants,

1 chemical feedstocks, crude oil, diesel, gasoline, or home heating oil,  
2 using chemical processes such as gasification, pyrolysis, and  
3 solvolysis.

4 "Advanced plastic processing facility" means the same as the  
5 term is defined in section 3 of P.L.1970, c.39 (C.13:1E-3).

6

7 3. This act shall take effect immediately.

8

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10 STATEMENT

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12 This bill would exempt plastic material transported and delivered  
13 to, and processed at, an advanced plastic processing facility from  
14 State laws regulating the disposal or recycling of solid waste.  
15 However, the bill would provide that advanced plastic processing  
16 facilities are subject to all other State and federal laws, including  
17 environmental laws. The bill would also provide that the terms  
18 "advanced plastic processing" and "advanced plastic processing  
19 facility" are distinct from various other terms related to solid waste,  
20 as described in section 2 of the bill.

21 The bill would also amend the definition of "solid waste" in the  
22 "Solid Waste Management Act" (SWMA), P.L.1970, c.39 (C.13:1E-  
23 1 et seq.), to exclude source separated plastic material that is  
24 transported and delivered to, and processed at, an advanced plastic  
25 processing facility. The bill would thus exclude this type of plastic  
26 from the substantive provisions of the SWMA, which, among other  
27 things, gives the Department of Environmental Protect the authority  
28 to regulate solid waste collection, transportation, and disposal.

29 The bill would define an "advanced plastic processing facility"  
30 as a facility that receives, stores, and processes plastic material  
31 generated from industrial, commercial, agricultural, or domestic  
32 activities, transforming it into useable products, including but not  
33 limited to plastic monomers, chemicals, waxes, lubricants, chemical  
34 feedstocks, crude oil, diesel, gasoline, or home heating oil, using  
35 chemical processes such as gasification, pyrolysis, and solvolysis.