

13:1E-99.13

LEGISLATIVE HISTORY CHECKLIST
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(Recycling--provide for
60% by 1995)

NJSA: 13:1E-99.13

LAWS OF: 1992

CHAPTER: 167

BILL NO: A987

SPONSOR(S) Albohn

DATE INTRODUCED: February 24, 1992

COMMITTEE: ASSEMBLY: Solid Waste

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: June 4, 1992

SENATE: October 19, 1992

DATE OF APPROVAL: December 2, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: Yes

974.90 New Jersey. Emergency Solid Waste Assessment Task Force.
M986 Preliminary report. July 6, 1990.
1990b

974.90 New Jersey. Emergency Solid Waste Assessment Task Force.
M986 Final report. August 6, 1990.
1990c Trenton, 1990.

(continued)

974.90 New Jersey. Legislature. Assembly Waste Management Committee.
M966 Public hearing on "recycling in New Jersey." held 5-10-90.
1990a Trenton, 1990.

974.90 New Jersey. Legislature. Assembly Waste Mangement, Planning and
M966 Recycling Committee.
1990e Public hearing. held 11-1-90. Trenton. 1990.

974.90 New Jersey. Department of Environmental Protection.
M966 Recucling in the 90's. April, 1990.
1990i Trenton, 1990.

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 987

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1992

By Assemblyman ALBOHN

1 AN ACT concerning district recycling plans, and amending
2 P.L.1987, c.102.

3

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

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

8 3. a. Each county shall, no later than October 20, 1987 and
9 after consultation with each municipality within the county,
10 prepare and adopt a district recycling plan to implement the
11 State Recycling Plan goals. Each plan shall be adopted as an
12 amendment to the district solid waste management plan required
13 pursuant to the provisions of the "Solid Waste Management Act,"
14 P.L.1970, c.39 (C.13:1E-1 et seq.).

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

17 (1) Designation of a district recycling coordinator;

18 (2) Designation of the recyclable materials to be source
19 separated in each municipality which shall include, in addition to
20 leaves, at least three other recyclable materials separated from
21 the municipal solid waste stream;

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

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

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

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

33 (c) The recycling of at least 50% of the total municipal solid
34 waste stream, including yard waste and vegetative waste, by
35 December 31, 1995; and

36 (5) Designation of ¹countywide¹ recovery targets ¹[in each
37 county]¹ to achieve the maximum feasible recovery of recyclable
38 materials from the total solid waste stream which shall include,
39 at a minimum, the recycling of at least 60% of the total solid
40 waste stream by December 31, 1995.

41 For the purposes of this [paragraph] subsection, "total
42 municipal solid waste stream" means the sum of the municipal

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASW committee amendments adopted May 14, 1992.

1 solid waste stream disposed of as solid waste, as measured in
2 tons, plus the total number of tons of recyclable materials
3 recycled; and "total solid waste stream" means the aggregate
4 amount of solid waste generated within the boundaries of any
5 county from all sources of generation, including the municipal
6 solid waste stream.

7 c. Each district recycling plan, in designating a strategy for
8 the collection, marketing and disposition of designated recyclable
9 materials in each municipality, shall accord priority consideration
10 to persons engaging in the business of recycling or otherwise
11 lawfully providing recycling services on behalf of a county or
12 municipality on January 1, 1986, if that person continues to
13 provide recycling services prior to the adoption of the plan and
14 that person has not discontinued these services for a period of 90
15 days or more between January 1, 1986, and the date on which the
16 plan is adopted.

17 Each district recycling plan may be modified after adoption
18 pursuant to a procedure set forth in the adopted plan as approved
19 by the department.

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

26 (cf: P.L.1991, c.521, s.24)

27 2. This act shall take effect immediately.

28
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32 Revises district recycling plan recovery targets to provide for
33 60% recycling rate by December 31, 1995.

total solid waste stream which shall include, at a minimum, the recycling of at least 60% of the total solid waste stream by December 31, 1995.

For the purposes of this [paragraph] subsection, "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 accord priority consideration to persons engaging in the business of recycling or otherwise lawfully providing recycling services on behalf of a county or municipality on January 1, 1986, if that person continues to provide recycling services prior to the adoption of the plan and that person has not discontinued these services for a period of 90 days or more between January 1, 1986, and the date on which the plan is adopted.

d. Notwithstanding the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), each district recycling plan may be modified after adoption pursuant to a procedure set forth in the adopted plan as approved by the department.

(cf: P.L.1987, c.102, s.3)

2. This act shall take effect immediately.

STATEMENT

This substitute bill would require every district recycling plan to provide for the recycling of at least 60% of the total solid waste stream by December 31, 1995.

Under the "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et al.), every county, after consultation with each constituent municipality, is required to adopt a district recycling plan setting forth the designated recyclable materials to be recycled in each municipality and the recovery targets to be met following the plan's adoption and approval by the Department of Environmental Protection. The district recycling plan must provide that each municipality achieve the recycling of at least 15% of the total municipal solid waste stream by December 31, 1989, and the recycling of at least 25% of the total municipal solid waste stream by December 31, 1990. This bill would expand the municipal recovery targets to include the recycling of at least 50% of the total municipal solid waste stream by December 31, 1995. In addition, the substitute bill would require that the district recycling plan must provide that each county achieve the recycling of at least 60% of the total solid waste stream by December 31, 1995.

The "total municipal solid waste stream" refers to 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 on an annual basis. For example, in 1989, the latest year for which data is available, New Jersey municipalities achieved a statewide average municipal recycling rate of 23.9%, which represents the 1.8 million tons of designated recyclable materials recovered from the 7.6 million tons of solid waste materials generated from residential, commercial and institutional sources.

The "total solid waste stream" refers to the aggregate amount of solid waste generated within the boundaries of any county from all sources of generation, including the municipal solid waste stream. In 1989 New Jersey counties achieved a statewide average county recycling rate of 42.5%, which represents the 6.3 million tons of recyclable materials recovered from the 14.9 million tons of solid waste materials generated from all sources. Thus, the 6.3 million tons includes the 1.8 million tons recovered from the municipal solid waste stream.

Revises district recycling plan recovery targets to provide for 60% recycling rate by December 31, 1995.

ASSEMBLY SOLID WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 987

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 14, 1992

The Assembly Solid Waste Committee favorably reports Assembly Bill No. 987 with committee amendments.

As amended, Assembly Bill No. 987 would require every district recycling plan to provide for the recycling of at least 60% of the total solid waste stream by December 31, 1995.

Under the "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et al.), every county, after consultation with each constituent municipality, is required to adopt a district recycling plan setting forth the designated recyclable materials to be recycled in each municipality and the recovery targets to be met following the plan's adoption and approval by the Department of Environmental Protection. The district recycling plan must provide that each municipality achieve the recycling of at least 15% of the total municipal solid waste stream by December 31, 1989, and the recycling of at least 25% of the total municipal solid waste stream by December 31, 1990. This bill would expand the municipal recovery targets to include the recycling of at least 50% of the total municipal solid waste stream by December 31, 1995. In addition, the bill would require that the district recycling plan must provide that each county achieve the recycling of at least 60% of the total solid waste stream by December 31, 1995.

The "total municipal solid waste stream" refers to 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 on an annual basis. For example, in 1990, the latest year for which data is available, New Jersey municipalities achieved an estimated statewide average municipal recycling rate of 30%, which represents the 2.3 million tons of designated recyclable materials recovered from the 7.8 million tons of solid waste materials generated from residential, commercial and institutional sources.

The "total solid waste stream" refers to the aggregate amount of solid waste generated within the boundaries of any county from all sources of generation, including the municipal solid waste stream. In 1990 New Jersey counties achieved a statewide average county recycling rate of 48%, which represents the 7.3 million tons of recyclable materials recovered from the 15.3 million tons of solid waste materials generated from all sources. Thus, the 7.3 million tons includes the 2.3 million tons recovered from the municipal solid waste stream.

This bill was introduced in the 1992 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 987

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Senate Community Affairs Committee favorably reports Assembly Bill No. 987 [1R].

Assembly Bill No. 987 [1R] would require every district recycling plan to provide for the recycling of at least 60% of the total solid waste stream by December 31, 1995.

Under the "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et al.), every county, after consultation with each constituent municipality, is required to adopt a district recycling plan setting forth the designated recyclable materials to be recycled in each municipality and the recovery targets to be met following the plan's adoption and approval by the Department of Environmental Protection. The district recycling plan must provide that each municipality achieve the recycling of at least 15% of the total municipal solid waste stream by December 31, 1989, and the recycling of at least 25% of the total municipal solid waste stream by December 31, 1990. This bill would expand the municipal recovery targets to include the recycling of at least 50% of the total municipal solid waste stream by December 31, 1995. In addition, the bill would require that the district recycling plan must provide that each county achieve the recycling of at least 60% of the total solid waste stream by December 31, 1995.

The "total municipal solid waste stream" refers to 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 on an annual basis. For example, in 1990, the latest year for which data is available, New Jersey municipalities achieved an estimated statewide average municipal recycling rate of 30%, which represents the 2.3 million tons of designated recyclable materials recovered from the 7.8 million tons of solid waste materials generated from residential, commercial and institutional sources.

The "total solid waste stream" refers to the aggregate amount of solid waste generated within the boundaries of any county from all sources of generation, including the municipal solid waste stream. In 1990 New Jersey counties achieved a statewide average county recycling rate of 48%, which represents the 7.3 million tons of recyclable materials recovered from the 15.3 million tons of solid waste materials generated from all sources. Thus, the 7.3 million tons includes the 2.3 million tons recovered from the municipal solid waste stream.

This bill is identical to Senate Bill No. 1082 of 1992, which also was reported by this committee on October 1, 1992.

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OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001
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December 2, 1992

GOVERNOR SIGNS BILL BOOSTING STATE RECYCLING RATE TO 60 PERCENT

FAIR LAWN -- Citing New Jersey's national lead in recycling, Governor Jim Florio today signed two bills to more than double the recycling rate under state law and study markets for recyclable materials.

"In New Jersey, we're working hard to plant the seeds of recycling deep so they take root. These two bills will make recycling stronger and more effective in New Jersey," said Governor Florio, who signed the bills at the Warren Point School, which has been active in recycling efforts.

"When it comes to trashbusting, all of New Jersey deserves an A+. We have the highest recycling rate in the country. New Jersey keeps taking on new recycling challenges and meeting them. We're recycling more kinds of trash than we ever did before. We're planning ahead and linking our resources to market needs. We're creating jobs and developing new products and uses for recycled material," he said.

The first bill, A 987/S 1082, revises each county recycling plan to provide for 60 percent recycling of its total solid waste stream by December, 1995. The total solid waste stream includes curbside recycling, as well as bulky items such as construction debris, appliances and junked cars. According to 1991 preliminary estimates, New Jersey recycles 52 percent of its solid waste and is already well on its way to meeting the 60 percent recycling target in the new law.

Under the new law, municipalities will also be required to boost their curbside recycling efforts to 50 percent. The legislation was sponsored by Assemblyman Arthur Albohn, and Senators Randy Corman and John Dorsey.

The legislation parallels the recommendations issued in 1990 by the Governor's Emergency Solid Waste Assessment Task Force. That year, Governor Florio also signed an Executive Order mandating state agencies to work towards the 60 percent recycling goal by 1995.

"Achieving a 60 percent recycling of the total waste stream by 1995 has been the state's goal since the Governor's task force issued its report. Today, Governor Florio has taken decisive action to give that goal the full force of the law," said Scott Weiner, Commissioner of the Department of Environmental Protection and Energy (DEPE).

A second bill, S 295/A 1934, calls for a DEPE study within a year of the recycling potential of green glass beverage containers. The legislation stems from a growing concern that the substantial importation of beverages in green glass containers has produced a market glut of these materials and hampered local governments' ability to recycle these containers. The bill was sponsored by Senators Thomas Cowan and Henry McNamara, and Assemblymen Nicholas Felice and Anthony Impreveduto.

"The green glass container bill is part of our strategy to recycle "smart". When problems crop up, government must plan and aggressively seek to expand markets and develop other uses for the trash we recycle or we aren't solving the problem of solid waste. Otherwise, we're just moving it from a landfill to a warehouse," said the Governor.

Governor Florio credited the Fair Lawn school system for its efforts in encouraging recycling. "From first graders to seniors in high school, students are learning to respect the environment. I'm proud of our recycling success story," he said. "Every year with the help of people all over New Jersey, we come closer to our goal. We won't rest until we get solid waste disposal totally under control. We can't expect others to take our trash. We have to take care of the garbage ourselves -- beginning in the home, in school and at the office."

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2. The Commission shall study and analyze the various departments, commissions, authorities and other functions of State government to ascertain the means by and manner in which the services of the State of New Jersey may be afforded to its citizens in the most efficient, expeditious and economical manner.

3. a. The Commission is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, or other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.

b. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

4. The Commission shall render to the Governor interim reports as it may deem appropriate or as the Governor may request and, upon completion of its work, the Commission shall render a full report of its findings and recommendations.

5. This Order shall take effect immediately.

Issued April 2, 1990.

EXECUTIVE ORDER No. 8

WHEREAS, The amount of solid waste that will need to be disposed of can be reduced through such environmentally safe and economically sound methods as source reduction and reuse techniques, recycling and composting; and

WHEREAS, The solid Waste Management Act, N.J.S.A.13:1E-1 et seq. ("Act"), mandates maximum practicable use of source reduction and reuse techniques, recycling and composting; and

WHEREAS, Proper solid waste disposal and recycling programs contribute to solving energy, environmental and economic problems; and

WHEREAS, The lack of coordinated Statewide planning and management has led to insufficient disposal capacity within the State and forced several counties to send their solid waste to out-of-State disposal facilities at great cost and questionable reliability; and

WHEREAS, Source reduction, reuse, recycling and composting efforts reduce demand for solid waste disposal facilities and, conversely, waste-to energy resource recovery facilities discourage the maximum use of other recycling activities; and

WHEREAS, Planning and construction of waste-to-energy resource recovery facilities require substantial capital expenditures and a guaranteed flow of processible and combustible waste; and

WHEREAS, Source reduction, reuse, recycling and composting must be increased before proceeding with further development of waste-to-energy resource recovery facilities; and

WHEREAS, Each county and the Hackensack Meadowlands District currently constitute a solid waste management district ("District") authorized to act independently or in combination with other Districts to plan for the disposal of solid waste; and

WHEREAS, Cooperative arrangements among Districts could limit the number of solid waste facilities and result in benefits to the citizens of the State; and

WHEREAS, 12 waste-to-energy resource recovery facilities are currently in the planning, engineering, design or environmental review stages and have not received final approval of solid waste facility engineering designs or begun construction or operation; and

WHEREAS, A sensible plan for dealing with the State's solid waste problem can be achieved by maximizing the use of source

reduction and reuse techniques, recycling, composting and other environmentally sound methods for dealing with solid waste, by reassessing options for landfilling, and by reassessing those waste-to-energy facilities that are currently being developed or are operating in this State;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. An Emergency Solid Waste Assessment Task Force ("Task Force") is hereby established, which shall consist of 15 members to be appointed by the Governor as follows:

- a. The Commissioner of Environmental Protection who shall serve as the Chairperson;
- b. The President of the Board of Public Utilities or his designee;
- c. The Commissioner of Community Affairs or his designee;
- d. The Attorney General or his designee;
- e. The State Treasurer or his designee;
- f. One representative from the Governor's Office;
- g. Two representatives of local or county governments;
- h. Four Representatives of environmental groups;
- i. One representative with experience in waste-to-energy resource recovery; and
- j. Two representatives with experience in recycling.

2. The Task Force shall:

- a. Estimate the quantity and characteristics of the waste stream for each District;

b. Identify and evaluate specific methods for reducing the amount of solid waste produced and for increasing reuse, recycling and composting of solid waste; determine what percentage of the solid waste stream can be eliminated by source reduction and reuse techniques, recycling or composting and when such percentages can be achieved;

c. Review current and projected solid waste disposal needs of the Districts for the next 20 years and evaluate existing landfill capacity;

d. Evaluate the environmental, health, safety and financial impacts of source reduction, reuse, recycling, composting, landfills and waste-to-energy resource recovery facilities; determine whether regionalized facilities would result in net benefits to the citizens of the State, and evaluate the impact on individual Districts;

e. Prepare a preliminary report indicating the amount of solid waste expected to be produced in New Jersey over the next 20 years, the amount that can be eliminated through source reduction, the amount that can be reused, recycled or composted, and the amount that must be disposed of by landfilling and waste-to-energy and other resource recovery methods; and

f. Take public comment, including hearings, on the preliminary report.

3. Within 120 days of the date of this Order, the Task Force shall submit recommendations to the Governor on the following:

a. A program to minimize the generation of solid waste and maximize reuse, recycling and composting. This program should specifically identify the percentages of waste which can be removed from the solid waste stream by reuse, recycling and composting and propose a schedule for those reductions in the waste stream;

b. Alternatives for the disposal of solid waste that cannot be removed from the waste stream through source reduction and reuse techniques, recycling or composting;

c. The benefits of and a process for regionalizing solid waste disposal facilities where appropriate;

d. The need for revision of environmental or other standards for resource recovery or other solid waste disposal facilities; and

e. Legislative and regulatory changes which are necessary to achieve the Task Force's recommendations.

4. During the Task Force's deliberations over the next 120 days, the following shall apply:

a. The Department of Environmental Protection shall not issue any final approval of any solid waste management plan that sites, increases the capacity of or approves financing for waste-to-energy resource recovery facilities;

b. The Department of Environmental Protection shall not issue any approval of Preliminary or Final Environmental and Health Impact Statements for any waste-to-energy resource recovery site or facility;

c. The Department of Environmental Protection shall not issue tentative or final approval of any solid waste facility engineering design now pending or hereafter submitted for any waste-to-energy resource recovery facility. Alterations, modifications or amendments to existing permits or approvals previously issued by the Department shall be affected by this Order;

d. The Department of Environmental Protection, the Board of Public Utilities and the Division of Local Government Services within the Department of Community Affairs shall not, pursuant to N.J.S.A.13:1E-136 et seq., issue any approval or conditional approval of any previously submitted proposed contract for the design, financing, construction, operation or maintenance of a waste-to-energy resource recovery facility; and

e. No State agency, commission or organization shall approve the issuance of debt or extend financing to any person or entity for use in planning, designing, acquiring, constructing, operating or maintaining a waste-to-energy resource recovery facility.

5. The Task Force is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, office,

division or agency of the State is hereby required, to the extent not inconsistent with law, to cooperate with the Task force and furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order. The Attorney General shall act as legal counsel to the Task Force.

6. This Order shall take effect immediately.

Issued April 6, 1990.

EXECUTIVE ORDER No. 9

WHEREAS, Executive Order No. 1 established specific financial disclosure requirements for certain State officers and employees; and

WHEREAS, Executive Order No. 1 contemplated that the Order would be reviewed after implementation and amended or supplemented if necessary; and

WHEREAS, The Office of the Attorney General and the staff of the Executive Commission on Ethical Standards have completed an initial review of the implementation and content of Executive Order No. 1 and have made recommendations for alterations to the scope of particulars of Executive Order No. 1;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The definition of "Public employee" in section 7(a) of Executive Order No. 1 is hereby amended to include the following:

- a) Members of the State Board of Agriculture;
- b) Members of the State Board of Education;
- c) Members of the State Board of Higher Education;