

DEP KFN 2159 .R3 M36 1987 c.1

NEW JERSEY STATEWIDE MANDATORY SOURCE
SEPARATION AND RECYCLING ACT SUMMARY
P.L. 1987, c. 102 revised Sept 2, 1987
NJ DEP, Division of Solid Waste Mgmt,
Office of Recycling September 1987

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Managing the Solid Waste Crisis in New Jersey



DATE: 9/16-18/87

NEW JERSEY STATEWIDE MANDATORY SOURCE SEPARATION AND RECYCLING ACT SUMMARY

P.L. 1987, c. 102
Revised September 2, 1987

***DIVISION OF SOLID WASTE MANAGEMENT
OFFICE OF RECYCLING***

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
401 EAST STATE STREET, TRENTON, NEW JERSEY 08625**

PROPERTY OF NEW JERSEY
D.E.P. INFORMATION
RESOURCE CENTER

OFFICE OF RECYCLING

SUMMARY

THE NEW JERSEY STATEWIDE SOURCE SEPARATION AND RECYCLING ACT
P.L. 1987, c. 102

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County responsibilities:

(p. 4, Sec. 3 (a))

Within 6 months of the effective date of the Act, counties shall prepare and adopt a district recycling plan to include the following;

(p. 4-5, Sec 3 (b))

Designate a district recycling coordinator.

Identify leaves and at least three other recyclable materials as the designated recyclables in the district.

Designate a strategy for the collection, marketing and disposition of source separated recyclable materials in each municipality.

The recycling of at least 15% of the prior year's total municipal solid waste stream by the end of the first full year.

The recycling of at least 25% of the second preceding year's total municipal solid waste stream by the end of the second full year.

Each district recycling plan shall give priority consideration to persons already engaged in the business of recycling.

(p. 5-6, Sec. 4 (a))

Six months after DEP approval of the plan, county solicits proposals for processing and marketing of the materials and enters into contracts or agreements on behalf of the municipalities unless otherwise provided for.

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(p. 6, Sec. 4 (b))

If the county fails to find a market, DEP may grant or deny an exemption for implementation of the plan. If an exemption is denied, DEP must provide assistance to secure markets. Any exemption shall not exceed one year and shall be granted or renewed only upon a finding that the county has made a good faith effort to identify and secure markets.

(p. 6, Sec. 5)

Any county which has adopted a district recycling plan and the plan has been approved by the DEP prior to January 1, 1987, shall be exempt from the provisions of sections 3 and 4. To be eligible for an exemption, a county shall have established and implemented a countywide mandatory recycling program for at least three materials, in addition to leaves, and shall have demonstrated that markets for these materials have been secured.

(p. 10, Sec. 13 (a) and (b))

Within 12 months, counties must identify leaf composting facilities for use by their municipalities. Rates for leaf composting are not regulated. Leaves may not go to a landfill unless a separate facility for composting leaves is available at the site.

Municipal Responsibilities:

(p. 6, Sec. 6)

Designate a recycling coordinator within 30 days of the effective date of the Act.

(p. 6-7, Sec. 6 (a))

Provide a collection system within 6 months of the adoption of the county plan.

(p. 7, Sec. 6 (b))

Within 30 days of market agreements, adopt ordinances requiring generators of municipal solid waste to source separate the municipality's designated recyclable materials.

(p. 7, Sec. 6 (c) and p. 17, Sec. 26 (b) (12), amends P.L. 1975, c. 291, Sec. 19 (b) (12))

Within 30 days of the effective date of the local ordinance, revise master plan and site plan ordinance to require that

proposals for new developments of 50 or more single family units, 25 multifamily units, and 1000 sq. ft. or more of commercial or industrial space incorporate provisions for recycling. Master plan must be updated for recycling every three years and must incorporate a recycling plan element. Site plan ordinance must include recycling in accordance with the county plan (p. 19, Sec. 28, amends P.L. 1975, c. 291, Sec. 29.3 (f)).

(p. 8, Sec. 6 (e))

Submit a tonnage grant report to the Office of Recycling on or before July 1 of each year.

(p. 8, Sec. 6 (f))

Publicize the provisions of the local recycling program at least once every six months.

(p. 9, Sec. 9)

A municipality may require that their private solid waste haulers bid on recycling services if this is required by the county plan.

(p. 10-11, Sec. 14)

Within 12 months of the effective date of the Act, provide for the collection of leaves and require that such materials be kept separate for collection for the period from Sept. 1 to Dec. 31 of each year.

Plastics & Bimetal Beverage Containers:

(p. 9-10, Sec. 11 (a) and (b))

Within 12 months plastic and bi-metal beverage containers must reach the same recycling rate as glass or aluminum containers, whichever is less. The DEP reports in 18 months if that rate has been reached. In the event of failure, the DEP submits recommendations to the Governor and Legislature.

Tires:

(p. 10, Sec. 12)

Within 18 months the department shall prepare a report on methods for tire recycling or disposition of tires. The report is submitted to the Governor and Legislature with recommendations that may include a deposit on tires for the purpose of financing recommended recycling or disposition methods.

Motor Oil:

(p. 43, Sec. 43 (a) (1))

Motor oil containers must be labeled identifying the contents as a recyclable product.

(p. 43, Sec. 43 (a) (2))

Retailers that sell motor oil must post a sign with information on the recycling of oil.

(p. 43, Sec. 44 (a))

Oil collections centers are designated as reinspection stations or service stations that have oil collection tanks on premises and must be identified as such.

Local Public Contracts Law:

(p. 24, Sec. 31, amends P.L. 1971, c. 198, Sec. 15 (4))

LPC is amended to allow for the negotiated sale of recyclable materials without public bidding.

Solid Waste Facilities:

(p. 13, Sec 22 (a) and Sec. 23 (a))

All proposals for new or expanded solid waste facilities must incorporate the goals of the district recycling plan. No registration statement, engineering design or franchise approval will be issued unless the applicant demonstrates to the DEP and the BPU's satisfaction that such goals have been incorporated.

Recycling Centers:

(p. 4, Sec. 2, line 77 and p. 40-41, Sec. 41 (a))

Recycling centers that accept nonputrescible source separated or source separated commingled glass, metal, paper, plastic containers or other materials approved by the DEP are not required to obtain registration statements, engineering design approval or an environmental and health impact statement.

Market Stimulus Provisions:

(p. 11, Sec. 15)

Priority must be given to use of leaf compost material in the maintenance of public lands.

(p. 12, Sec. 18)

The State Division of Local Government Services shall permit counties, municipalities, authorities and the State Board of Education to cooperatively purchase recycled paper procured by the Division of Purchase and Property.

(p. 12, Sec. 19 (a))

Not less than 10% of the paper products purchases after July 1, 1987 shall be made from recycled paper, not less than 30% by July 1, 1988, and not less than 45% by July 1, 1989. Priority purchasing must be given to products with highest post-consumer material content.

(p. 12-13, Sec. 20 and p. 13, Sec. 21)

Department of Transportation to review and modify its' specifications for highway construction to encourage the use of recycled materials such as asphalt, crumb rubber, and glass. DOT purchasing specs must be modified in consultation with the DEP to encourage the purchase of asphalt products from manufacturers that utilize waste oil as a furnace or boiler fuel.

Tax Credit:

(p. 41-42, Sec. 42, amends P.L. 1945, c. 162, Sec. 5 and p. 46, Sec. 53)

Industries purchasing new recycling equipment receive a 50% tax credit against their State Corporate Business Tax. The equipment must be certified by the DEP as eligible for credit. Tax credit is valid during the year of certification. Tax credit may not reduce a businesses tax liability by more than 50%. Tax credit must be taken for a minimum of 5 years, but may be carried forward until the 50% credit is fully claimed. Tax credit provisions of the Act are effective 6 months following the date of enactment (October 1, 1987).

Funding:

(p. 35, Sec. 35, amends P.L. 1981, c. 278, Sec. 4 and p. 46, Sec. 53)

\$1.50 per ton solid waste facility surcharge to take effect on July 1, 1987.

(p. 46, Sec. 51)

The Office of Recycling receives \$500,000 from the General Fund to implement the Act.

(p. 46, Sec. 52)

Counties and municipalities receive a \$7,800,000 up front appropriation from Treasury (15% to Counties and 85% to municipalities). These appropriations must be paid back to the General Fund from the above Recycling Fund.

(p. 44-45, Sec. 48 (a))

\$200,000 shall be appropriated from the General Fund to the Recycling Fund for market development studies. These funds shall be distributed through the Office of Recycling as study grants to qualified applicants. Each study shall focus on a particular recyclable material, including but not limited to, automobile tires, paper and plastic beverage containers.

(p. 45, Section 48 (b))

Within nine (9) months of the effective date of the Act, the Office of Recycling shall transmit copies of these studies to counties and municipalities. These studies shall also be made available to the general public.

Solid Waste Facility Surcharge for Recycling - Allocation of Funds
(anticipated annual revenues = \$15 million dollars):

(p. 37-39, Sec. 36, amends P.L. 1981, c. 278, Sec. 5)

40% to municipalities or counties as tonnage grants, where a county, at its own expense, provides for the collection, processing and marketing of recyclable materials on a regional basis. A municipality may distribute a portion of its tonnage grant to non-profit groups that contribute to the recycled tonnage.

3% for low interest loans to businesses and for research and market development activities.

10% for education and publicity.

7% for State recycling program and administrative cost.

8% for County recycling program and administrative cost.

Rules and Regulations:

(p. 39, Sec. 37, amends P.L. 1981, c. 278, Sec. 6)

DEP proposes rules and regulations within 90 days.

Sunset:

(p. 40, Sec. 39, amends P.L. 1981, c. 278, Sec. 4)

Solid waste facility surcharge for recycling sunsets on December 31, 1996.

(p. 46, Sec. 53)

Tax credit sunsets on December 31, 1996, except any credit approved prior to January 1, 1997, shall be allowable after sunset.

Office of Recycling:

(p. 45, Sec. 49 (a))

The Office of Recycling is legislatively established in the DEP.

DEP Commissioner:

(p. 45-46, Sec. 50)

By April 1, 1990, the Commissioner of the Department of Environmental Protection shall prepare and transmit a report to the Legislature concerning the implementation of the Act and make recommendations on the continuation of the recycling surcharge. This report shall be revised and modified if necessary at least once every three (3) years thereafter.

A copy of the complete law may be obtained through the Bill Room, State House Annex, West State St., Trenton or call 1-800-792-8630 (in-state) and 609-292-6395 (out-of-state).