

13:1E-199 to 13:1E-207

LEGISLATIVE HISTORY CHECKLIST  
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NJSA: 13:1E-199 to 13:1E-207

("Used Battery  
Recovery Act")

LAWS OF: 1991

CHAPTER: 94

Bill No: S2700

Sponsor(s): Contillo

Date Introduced: May 21, 1990

Committee: Assembly: -----

Senate: Land Use Management

Amended during passage: No Senate Committee Substitute  
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Following statements are attached if available:

Sponsor statement: Yes

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Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: Yes

Hearings: No

See newspaper clippings--attached:

(over)

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1990b

New Jersey. Emergency Solid Waste Assessment Task Force  
Preliminary report...July 6, 1990.  
(see especially pp 36-37)

**KBG/SLJ**

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 2700

STATE OF NEW JERSEY

ADOPTED DECEMBER 3, 1990

Sponsored by Senator CONTILLO

1 AN ACT concerning the disposal and recycling of used lead acid  
2 batteries, and supplementing P.L.1970, c.39 (C.13:1E-1 et seq.).

3  
4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. As used in this act:

7 "Distributor" means a person who sells lead acid batteries at  
8 wholesale to retailers in this State, including any manufacturer  
9 who engages in these sales;

10 "Lead acid battery" means a lead acid electric storage battery  
11 designed for use in motor vehicles, aviation equipment or marine  
12 vessels;

13 "Manufacturer" means a person producing lead acid batteries  
14 for sale to distributors or retailers or consumers;

15 "Recycling" means any process by which solid waste materials  
16 are collected, separated or processed and returned to the  
17 economic mainstream in the form of raw materials or products;

18 "Retailer" means a person engaged in the sale of lead acid  
19 batteries to any person at retail and includes any manufacturer or  
20 distributor engaging in retail sales, except that "retailer" shall  
21 not include a person engaged in the sale of new motor vehicles;

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

31 "Solid waste container" means a receptacle, container or bag  
32 suitable for the depositing of solid waste.

33 2. No person shall dispose of a used lead acid battery as solid  
34 waste at any time. Any person seeking to discard a used lead acid  
35 battery may deliver the used lead acid battery to:

36 a. a retailer of lead acid batteries, or a distributor or  
37 manufacturer engaged in the sale at wholesale of lead acid  
38 batteries;

39 b. a secondary lead smelter;

40 c. a scrap processing facility at which used lead acid batteries  
41 are received, stored, processed or transferred for the purposes of  
42 recycling; or

1 d. a household hazardous waste collection site established  
2 pursuant to a county household hazardous waste collection  
3 program.

4 3. a. Every retailer, including every distributor or  
5 manufacturer offering lead acid batteries for sale at wholesale,  
6 upon presentation at any time during business hours from a  
7 member of the public, shall accept any used lead acid battery if  
8 the battery is offered as part of an exchange related to the sale  
9 of a new lead acid battery.

10 b. No retailer shall dispose of a used lead acid battery as solid  
11 waste at any time. Any retailer may return used lead acid  
12 batteries accepted from the public directly to the distributor. A  
13 retailer may arrange for the pickup and proper recycling of used  
14 lead acid batteries with:

15 (1) a secondary lead smelter;

16 (2) a scrap processing facility at which used lead acid batteries  
17 are received, stored, processed or transferred for the purposes of  
18 recycling; or

19 (3) a household hazardous waste collection site established  
20 pursuant to a county household hazardous waste collection  
21 program.

22 4. a. No distributor or his agent may refuse to accept any used  
23 lead acid battery returned to the distributor or his agent from  
24 any retailer in the distributor's service area. Whenever a  
25 retailer or group of retailers receives a shipment or consignment  
26 of, or in any manner acquires, lead acid batteries from any  
27 distributor outside of New Jersey for sale to consumers in New  
28 Jersey, the retailer or retailers shall be subject to the provisions  
29 of this act as if they were distributors as well as retailers.

30 b. No distributor shall dispose of a used lead acid battery as  
31 solid waste at any time. Any distributor may return used lead  
32 acid batteries accepted from a retailer directly to the  
33 manufacturer. A distributor may arrange for the pickup and  
34 proper recycling of used lead acid batteries with:

35 (1) a secondary lead smelter;

36 (2) a scrap processing facility at which used lead acid batteries  
37 are received, stored, processed or transferred for the purposes of  
38 recycling; or

39 (3) a household hazardous waste collection site established  
40 pursuant to a county household hazardous waste collection  
41 program.

42 5. No manufacturer may refuse to accept any used lead acid  
43 battery from any distributor. Every manufacturer producing lead  
44 acid batteries for distribution or sale in this State shall provide  
45 for the proper recycling of used lead acid batteries returned  
46 pursuant to this act. A manufacturer may arrange for the  
47 transportation of used lead acid batteries to:

48 a. a secondary lead smelter permitted by the United States  
49 Environmental Protection Agency; or

50 b. any scrap processing facility that accepts used lead acid

1 batteries for recycling.

2 6. Every retailer of lead acid batteries shall conspicuously post  
3 and maintain, at or near the point of sale, a legible notice to  
4 consumers, not less than 8 1/2 inches by 11 inches in size and  
5 bearing the State recycling logo or symbol, containing the  
6 following inscription:

7 "Lead acid batteries can be recycled here. It is illegal to  
8 discard an automotive or marine lead acid battery in New  
9 Jersey. State law requires us to accept and recycle any used  
10 automotive or marine lead acid battery returned to us, in  
11 exchange for the purchase of a new lead acid battery."

12 7. No solid waste collector registered pursuant to sections 4  
13 and 5 of P.L.1970, c.39 (C.13:1E-4 and 13:1E-5) and holding a  
14 certificate of public convenience and necessity pursuant to  
15 sections 7 and 10 of P.L.1970, c.40 (C.48:13A-6 and 48:13A-9)  
16 shall knowingly collect used lead acid batteries placed for  
17 collection and disposal as solid waste. A solid waste collector  
18 may refuse to collect a solid waste container containing a used  
19 lead acid battery.

20 8. No solid waste facility in this State shall knowingly accept  
21 for disposal a truckload or roll-off container of solid waste  
22 containing any used lead acid batteries. The owner or operator of  
23 a solid waste facility may refuse to accept for disposal any  
24 truckload or roll-off container of solid waste containing any used  
25 lead acid batteries.

26 9. a. The Department of Environmental Protection shall  
27 establish a means of addressing consumer complaints and a public  
28 education program to assure the widespread dissemination of  
29 information concerning the purpose of this act.

30 b. The department shall have the right to enter, at any time  
31 during normal business hours and upon presentation of appropriate  
32 credentials, any recycling center as defined in section 2 of  
33 P.L.1987, c.102 (C.13:1E-99.12), or any retail establishment or  
34 scrap processing facility at which used lead acid batteries are  
35 received, stored, processed or transferred for the purposes of  
36 recycling, in order to determine compliance with the provisions  
37 of this act.

38 10. The Commissioner of Environmental Protection shall adopt,  
39 pursuant to the provisions of the "Administrative Procedure  
40 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and  
41 regulations necessary to implement the provisions of this act.

42 11. Section 10 of this act shall take effect immediately, and  
43 the remainder of the act shall take effect on the first day of the  
44 sixth month following enactment, except that the department  
45 may take such administrative measures as may be necessary to  
46 prepare for its timely implementation.

47

48

#### WASTE MANAGEMENT

49

50 Requires the proper disposal and recycling of lead acid batteries.

# SENATE, No. 2700

## STATE OF NEW JERSEY

INTRODUCED MAY 21, 1990

By Senator CONTILLO

1 AN ACT concerning used batteries, and supplementing Title 13 of  
2 the Revised Statutes.

3  
4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. This act shall be known and may be cited as the "Used  
7 Battery Recovery Act."

8 2. The Legislature finds that the presence of toxic metals in  
9 discarded batteries is a matter of great concern in light of their  
10 likely presence in emissions or residual ash when used batteries  
11 containing cadmium, lead or mercury are incinerated at a  
12 resource recovery facility; that it is desirable as a first step in  
13 reducing the heavy metal content of incinerator ash to eliminate  
14 the various sources of these toxic metals in the municipal solid  
15 waste stream prior to incineration; and because New Jersey is  
16 faced with a very restricted range of disposal alternatives, the  
17 removal of certain batteries from the municipal waste stream  
18 can make a significant beneficial impact on the quality of the  
19 emissions and residual ash generated at resource recovery  
20 facilities.

21 The Legislature further finds that a statewide toxic waste  
22 source reduction strategy must begin with fundamental changes  
23 in manufacturing practices and consumer disposal habits; that the  
24 manufacturers of products containing high levels of cadmium,  
25 lead and mercury that are discarded after serving their intended  
26 use must pay recycling or disposal costs reflecting the real costs  
27 to society of environmentally-sound solid waste management;  
28 that the manufacturers of automotive batteries must renew and  
29 expand their commitment to the recycling of lead acid batteries;  
30 that in particular, the dry cell battery industry must begin to  
31 bear a more equitable share of the environmental and social costs  
32 associated with manufacturing batteries having little potential  
33 for recycling, and which place a burden on the State's ability to  
34 meet federal air quality standards.

35 The Legislature further finds that, to the maximum extent  
36 practicable and feasible, used automotive batteries must be  
37 eliminated from the municipal solid waste stream and recycled;  
38 that mercury-oxide cell batteries, the mercury content of which  
39 is an estimated 35 percent by weight, and nickel-cadmium  
40 rechargeable batteries, which are considered to be the primary

1 source of cadmium in municipal solid waste streams, are  
2 especially problematical; and that the most effective and  
3 appropriate method to promote toxic metal source reduction is to  
4 encourage consumers to return, and require manufacturers to  
5 accept the responsibility for, the environmentally-sound disposal  
6 of used mercury-oxide cell batteries and nickel-cadmium  
7 rechargeable batteries.

8 The Legislature therefore determines that it is in the public  
9 interest to remove used batteries from the municipal solid waste  
10 stream and require battery manufacturers to assume the  
11 responsibility for the recycling or proper disposal of their  
12 products.

13 3. As used in this act:

14 "Automotive battery" means a lead acid electric storage  
15 battery designed for use in motor vehicles, aviation equipment or  
16 marine vessels;

17 "Commissioner" means the Commissioner of the Department  
18 of Environmental Protection;

19 "Department" means the Department of Environmental  
20 Protection;

21 "Distributor" means a person who sells automotive batteries or  
22 dry cell batteries at wholesale to retailers in this State, including  
23 any manufacturer who engages in these sales;

24 "Dry cell battery" means any type of button, cylindrical or  
25 rectangular shaped, enclosed device or sealed container  
26 consisting of a combination of two or more voltaic or galvanic  
27 cells, electrically connected to produce electric energy,  
28 composed of lead, mercury, mercury-oxide, cadmium, zinc,  
29 copper or other metals, or any combination thereof, and designed  
30 for commercial, industrial, institutional or household use,  
31 including any mercury-oxide cell battery, alkaline or zinc-carbon  
32 household battery or nickel-cadmium rechargeable battery;

33 "Manufacturer" means a person producing automotive batteries  
34 or dry cell batteries for sale to distributors or retailers or  
35 consumers;

36 "Mercury-oxide cell battery" means any button or cylindrical  
37 shaped dry cell battery consisting of zinc, potassium and mercury  
38 oxide commonly used in hearing aids, photographic equipment and  
39 electrical appliances;

40 "Nickel-cadmium rechargeable battery" means any button,  
41 cylindrical or rectangular shaped dry cell battery composed of  
42 cadmium and nickel which is designed for reuse and is capable of  
43 being recharged after repeated uses, and which has a useful life  
44 of at least 12 months;

45 "Municipal solid waste stream" means all residential,  
46 commercial and institutional solid waste generated within the  
47 boundaries of any municipality;

48 "Recycling" means any process by which solid waste materials

1 are collected, separated or processed and returned to the  
2 economic mainstream in the form of raw materials or products;

3 "Retailer" means a person engaged in the sale of automotive  
4 batteries or dry cell batteries to any person at retail and includes  
5 any manufacturer or distributor engaging in retail sales, except  
6 that "retailer" shall not include a person engaged in the sale of  
7 new motor vehicles;

8 "Scrap processing facility" means a commercial industrial  
9 facility designed and operated for receiving, storing, processing  
10 and transferring source separated, nonputrescible ferrous and  
11 nonferrous metal, which materials are purchased by the owner or  
12 operator thereof, and which are altered or reduced in volume or  
13 physical characteristics onsite by mechanical methods, including  
14 but not limited to baling, cutting, torching, crushing, or  
15 shredding, for the purposes of resale for remelting, refining,  
16 smelting or remanufacturing into raw materials or products;

17 "Solid waste container" means a receptacle, container or bag  
18 suitable for the depositing of solid waste.

19 4. a. No person shall dispose of used automotive batteries as  
20 solid waste at any time.

21 (1) Any person seeking to discard a used automotive battery  
22 shall return the battery to an automotive battery retailer.

23 (2) Any person seeking to recycle used automotive batteries  
24 shall transport the batteries to a scrap processing facility at  
25 which used automotive batteries are received, stored, processed  
26 or transferred for the purposes of recycling.

27 b. No solid waste collector or solid waste transporter  
28 registered pursuant to sections 4 and 5 of P.L.1970, c.39  
29 (C.13:1E-4 and 13:1E-5) and holding a certificate of public  
30 convenience and necessity pursuant to sections 7 and 10 of  
31 P.L.1970, c.40 (C.48:13A-6 and 48:13A-9) shall, at any time,  
32 knowingly collect used automotive batteries placed for collection  
33 and disposal as solid waste or otherwise collect solid waste  
34 containers placed for collection containing a used automotive  
35 battery. A solid waste collector or transporter may refuse to  
36 collect a solid waste container containing a used automotive  
37 battery.

38 5. a. No solid waste facility in this State shall knowingly  
39 accept for disposal a truckload or roll-off container of solid  
40 waste containing any used automotive batteries at any time.

41 b. The owner or operator of a solid waste facility may refuse  
42 to accept for disposal any truckload or roll-off container of solid  
43 waste containing any used automotive batteries.

44 6. a. Every automotive battery retailer, upon presentation at  
45 any time during business hours and for the purposes of recycling,  
46 shall accept used automotive batteries from customers in a  
47 quantity at least equal to the number of new automotive  
48 batteries purchased.



1       b. Every automotive battery retailer shall conspicuously post  
2 and maintain, at or near the point of sale, a durable and legible  
3 metal sign, not less than 8 1/2 inches by 11 inches in size and  
4 bearing the State recycling logo or symbol, informing the public  
5 that used automotive batteries may not enter the municipal solid  
6 waste stream, and that the retail establishment is a collection  
7 site for the recycling of used automotive batteries. The sign shall  
8 contain the following inscription:

9        "It is illegal to discard a motor vehicle, aviation or marine lead  
10 acid battery in this State";

11        "Recycle your used lead acid batteries"; and

12        "State law requires us to accept any used motor vehicle,  
13 aviation or marine lead acid battery for recycling, in exchange  
14 for each new battery purchased."

15       c. A distributor or his agent shall accept the return of all used  
16 automotive batteries he distributes in his service area from a  
17 retailer.

18       d. A manufacturer shall accept for return any used automotive  
19 battery he manufactures. The manufacturer shall, upon return of  
20 a used automotive battery, provide for its proper recycling. A  
21 manufacturer may transport used automotive batteries to any  
22 secondary lead smelter permitted by the United States  
23 Environmental Protection Agency, or to any scrap processing  
24 facility which accepts used automotive batteries for recycling.

25       e. Whenever a retailer or group of retailers receives a  
26 shipment or consignment of, or in any manner acquires,  
27 automotive batteries outside of New Jersey for sale to consumers  
28 in New Jersey, the retailer or retailers shall be subject to the  
29 provisions of this act as if they were distributors, as well as  
30 retailers.

31       7. a. The commissioner shall establish a means of addressing  
32 consumer complaints and a public education program to assure  
33 the widespread dissemination of information concerning the  
34 recycling of used automotive batteries.

35       b. The department shall have the right to enter any retail  
36 establishment or scrap processing facility at which used  
37 automotive batteries are received, stored, processed or  
38 transferred for the purposes of recycling at any time in order to  
39 determine compliance with the provisions of this act.

40       8. The commissioner shall adopt, pursuant to the provisions of  
41 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
42 et seq.) any rules and regulations necessary to implement the  
43 provisions of sections 4 through 7 of P.L. , c. (C. ) (now  
44 before the Legislature as this bill).

45       9. A person who violates any of the provisions of sections 4  
46 through 7 of P.L. , c. (C. ) (now before the Legislature as  
47 this bill) or the rules or regulations adopted pursuant thereto shall  
48 be guilty of a petty disorderly persons offense for the first

1 violation and a disorderly persons offense for each subsequent  
2 offense. If the violation is of a continuing nature, each day that  
3 the violation continues shall be a separate and distinct offense.

4 10. a. No person shall knowingly dispose of used  
5 mercury-oxide cell batteries or nickel-cadmium rechargeable  
6 batteries as solid waste at any time.

7 Any person seeking to discard a small quantity of used  
8 mercury-oxide cell batteries or used nickel-cadmium  
9 rechargeable batteries may return the batteries to a retailer.

10 b. No solid waste collector registered pursuant to sections 4  
11 and 5 of P.L.1970, c.39 (C.13:1E-4 and 13:1E-5) and engaged in  
12 the collection of solid waste within a municipality wherein the  
13 municipal solid waste stream is directed to a designated resource  
14 recovery facility for incineration pursuant to an interdistrict or  
15 intradistrict waste flow order issued by the Board of Public  
16 Utilities, in conjunction with the department, shall, at any time,  
17 knowingly collect used mercury-oxide cell batteries or used  
18 nickel-cadmium rechargeable batteries placed for collection and  
19 disposal as solid waste or otherwise collect solid waste containers  
20 placed for collection containing more than a de minimis quantity  
21 of used mercury-oxide cell batteries or used nickel-cadmium  
22 rechargeable batteries. A solid waste collector may refuse to  
23 collect a solid waste container containing a visible quantity of  
24 used mercury-oxide cell batteries or used nickel-cadmium  
25 rechargeable batteries.

26 11. a. No resource recovery facility in this State shall  
27 knowingly accept for disposal any truckload or roll-off container  
28 of solid waste containing a visible quantity of used mercury-oxide  
29 cell batteries or used nickel-cadmium rechargeable batteries at  
30 any time.

31 b. The owner or operator of a resource recovery facility may  
32 refuse to accept for disposal any truckload or roll-off container  
33 of solid waste containing a visible quantity of used mercury-oxide  
34 cell batteries or used nickel-cadmium rechargeable batteries.

35 12. Every retailer shall, upon presentation at any time during  
36 business hours of a size, type and brand of dry cell battery which  
37 is sold at the retailer's place of business, accept small quantities  
38 of used mercury-oxide cell batteries or used nickel-cadmium  
39 rechargeable batteries from customers in exchange for the  
40 purchase of at least one new mercury-oxide cell battery or two  
41 new rechargeable batteries.

42 a. Every retailer of mercury-oxide cell batteries or  
43 nickel-cadmium rechargeable batteries shall conspicuously post  
44 and maintain, at or near the point of sale, a legible sign, not less  
45 than 8 1/2 inches by 11 inches in size, informing the public that  
46 used mercury-oxide cell batteries or used nickel-cadmium  
47 rechargeable batteries may not enter the municipal solid waste  
48 stream, and that the retail establishment is a collection site for

1 the environmentally sound disposal of used mercury-oxide cell  
2 batteries or used nickel-cadmium rechargeable batteries. The  
3 sign shall contain the following inscription:

4 "It is illegal to discard used mercury-oxide cell (Type I)  
5 batteries and used nickel-cadmium rechargeable (Type II)  
6 batteries in this State"; and

7 "State law requires us to accept small quantities of used  
8 mercury-oxide cell (Type I) batteries and used nickel-cadmium  
9 rechargeable (Type II) batteries for return to the manufacturer,  
10 in exchange for the purchase of at least one new mercury-oxide  
11 cell (Type I) battery or two new nickel-cadmium rechargeable  
12 (Type II) batteries."

13 b. A distributor or his agent shall accept the return of all used  
14 mercury-oxide cell batteries or used nickel-cadmium  
15 rechargeable batteries he distributes in his service area from a  
16 retailer.

17 c. A manufacturer shall accept for return any used  
18 mercury-oxide cell battery or used nickel-cadmium rechargeable  
19 battery he manufactures. The manufacturer shall, upon return of  
20 a used mercury-oxide cell battery or used nickel-cadmium  
21 rechargeable battery, provide for its proper disposal or recycling.

22 d. Whenever a retailer or group of retailers receives a  
23 shipment or consignment of, or in any manner acquires,  
24 mercury-oxide cell batteries or nickel-cadmium rechargeable  
25 batteries outside of New Jersey for sale to consumers in New  
26 Jersey, the retailer or retailers shall be subject to the provisions  
27 of this act as if they were distributors, as well as retailers.

28 13. a. No person shall sell, offer for sale, or distribute any dry  
29 cell battery in this State unless the dry cell battery is labeled  
30 with a chemical material code indicating its type and chemical  
31 composition. The chemical material code shall consist of an  
32 acronym and identification number.

33 b. The material code shall consist of an identification number  
34 and acronym as follows:

- 35 (1) Mercury-oxide cell battery: "I" and "Mer-Ox";  
36 (2) Nickel-cadmium rechargeable battery: "II" and "Nic-Cad";  
37 (3) Alkaline household battery: "III" and "Al-Kal"; and  
38 (4) Zinc-carbon household battery: "IV" and "Z-Carb".

39 c. The commissioner shall maintain on file in the department  
40 for public inspection copies of the material code provided in  
41 subsection b. of this section. The department shall provide a copy  
42 to any person upon request.

43 14. a. The commissioner shall establish a means of addressing  
44 consumer complaints and a public education program to assure  
45 the widespread dissemination of information concerning the  
46 proper disposal of used dry cell batteries.

47 b. The department shall have the right to enter any retail  
48 establishment or other premises at which used dry cell batteries

1 are sold at any time in order to determine compliance with the  
2 provisions of this act.

3 15. The commissioner shall adopt, within one year of the  
4 effective date of this act and pursuant to the "Administrative  
5 Procedure Act," rules and regulations necessary to implement  
6 the provisions of sections 10 through 14 of P.L. , c. (C. )  
7 (now before the Legislature as this bill).

8 16. a. Any person convicted of a violation of the provisions of  
9 sections 10 through 14 of P.L. , c. (C. ) (now before the  
10 Legislature as this bill) or the rules or regulations adopted  
11 pursuant thereto shall be subject to a penalty of not less than  
12 \$500.00 nor more than \$1,000.00 for each offense, to be collected  
13 in a civil action by a summary proceeding under "the penalty  
14 enforcement law," (N.J.S.2A:58-1 et seq.), or in any case before  
15 a court of competent jurisdiction wherein injunctive relief has  
16 been requested. The Superior Court and the municipal court shall  
17 have jurisdiction to enforce the provisions of "the penalty  
18 enforcement law" in connection with this act. If the violation is  
19 of a continuing nature, each day during which it continues  
20 constitutes an additional, separate, and distinct offense.

21 b. The department may institute a civil action for injunctive  
22 relief of enforce this act and to prohibit and prevent a violation  
23 of this act, and the court may proceed in the action in a summary  
24 manner.

25 17. Sections 8 and 15 of this act shall take effect immediately,  
26 and the remainder of the act shall take effect one year following  
27 enactment, except that the department may take such  
28 administrative measures as may be necessary to prepare for its  
29 timely implementation.

30

31

32 (1990) S 2700 STATEMENT

33

34 This bill provides for the regulation of used lead acid and dry  
35 cell batteries.

36 Sections 4 - 9 of the bill require the recycling of so-called  
37 automotive batteries (lead acid batteries used in marine, aviation  
38 and motor vehicle applications) and prohibit any person from  
39 disposing of used automotive batteries as solid waste at any time.  
40 Any person seeking to discard an automotive battery must return  
41 the battery to an automotive battery retailer. Any person seeking  
42 to recycle used automotive batteries must transport the batteries  
43 to a scrap processing facility which accepts used automotive  
44 batteries for the purposes of recycling. Every automotive battery  
45 retailer must accept used automotive batteries from customers in  
46 a quantity at least equal to the number of new automotive  
47 batteries purchased.

48 The bill would also prohibit any licensed solid waste collector

1 or transporter from collecting used automotive batteries placed  
2 for collection and disposal as solid waste or otherwise collect  
3 solid waste containers placed for collection containing any used  
4 automotive battery. A solid waste collector or transporter may  
5 refuse to collect a solid waste container containing any used  
6 automotive battery.

7 The bill would further prohibit any operational solid waste  
8 facility in this State to accept for disposal truckloads containing  
9 any used automotive batteries at any time. The owner or operator  
10 of a solid waste facility may refuse to accept for disposal any  
11 truckload containing any used automotive batteries.

12 To insure the proper disposition and recycling of used  
13 automotive batteries, the bill provides that retailers would be  
14 obligated to accept used automotive batteries for recycling  
15 during normal business hours. In turn, a distributor or his agent  
16 must accept the return of all used automotive batteries he  
17 distributes in his service area from a retailer. Thereupon, a  
18 manufacturer must accept for return any used automotive  
19 battery he manufactures. Accordingly, the manufacturer, upon  
20 return of a used automotive battery, must provide for its proper  
21 recycling. The manufacturer may transport used automotive  
22 batteries to any secondary lead smelter permitted by the federal  
23 EPA, or to a scrap processing facility which accepts used  
24 automotive batteries for recycling.

25 The bill also provides first and second offense penalties for  
26 violations, including the improper disposal of used automotive  
27 batteries as solid waste.

28 Sections 10 - 16 of the bill prohibit the disposal of used  
29 mercury-oxide cell batteries or nickel-cadmium rechargeable  
30 batteries as solid waste at any time. Any person seeking to  
31 discard a small quantity of used mercury-oxide cell or  
32 nickel-cadmium rechargeable batteries may return the batteries  
33 to a retailer in exchange for the purchase of at least one new  
34 mercury-oxide cell battery or two new nickel-cadmium  
35 rechargeable batteries.

36 The bill prohibits any licensed solid waste collector from  
37 collecting used mercury-oxide or nickel-cadmium batteries  
38 placed for collection and disposal as municipal solid waste or  
39 otherwise collect solid waste containers placed for collection  
40 containing more than a diminutive quantity of used  
41 mercury-oxide or nickel-cadmium batteries if the designated  
42 disposal facility for that municipality's solid waste is a resource  
43 recovery incineration facility. A solid waste collector may refuse  
44 to collect a solid waste container containing a visible quantity of  
45 used mercury-oxide or nickel-cadmium batteries.

46 The bill prohibits operational resource recovery incineration  
47 facilities from accepting for disposal truckloads containing more  
48 than a diminutive quantity of used mercury-oxide or

1 nickel-cadmium batteries at any time. The owner or operator of  
2 a resource recovery facility may refuse to accept for disposal any  
3 truckload of solid waste containing a visible quantity of used  
4 mercury-oxide or nickel-cadmium batteries.

5 To insure the proper disposition of used mercury-oxide and  
6 nickel-cadmium batteries, the bill provides that retailers are  
7 obligated to accept the return during normal business hours of all  
8 mercury-oxide cell batteries and nickel-cadmium rechargeable  
9 batteries of the type, size and brand handled by them. In turn, a  
10 distributor or his agent must accept the return of all used  
11 mercury-oxide and nickel-cadmium batteries he distributes in his  
12 service area from a retailer. Thereupon, a manufacturer must  
13 accept for return any used mercury-oxide or nickel-cadmium  
14 batteries he manufactures. Accordingly, the manufacturer is  
15 obligated to provide for the proper disposal or recycling of the  
16 batteries.

17 The bill provides that no person shall sell or distribute any dry  
18 cell battery in this State unless the battery is labeled with a  
19 chemical material code indicating its type and chemical  
20 composition. The chemical material code would consist of an  
21 acronym and identification number, as follows: (1) Mercury-oxide  
22 cell battery: "I" and "Mer-Ox"; (2) Nickel-cadmium rechargeable  
23 battery: "II" and "Nic-Cad"; (3) Alkaline household battery: "III"  
24 and "Al-Kal"; and (4) Zinc-carbon household battery: "IV" and  
25 "Z-Carb".

26 Further, every retailer must conspicuously post and maintain,  
27 at or near the point of sale, a legible sign informing the public  
28 that used mercury-oxide cell batteries or used nickel-cadmium  
29 rechargeable batteries may not enter the municipal solid waste  
30 stream, and that the retail establishment is a collection site for  
31 the environmentally sound disposal of used mercury-oxide cell  
32 batteries or used nickel-cadmium rechargeable batteries.

33 The bill provides penalties for violations, including the  
34 improper disposal of used mercury-oxide or nickel-cadmium  
35 batteries as solid waste.

36

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38

#### WASTE MANAGEMENT

39

40 The "Used Battery Recovery Act."

SENATE LAND USE MANAGEMENT  
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2700**

**STATE OF NEW JERSEY**

DATED: DECEMBER 3, 1990

The Senate Land Use Management and Regional Affairs Committee favorably reports a Senate Committee Substitute for Senate Bill No. 2700.

The Senate Committee Substitute for Senate Bill No. 2700 would require the recycling of used lead acid electric storage batteries designed for use in motor vehicles, aviation equipment or marine vessels. The SCS would prohibit any person from disposing of used lead acid batteries as solid waste at any time. Instead, any member of the public seeking to discard a used lead acid battery may either return the used battery to a retailer in exchange for the purchase of a new battery, or deliver it to a secondary lead smelter, a scrap processing facility, or to a household hazardous waste collection site established pursuant to a county household hazardous waste collection program for recycling.

The SCS would also prohibit any solid waste collector from knowingly collecting used lead acid batteries placed for collection as solid waste or otherwise collecting solid waste containers placed for collection containing any used lead acid batteries. A solid waste collector may refuse to collect solid waste contained in a solid waste container containing a used lead acid battery.

The SCS would further prohibit any operational solid waste facility in this State from knowingly accepting for disposal truckloads containing any used lead acid batteries at any time. The owner or operator of a solid waste facility may refuse to accept for disposal any truckload or roll-off container of solid waste containing any used lead acid batteries.

To insure the proper disposition and recycling of used lead acid batteries, the SCS provides that retailers would be obligated to accept any such battery for recycling during normal business hours. Every retailer, including every distributor or manufacturer offering lead acid batteries for sale at wholesale, must accept any used lead acid battery from a member of the public if the battery is offered as part of an exchange related to the sale of a new lead acid battery.

Every retailer of lead acid batteries must conspicuously post and maintain a legible notice to consumers bearing the State

recycling logo or symbol, and containing the following inscription: "Lead acid batteries can be recycled here. It is illegal to discard an automotive or marine lead acid battery in New Jersey. State law requires us to accept and recycle any used automotive or marine lead acid battery returned to us, in exchange for the purchase of a new lead acid battery."

Any retailer may return used lead acid batteries accepted from the public directly to the distributor, or may arrange for the pickup and proper recycling of used lead acid batteries with: (1) a secondary lead smelter; (2) a scrap processing facility; or (3) a household hazardous waste collection site established pursuant to a county household hazardous waste collection program.

In turn, every distributor or his agent must accept the return of all used lead acid batteries he distributes in his service area from a retailer. Thereupon, a manufacturer must accept for recycling any used lead acid battery returned by a distributor. Any distributor may return used lead acid batteries accepted from a retailer directly to the manufacturer, or may arrange for the pickup and proper recycling of used lead acid batteries with a secondary lead smelter, a scrap processing facility, or a household hazardous waste collection site.

The SCS provides that every manufacturer producing lead acid batteries for distribution or sale in this State must provide for the proper recycling of used lead acid batteries returned from distributors. The manufacturer may transport used lead acid batteries to any secondary lead smelter permitted by the United States Environmental Protection Agency, or to a scrap processing facility which accepts used lead acid batteries for recycling.

The SCS for Senate Bill No. 2700 is identical to the Assembly Committee Substitute for Assembly Bill Nos. 951, 141, 2221 and 3299 of 1990.