

P.L. 2008, CHAPTER 130, *approved January 12, 2009*
Assembly, No. 3343 (*First Reprint*)

1 AN ACT concerning electronic waste management, and amending,
2 supplementing and repealing various sections of P.L.1987, c.102
3 and P.L.2007, c.347.

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

7
8 1. Section 2 of P.L.2007, c.347 (C.13:1E-99.95) is amended to
9 read as follows:

10 2. As used in sections 1 through 21 of P.L.2007, c.347
11 (C.13:1E-99.94 et seq.) and section 3 of P.L. , c. (C.)(pending
12 before the Legislature as this bill):

13 “Authorized recycler” means a person who: (1) engages in the
14 manual or mechanical separation of covered electronic devices to
15 recover components and commodities contained therein for the
16 purpose of re-use or recycling; or (2) changes the physical or
17 chemical composition of a covered electronic device by
18 deconstructing, size reduction, crushing, cutting, sawing,
19 compacting, shredding, or refining for the purpose of segregating
20 components, and for the purpose of recovering or recycling those
21 components, and who arranges for the transport of those
22 components to an end user.

23 “Brand” means symbols, words, or marks that identify a covered
24 electronic device, rather than any of its components.

25 “Business concern” means any corporation, association, firm,
26 partnership, sole proprietorship, trust or other form of commercial
27 organization. “Business concern” shall not include a small business
28 enterprise.

29 “Cathode ray tube” means a vacuum tube or picture tube used to
30 convert an electronic signal into a visual image.

31 “Computer” means an electronic, magnetic, optical,
32 electrochemical, or other high-speed data processing device
33 performing logical, arithmetic, or storage function, and may include
34 both a computer central processing unit and a monitor, but the term
35 shall not include an automated typewriter or typesetter, a portable
36 handheld calculator, a portable digital assistant, or other similar
37 device.

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:

¹Assembly AEN committee amendments adopted November 13, 2008.

1 “Consumer” means a person who purchases a covered electronic
2 device in a transaction that is a retail sale. “Consumer” shall not
3 include any business concern purchasing covered electronic devices
4 ¹whose recycling is contractually mandated in language included
5 within the annual plan submitted to, and approved by, the
6 department pursuant to section 10 of P.L.2007, c.347 (C.13:1E-
7 99.103)]¹.

8 “Covered electronic device” means a desktop or personal
9 computer, computer monitor, portable computer, or television sold
10 to a consumer. A “covered electronic device” shall not include any
11 of the following: (1) an electronic device that is a part of a motor
12 vehicle or any component part of a motor vehicle assembled by, or
13 for, a vehicle manufacturer or franchised dealer, including
14 replacement parts for use in a motor vehicle; (2) an electronic
15 device that is functionally or physically a part of a larger piece of
16 equipment designed and intended for use in an industrial,
17 commercial, or medical setting, including diagnostic, monitoring, or
18 control equipment; (3) an electronic device that is contained within
19 a clothes washer, clothes dryer, refrigerator, refrigerator and
20 freezer, microwave oven, conventional oven or range, dishwasher,
21 room air conditioner, dehumidifier, or air purifier; or (4) a
22 telephone of any type unless it contains a video display area greater
23 than four inches measured diagonally.

24 “Department” means the Department of Environmental
25 Protection.

26 ¹“Local government unit” means any county or municipality, or
27 any agency, instrumentality, authority or corporation of any county
28 or municipality, including, but not limited to, sewerage, utilities and
29 improvement authorities, or any other political subdivision of the
30 State.¹

31 “Manufacturer” means any person: (1) who manufactures or
32 manufactured covered electronic devices under a brand that it owns
33 or owned or is or was licensed to use, other than a license to
34 manufacture covered electronic devices for delivery exclusively to
35 or at the order of the licensor; (2) who sells or sold covered
36 electronic devices manufactured by others under a brand that the
37 seller owns or owned or is or was licensed to use, other than a
38 license to manufacture covered electronic devices for delivery
39 exclusively to or at the order of the licensor; (3) who manufactures
40 or manufactured covered electronic devices without affixing a
41 brand; (4) who manufactures or manufactured covered electronic
42 devices to which the person affixes or affixed a brand that the
43 person neither owns or owned nor is or was licensed to use; **[or]** (5)
44 for whose account covered electronic devices manufactured outside
45 the United States are or were imported into the United States,
46 provided however, if, at the time such covered electronic devices
47 are or were imported into the United States, another person has

1 registered as the manufacturer of the brand of the covered electronic
2 devices pursuant to subsection b. of section 9 of **[this act]**
3 P.L.2007, c.347 (C.13:1E-99.102), then paragraph (5) of this
4 definition shall not apply; or (6) a person who assumes the
5 obligations and responsibilities for any manufacturer pursuant to
6 paragraphs (1) through (5) of this definition.

7 “Market share” means a television manufacturer’s ‘national’
8 sales of televisions ‘[within the State]’ expressed as a percentage
9 of the total of all television manufacturers’ ‘[annual sales within
10 the State] national sales’ based on ‘[sales data submitted to the
11 television manufacturer by retailers pursuant to section 11 of
12 P.L.2007, c.347 (C.13:1E-99.104).] the best available public data’ .

13 “Monitor” means a separate video display component of a
14 computer, whether sold separately or together with a computer
15 central processing unit and computer box, and includes a cathode
16 ray tube, liquid crystal display, gas plasma, digital light processing,
17 or other image projection technology, greater than four inches
18 measured diagonally, and its case, interior wires and circuitry, cable
19 to the central processing unit, and power cord.

20 “Obligation” means: (1) the return share in weight, identified for
21 an individual manufacturer, as determined by the department
22 pursuant to subsection a. of section 12 of **[this act]** P.L.2007, c.347
23 (C.13:1E-99.105); or (2) the market share, identified for an
24 individual television manufacturer, as determined by the department
25 pursuant to subsection c. of section 3 of P.L.2007, c.347 (C.13:1E-
26 99.96).

27 “Orphan device” means a covered electronic device for which no
28 manufacturer can be identified, or for which the original
29 manufacturer no longer exists.

30 “Person” means an individual, trust firm, joint stock company,
31 business concern, and corporation, including, but not limited to, a
32 government department, partnership, limited liability company, or
33 association.

34 “Portable computer” means a computer and video display greater
35 than four inches in size that can be carried as one unit by an
36 individual, including a laptop computer.

37 “Program year” means a full calendar year beginning on or after
38 January 1, **[2010]** 2011.

39 “Purchase” means the taking, by sale, of title in exchange for
40 consideration.

41 ‘[“Recognized academic institution” means any of the following
42 educational or research institutions located in this State: a duly
43 authorized institution of higher education licensed by the Board of
44 Higher Education; a public school operated by a local school
45 district; a private vocational school; or a nonpublic school
46 satisfying the State's compulsory attendance requirements.]’

1 “Recycling” means any process by which materials which would
2 otherwise become solid waste are collected, separated or processed
3 and returned to the economic mainstream in the form of raw
4 materials or products. “Recycling” shall not include energy
5 recovery or energy generation by means of incinerating electronic
6 waste whether apart or in combination with other wastes.

7 “Registrant” means a manufacturer of covered electronic devices
8 that is in full compliance with the requirements of this act.

9 “Retail sales” means the sale of covered electronic devices
10 through sales outlets, via the Internet, mail order, or other means,
11 whether or not the retailer has a physical presence in this State.

12 “Retailer” means a person who owns or operates a business that
13 sells new covered electronic devices in this State by any means to a
14 consumer.

15 “Return share” means the proportion of covered electronic
16 devices for which an individual manufacturer is responsible to
17 collect, transport, and recycle, as determined by the department
18 pursuant to subsection a. of section 12 of **[this act]** P.L.2007, c.347
19 (C.13:1E-99.105).

20 “Return share in weight” means the total weight of covered
21 electronic devices for which an individual manufacturer is
22 responsible to collect, transport, and recycle, as determined by the
23 department pursuant to subsection a. of section 12 of **[this act]**
24 P.L.2007, c.347 (C.13:1E-99.105).

25 “Sale” or “sell” means any transfer for consideration of title,
26 including, but not limited to, transactions conducted through sales
27 outlets, catalogs, or the Internet, or any other, similar electronic
28 means, and excluding leases.

29 “Small business enterprise” means any business which has its
30 principal place of business in this State, is independently owned and
31 operated, and employs the equivalent of fewer than 50 full-time
32 employees.

33 “Television” means a stand-alone display system containing a
34 cathode ray tube or any other type of display primarily intended to
35 receive video programming via broadcast, having a viewable area
36 greater than four inches measured diagonally, able to adhere to
37 standard consumer video formats and having the capability of
38 selecting different broadcast channels and support sound capability.

39 “Video display” means an output surface having a viewable area
40 greater than four inches when measured diagonally that displays
41 moving graphical images or a visual representation of image
42 sequences or pictures, showing a number of quickly changing
43 images on a screen in fast succession to create the illusion of
44 motion, including, if applicable, a device that is an integral part of
45 the display and cannot be easily removed from the display by the
46 consumer that produces the moving image on the screen. A “video
47 display” typically uses a cathode ray tube, liquid crystal display,

1 gas plasma, digital light processing, or other image projection
2 technology.

3 (cf: P.L.2007, c.347, s.2)

4

5 2. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) is amended to
6 read as follows:

7 3. a. Beginning on January 1, ~~2009~~ 2010, and each January 1
8 thereafter, each manufacturer of televisions offered for sale for
9 delivery in this State shall register with the department and pay a
10 registration fee of \$5,000. Each television manufacturer's
11 registration and renewal shall include a list of all of the brands
12 under which its televisions are sold.

13 b. Each registered television manufacturer shall submit an
14 annual renewal of its registration to the department and pay to the
15 department a registration renewal fee of \$5,000 by January 1 of
16 each program year. Each registered television manufacturer's
17 renewal shall include an annual report.

18 c. In addition to reporting all brands under which its televisions
19 are sold, regardless of whether the brand is owned or licensed, the
20 registered television manufacturer's annual report shall include the
21 ~~total weight~~ ¹~~market share~~ total number¹ of all new televisions
22 sold in the State in the previous program year. ~~In lieu of providing~~
23 this information, a registered television manufacturer may request
24 the department to calculate the total weight of new televisions sold
25 in the State by using prorated national sales data based on State
26 population] The department shall determine a registered television
27 manufacturer's market share ¹by using sales data submitted to the
28 registered television manufacturer by retailers pursuant to section
29 11 of P.L.2007, c.347 (C.13:1E-99.104)]¹ .

30 d. A registered television manufacturer shall inform the
31 department, in writing, as soon as it becomes aware that it will
32 cease selling televisions in the State.

33 e. By June 1, 2010, each registered television manufacturer or
34 group of registered television manufacturers shall submit a plan to
35 the department to collect, transport and recycle used televisions
36 based on the television manufacturer's market share. Every plan
37 shall be filed with a television manufacturer's annual registration,
38 and shall include:

39 (1) Methods that will be used to collect the used televisions
40 including proposed collection services;

41 (2) The processes and methods that will be used to recycle
42 recovered used televisions including a description of the recycling
43 processes that will be used, including the name and location of all
44 authorized recyclers to be directly utilized by the plan;

45 (3) Means that will be utilized to publicize the collection
46 services, including specification of a website or toll-free telephone
47 number that provides information about the registrant's recycling

1 program in sufficient detail to allow consumers to learn how to
2 return their used televisions for recycling, including limitations
3 placed by collection sites on the number of used televisions
4 permitted for drop-off by consumers; and

5 (4) The intention of the registrant to fulfill its obligation through
6 its own operations, either individually or with other registered
7 television manufacturers, or by contract with for-profit or not-for-
8 profit corporations, or '【units of government】 local government
9 units'.

10 The department shall hold confidential any information obtained
11 pursuant to this subsection when shown by a registered television
12 manufacturer that the information, if made public, would divulge
13 competitive business information, methods or processes entitled to
14 protection as trade secrets of the registered television manufacturer.

15 Recovered used televisions shall not be sent to prisons for
16 recycling either directly or through intermediaries and nothing in
17 this section shall be construed to allow for the recycling of used
18 televisions by prisoners. Any person committed to a jail, prison, or
19 other institution for the detention of persons charged with or
20 convicted of an offense shall be disqualified from being an
21 authorized recycler.

22 By January 1, 【2010】 2011, each registered television
23 manufacturer or group of registered television manufacturers shall
24 【participate in a statewide】 commence its used television recycling
25 program to implement and finance the collection, transportation,
26 and recycling of used televisions. The 【statewide】 used television
27 recycling program shall accept all types and all brands of used
28 televisions, including orphan devices.

29 f. 【A registered television manufacturer or group of registered
30 television manufacturers may conduct its own collection,
31 transportation, and used television recycling program. The recycling
32 program shall accept all types and all brands of used televisions.
33 The registered television manufacturer or group of manufacturers
34 shall submit a report to the department annually by January 30,
35 beginning the year after the program is initiated. The report shall
36 include the total weight of used televisions collected from
37 consumers in this State by the manufacturer or group of
38 manufacturers during the previous program year and documentation
39 verifying collection and recycling of these used televisions.】 Each
40 registrant's plan or plan jointly submitted by a group of registrants
41 shall be reviewed to determine its compliance with subsection e. of
42 this section and approved by the department. The department may
43 reject the plan, in whole or in part, and may impose additional
44 requirements as a condition of approval.

45 g. If a registered television manufacturer fails to comply with all
46 the conditions and terms of an approved plan, the registered

1 television manufacturer shall be prohibited from selling or offering
2 for sale televisions in this State.

3 h. Registered television manufacturers that collect, transport, and
4 recycle used televisions in excess of their market share may sell
5 credits to another registrant or apply that excess to the following
6 year's recycling program.

7 i. Nothing in this act is intended to exempt any person from
8 liability the person would otherwise have under applicable law.

9 (cf: P.L.2007, c.347, c.3)

10

11 3. (New section) a. The department shall prepare a plan every
12 three years that: (1) establishes used television per-capita collection
13 and recycling goals; and (2) identifies any necessary State actions to
14 expand collection opportunities to achieve the used television per-
15 capita collection and recycling goals. The plan shall be posted on
16 the department's Internet website and submitted, pursuant to section
17 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

18 b. The department shall prepare an annual report, which shall be
19 posted on the department's Internet website and submitted, pursuant
20 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

21 The annual report shall include the following:

22 (1) Progress toward achieving the overall annual total recovery
23 and recycling goals described in the plan prepared pursuant to
24 subsection a. of this section; and

25 (2) An evaluation of the effectiveness of existing used television
26 collection and processing infrastructure.

27 c. The used television recovery and recycling program
28 implemented to effectuate the provisions of P.L.2007, c.347
29 (C.13:1E-99.94 et seq.) and its associated regulations shall be fully
30 audited by an independent, certified public accountant at the end of
31 each calendar year and the audit report shall be submitted, pursuant
32 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

33

34 4. Section 6 of P.L.2007, c.347 (C.13:1E-99.99) is amended to
35 read as follows:

36 6. a. Any manufacturer that is not in compliance with all
37 financial and other requirements of this act shall be prohibited from
38 selling or offering for sale in this State a covered electronic device.

39 b. Beginning on January 1, **[2010]** 2011, it shall be unlawful for
40 any person to sell or offer for sale in this State a new covered
41 electronic device from a manufacturer that is not in full compliance
42 with the requirements of this act.

43 c. **[The]** Beginning on January 1, 2011, the department shall
44 maintain a list of all manufacturers in compliance with the
45 requirements of this act and shall post the list on the department's
46 Internet website.

47 d. Sellers of **[products]** covered electronic devices in or into the
48 State shall consult the list established by the department pursuant to

1 subsection c. of this section prior to selling covered electronic
2 devices in this State. A seller shall be considered to have complied
3 with this responsibility if, on the date that the **[product]** covered
4 electronic device was ordered from the manufacturer or its agent,
5 the manufacturer was listed as being in compliance on the
6 aforementioned website.

7 **[The provisions of this section shall not apply to any**
8 **manufacturer or retailer of televisions offered for sale for delivery**
9 **in this State.]**

10 (cf: P.L.2007, c.347, s.6)

11
12 5. Section 7 of P.L.2007, c.347 (C.13:1E-99.100) is amended to
13 read as follows:

14 7. Beginning on January 1, **[2009]** 2010, a manufacturer or
15 retailer may not sell or offer for sale a covered electronic device in
16 this State unless the covered electronic device is labeled with the
17 manufacturer's brand, and the label is permanently affixed and
18 readily visible.

19 **[The provisions of this section shall not apply to any**
20 **manufacturer or retailer of televisions offered for sale for delivery**
21 **in this State.]**

22 (cf: P.L.2007, c.347, s.7)

23

24 6. Section 8 of P.L.2007, c.347 (C.13:1E-99.101) is amended to
25 read as follows:

26 8. Beginning on January 1, **[2010]** 2011,**[it shall be unlawful**
27 **for any]** no person **[to]** shall sell or offer for sale in this State
28 **[any]** a new covered electronic [devices, including televisions,
29 unless those products comply with the applicable provisions of
30 Directive 2002/95/EC of the European Union, adopted by the
31 European Parliament and the Council of the European Union on
32 January 27, 2003, as implemented and interpreted through the
33 decisions of the Technical Adaptation Committee established by
34 Directive 2002/95/EC] device, including a television, if the covered
35 electronic device is prohibited from being sold or offered for sale in
36 the European Union on or after its date of manufacture due to the
37 concentration of one or more heavy metals in the covered electronic
38 device exceeding its maximum concentration value, as specified in
39 the Commission of European Communities' Decision of August 18,
40 2005, amending Directive 2002/95/EC (European Union document
41 2005/618/EC), or as specified in a subsequent amendment to the
42 Directive.

43 (cf: P.L.2007, c.347, s.8)

44

45 7. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended to
46 read as follows:

1 9. a. (1) By January 30, **[2011]** 2012, and by each January 30
2 thereafter, the department shall:

3 (a) have completed an auditable, statistically significant
4 sampling of covered electronic devices collected from consumers in
5 this State **[by the department]** during the previous program year.
6 The sampling information collected shall consist of a list of brands
7 of covered electronic devices and the weight of covered electronic
8 devices that are identified for each brand. The department's
9 sampling shall be conducted in accordance with a procedure
10 established by the department and may be conducted by a third-
11 party organization including **[a]** an authorized recycler, to be
12 determined by the department. The department may, at its
13 discretion, be present at the sampling and may audit the
14 methodology and the results of the third-party organization. The
15 costs associated with the sampling shall be recovered from the fees
16 paid by manufacturers to the department; and

17 (b) determine the total weight of covered electronic devices,
18 including orphan devices, collected from consumers in this State
19 **[by the department]** during the previous program year.

20 (2) If a manufacturer or group of manufacturers conducts its
21 own **[collection, transportation, and recycling program for]**
22 sampling of covered electronic devices, the manufacturer or group
23 of manufacturers shall submit a report to the department annually
24 by **[January 30]** March 1, beginning the year after the program is
25 initiated. The report shall include:

26 (a) the results of an auditable, statistically significant sampling
27 of covered electronic devices collected from consumers in this State
28 by the manufacturer or group of manufacturers during the previous
29 program year. The sampling information reported shall consist of a
30 list of brands of covered electronic devices and the weight of
31 covered electronic devices that are identified for each brand; and

32 (b) the total weight of covered electronic devices, including
33 orphan devices, collected from consumers in this State by the
34 manufacturer or group of manufacturers during the previous
35 program year and documentation verifying collection and recycling
36 of such devices.

37 b. By February 1, **[2009]** 2010, and each January 1 thereafter,
38 each manufacturer of covered electronic devices offered for sale for
39 delivery in this State shall register with the department and pay a
40 registration fee of \$5,000. Any manufacturer to whom the
41 department provides notification of a return share and return share
42 in weight pursuant to subsection a. of section 12 of **[this act]**
43 P.L.2007, c.347 (C.13:1E-99.105) and who has not previously filed
44 a registration shall file a registration with the department within 30
45 days of receiving such notification from the department. Each
46 manufacturer's registration and renewal shall include a list of all of
47 the manufacturer's brands of covered electronic devices.

1 The provisions of this section shall not apply to any
2 manufacturer or retailer of televisions offered for sale for delivery
3 in this State.

4 (cf: P.L.2007, c.347, s.9)

5
6 8. Section 10 of P.L.2007, c.347 (C.13:1E-99.103) is amended
7 to read as follows:

8 10. a. By June 1, ~~2009~~ 2010, each manufacturer to whom the
9 department provides, by April 2, ~~2009~~ 2010, a return share in
10 weight that is greater than zero shall:

11 (1) submit an additional fee to the department based on its
12 return share in weight of covered electronic devices. The fee shall
13 be calculated using the following formula: the manufacturer's
14 return share in weight multiplied by no more than \$0.50 per pound;
15 or

16 (2) submit a plan to the department to collect, transport and
17 recycle covered electronic devices.

18 b. Each manufacturer to whom the department provides, by
19 February 15, ~~2011~~ 2012 or by February 15 of any year thereafter,
20 a return share in weight that is greater than zero shall, by March 15
21 of that year, comply with the requirements of ~~paragraphs (1) or (2)~~
22 ~~of~~ subsection a. of this section.

23 c. An individual manufacturer submitting a plan ~~in lieu of~~
24 ~~payment of the fee set forth in~~ pursuant to subsection a. of this
25 section shall collect, transport, and recycle its return share in
26 weight.

27 d. A group of manufacturers jointly submitting a plan ~~in lieu~~
28 ~~of payment of the fee set forth in~~ pursuant to subsection a. of this
29 section shall collect, transport, and recycle the sum of the
30 obligations of each participating manufacturer.

31 e. Every plan shall be filed with a manufacturer's annual
32 registration, and shall include:

33 (1) Methods that will be used to collect the covered electronic
34 devices including proposed collection services;

35 (2) The processes and methods that will be used to recycle
36 recovered covered electronic devices including a description of the
37 recycling processes that will be used, including the name and
38 location of all authorized recyclers to be directly utilized by the
39 plan;

40 (3) The processes and methods that will be used to recycle
41 recovered covered electronic devices which originated from
42 transactions between business concerns;

43 (4) Means that will be utilized to publicize the collection
44 services, including specification of a website or toll-free telephone
45 number that provides information about the manufacturer's program
46 in sufficient detail to allow consumers to learn how to return their
47 covered electronic devices for recycling; and

1 ~~[(4)]~~ (5) The intention of the registrant to fulfill its obligation
2 through operation of its own plan, either individually or with other
3 manufacturers.

4 The department shall hold confidential any information obtained
5 pursuant to this subsection when shown by a manufacturer that the
6 information, if made public, would divulge competitive business
7 information, methods or processes entitled to protection as trade
8 secrets of the manufacturer.

9 Recovered covered electronic devices shall not be sent to prisons
10 for recycling either directly or through intermediaries and nothing
11 in this section shall be construed to allow for the recycling of
12 covered electronic devices by prisoners. Any person committed to a
13 jail, prison, or other institution for the detention of persons charged
14 with or convicted of an offense shall be disqualified from engaging
15 in the manual or mechanical separation of covered electronic
16 devices to recover components and commodities contained therein
17 for the purpose of re-use or recycling.

18 f. ~~Before the fee set forth in subsection a. of this section may~~
19 ~~be waived by the department, the~~ Each manufacturer's plan or plan
20 jointly submitted by a group of manufacturers shall be reviewed to
21 determine its compliance with subsection e. of this section and
22 approved by the department. ~~Upon approval of the plan by the~~
23 ~~department, the payment of the annual fee set forth in subsection a.~~
24 ~~of this section shall be waived.]~~ The department may reject the
25 plan, in whole or in part, and may impose additional requirements
26 as a condition of approval.

27 g. If a manufacturer fails to comply with all the conditions and
28 terms of an approved plan, the manufacturer shall be ~~required to~~
29 submit the following:

30 (1) A payment to the department to cover the cost of collecting,
31 transporting, and recycling the unmet portion of its obligation. The
32 payment shall be equal to the following formula: the quantity of the
33 outstanding portion, in pounds, multiplied by no more than \$0.50;
34 and

35 (2) A penalty in the form of a payment equal to the cost of
36 collecting, transporting, and recycling 10% of the manufacturer's
37 total obligation ~~prohibited from selling or offering for sale in this~~
38 State a covered electronic device.

39 h. Manufacturers that collect, transport, and recycle covered
40 electronic devices in excess of their obligation may sell credits to
41 another registrant or apply that excess to the following year's
42 recycling obligation.

43 i. ~~Whenever more than one person is within the definition of~~
44 ~~manufacturer of a brand of a covered electronic device pursuant to~~
45 ~~section 2 of this act, any one or more such persons may assume~~
46 ~~responsibility for and satisfy the obligations of a manufacturer~~
47 ~~under this act with respect to covered electronic devices bearing~~

1 that brand. In the event that no person assumes responsibility for
2 and satisfies the obligations of a manufacturer under this act with
3 respect to covered electronic devices bearing that brand, the
4 department may consider any one or more persons within such
5 definition to be the manufacturer of that brand.】 (Deleted by
6 amendment, P.L. , c.)

7 j. 【The obligations under this act for a manufacturer who
8 manufactures or manufactured covered electronic devices, or who
9 sells or sold covered electronic devices manufactured by others,
10 under a brand that was previously used by a different person in the
11 manufacture of covered electronic devices shall extend to all
12 covered electronic devices bearing that brand.】 (Deleted by
13 amendment, P.L. , c.)

14 k. Nothing in this act is intended to exempt any person from
15 liability the person would otherwise have under applicable law.

16 l. The provisions of this section shall not apply to any
17 manufacturer or retailer of televisions offered for sale for delivery
18 in this State.

19 (cf: P.L.2007, c.347, s.10)

20
21 9. Section 11 of P.L.2007, c.347 (C.13:1E-99.104) is amended
22 to read as follows:

23 11. a. A retailer shall provide information provided by the
24 department that describes where and how to recycle the covered
25 electronic device and opportunities and locations for the collection
26 or return of the device, including limitations placed by collection
27 sites on the number of covered electronic devices permitted for
28 drop-off by consumers, through the use of a toll-free telephone
29 number and website, information included in the packaging, or
30 information provided accompanying the sale of the covered
31 electronic device. This information shall be provided in clear
32 written form in English and any other languages deemed to be
33 primary languages by the State Department of Education.

34 b. Beginning January 1, ~~【2010】~~ 2011, a retailer shall only sell
35 ~~【products】~~ covered electronic devices from registrants. Retailers
36 shall consult the list posted on the department's Internet website
37 pursuant to section 6 of ~~【this act】~~ P.L.2007, c.347 (C.13:1E-99.99)
38 prior to selling covered electronic devices in this State. A retailer
39 shall be considered to have complied with this responsibility if on
40 the date that the ~~【product】~~ covered electronic device was ordered
41 from the manufacturer or its agent, the manufacturer was listed as
42 being in compliance on the aforementioned website.

43 ¹【c. Beginning on March 1, 2010, and each March 1 thereafter,
44 retailers of new televisions shall submit a report to every registered
45 television manufacturer from whom a new television was ordered
46 indicating the number of televisions sold within the State from the
47 registered television manufacturer for the previous year.】¹

1 【The provisions of this section shall not apply to any
2 manufacturer or retailer of televisions offered for sale for delivery
3 in this State.】

4 (cf: P.L.2007, c.347, s.11)

5

6 10. Section 12 of P.L.2007, c.347 (C.13:1E-99.105) is amended
7 to read as follows:

8 12. a. (1) The department shall determine the return share for
9 each program year for each manufacturer by dividing the weight of
10 covered electronic devices identified for each manufacturer by the
11 total weight of covered electronic devices identified for all
12 manufacturers. For the first program year, the return share of
13 covered electronic devices identified for each manufacturer shall be
14 based on the best available public return share data from the United
15 States, including data from other states, for covered electronic
16 devices from consumers. For the second and each subsequent
17 program year, the return share of covered electronic devices
18 identified for each manufacturer shall be based on the most recent
19 samplings of covered electronic devices conducted in this State
20 pursuant to subsection a. of section 9 of 【this act】 P.L.2007, c.347
21 (C.13:1E-99.102).

22 (2) The department shall determine the return share in weight
23 for each program year for each manufacturer for whom a return
24 share is determined pursuant to paragraph (1) of this subsection by
25 multiplying the return share for each such manufacturer by the total
26 weight in pounds of covered electronic devices, including orphan
27 devices, collected from consumers the previous program year. For
28 the first program year, the total weight in pounds of covered
29 electronic devices shall be based on the best available public weight
30 data from the United States, including data from other states, for
31 covered electronic devices from consumers. For the second and
32 each subsequent program year, the total weight in pounds of
33 covered electronic devices shall be based on the total weight of
34 covered electronic devices, including orphan devices, determined
35 by the department pursuant to subsection a. of section 9 of 【this
36 act】 P.L.2007, c.347 (C.13:1E-99.102).

37 (3) By April 2, 【2010】 2011, the department shall provide each
38 manufacturer for whom a return share is determined pursuant to
39 paragraph (1) of this subsection with its return share and its return
40 share in weight for the first program year. Annually thereafter, by
41 February 15, beginning in 【2012】 2013, the department shall
42 provide each manufacturer for whom a return share is determined
43 pursuant to paragraph (1) of this subsection with its return share and
44 its return share in weight for the second and subsequent program
45 years.

- 1 b. **[The department shall receive fees from manufacturers as**
2 **provided in section 10 of this act.]** (Deleted by amendment, P.L. __, c. __)
3
- 4 c. (1) The department shall **[organize, administer, and]** ensure
5 that at least one electronics collection opportunity is available in
6 each county throughout the State and in such a manner as to be
7 convenient, to the maximum extent practicable and feasible, to all
8 consumers in the county.
- 9 (2) The department shall ensure that collection sites do not place
10 unreasonable limits on the number of covered electronic devices
11 permitted for drop-off by consumers.
- 12 d. (1) Beginning on **[April]** January 1, **[2010]** 2011, the
13 department shall maintain a list of registrants and the brands
14 reported in each manufacturer's registration, and post the list on the
15 department's Internet website that is updated at least once a month.
- 16 (2) The department shall organize and coordinate public
17 education and outreach.
- 18 e. The department shall prepare a plan every three years that:
19 (1) establishes per-capita collection and recycling goals; and (2)
20 identifies any necessary State actions to expand collection
21 opportunities to achieve the per-capita collection and recycling
22 goals. The plan shall be posted on the department's Internet
23 website and submitted, pursuant to section 2 of P.L.1991, c.164
24 (C.52:14-19.1), to the Legislature.
- 25 f. The department shall prepare an annual report, which shall
26 be posted on the department's Internet website and submitted,
27 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
28 Legislature.
- 29 The annual report shall include the following:
- 30 (1) **[A list of all parties that the department has designated as**
31 **approved to receive payments for collection, transportation, or**
32 **recycling, the amount of payments it has made to those parties, and**
33 **the purpose of those payments;**
- 34 **(2)]** The total weight of covered electronic devices collected in
35 the State the previous calendar year;
- 36 **[(3)]** (2) Progress toward achieving the overall annual total
37 recovery and recycling goals described in the plan prepared
38 pursuant to subsection e. of this section;
- 39 **[(4)]** (3) A complete listing of all collection sites operating in
40 the State in the prior calendar year, the parties that operated them,
41 and the amount of material by weight collected at each site;
- 42 **[(5)]** (4) An evaluation of the effectiveness of the education and
43 outreach program; and
- 44 **[(6)]** (5) An evaluation of the existing collection and processing
45 infrastructure.
- 46 g. The program implemented to effectuate the provisions of
47 this act and its associated regulations shall be fully audited by an

1 independent, certified public accountant at the end of each calendar
2 year and the audit report shall be submitted, pursuant to section 2 of
3 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

4 h. The provisions of this section shall not apply to any
5 manufacturer or retailer of televisions offered for sale for delivery
6 in this State.

7 (cf: P.L.2007, c.347, s.12)

8

9 11. Section 13 of P.L.2007, c.347 (C.13:1E-99.106) is amended
10 to read as follows:

11 13. a. The department shall maintain an Internet website and
12 toll-free number complete with up-to-date listings of where
13 consumers can bring covered electronic devices for recycling under
14 the provisions of this act.

15 b. ~~【The department shall not be held financially liable or~~
16 ~~responsible for any violation of federal, State, or local law by any~~
17 ~~person to whom the department makes payment pursuant to section~~
18 ~~14 of this act.】 (Deleted by amendment, P.L. , c.) (pending in~~
19 ~~the Legislature as this bill)~~

20 c. No more frequently than annually and no less frequently than
21 biennially, the department shall review, at a public hearing, the
22 covered electronic device recycling ~~【rate】~~ goals and registration
23 fees. Recommended changes to the covered electronic device
24 recycling ~~【rate】~~ goals and registration fees shall be included in the
25 annual ~~【report】~~ reports required pursuant to section 3 of P.L. , c.
26 (pending in the Legislature as this bill) and subsection f. of section
27 12 of ~~【this act】~~ P.L.2007, c.347 (C.13:1E-99.105).

28 d. No fees or costs may be charged to consumers for the
29 collection, transportation, or recycling of covered electronic
30 devices. Any ~~【manufacturer or】~~¹ authorized recycler may charge
31 fees to ~~【recognized academic institutions or units of government】~~
32 schools or local government units¹ for the reasonable costs incurred
33 by the ~~【manufacturer or】~~¹ authorized recycler for the collection,
34 transportation, or recycling of covered electronic devices.

35 (cf: P.L.2007, c.347, s.13)

36

37 12. Section 15 of P.L.2007, c.347 (C.13:1E-99.108) is amended
38 to read as follows:

39 15. a. Covered electronic devices collected through any
40 program in this State ~~【, whether by manufacturers, retailers, for-~~
41 ~~profit or not-for profit corporations, or units of government, or~~
42 ~~organized by the department,】¹ shall be recycled in a manner that is~~
43 ~~in compliance with all applicable federal, State, and local laws,~~
44 ~~regulations, and ordinances, and shall not be exported for disposal~~
45 ~~in a manner that poses a significant risk to the public health or the~~
46 ~~environment.~~

1 The provisions of this subsection shall apply to the collection
2 and recycling of used televisions.

3 b. The department shall establish performance requirements [in
4 order] for collectors, transporters, and authorized recyclers [to be
5 eligible to receive funds from the department]. Every collector,
6 transporter, and authorized recycler shall, at a minimum,
7 demonstrate compliance with the United States Environmental
8 Protection Agency's Plug-In to eCycling Guidelines for Materials
9 Management as issued and available on the United States
10 Environmental Protection Agency's Internet website in addition to
11 any other requirements mandated by federal or State law. The
12 department shall maintain an Internet website that shall include a
13 list of collectors, transporters, and authorized recyclers that it has
14 determined have met these performance requirements.

15 (cf: P.L.2007, c.347, s.15)

16

17 13. Section 16 of P.L.2007, c.347 (C.13:1E-99.109) is amended
18 to read as follows:

19 16. On and after January 1, [2010] 2011, no person shall
20 knowingly dispose of a used covered electronic device, or any of
21 the components or subassemblies thereof, as solid waste.

22 (cf: P.L.2007, c.347, s.16)

23

24 14. Section 17 of P.L.2007, c.347 (C.13:1E-99.110) is amended
25 to read as follows:

26 17. a. The State, including the Attorney General and the
27 department, shall be authorized to initiate independent action to
28 enforce any provision of this act, including failure by a
29 manufacturer to remit the registration fee required pursuant to
30 section 3 of P.L.2007, c.347 (C.13:1E-99.96) or section 9 of [this
31 act] P.L.2007, c.347 (C.13:1E-99.102), [the fee required pursuant
32 to section 10 of this act,] or any fee required pursuant to subsection
33 b. of section 18 of [this act] P.L.2007, c.347 (C.13:1E-99.111) to
34 the department. Any funds awarded by the court shall be used first
35 to offset enforcement expenses. Money in excess of the
36 enforcement expenses shall be deposited into a separate account,
37 and shall be dedicated for use by the department solely for the
38 purposes of administering and enforcing the provisions of this act
39 and any rules or regulations adopted pursuant thereto.

40 b. Any person who violates the provisions of this act shall be
41 subject to a penalty of not less than \$500 nor more than \$1,000 for
42 each offense, to be collected in a civil action by a summary
43 proceeding under the "Penalty Enforcement Law of 1999,"
44 P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case before a court
45 of competent jurisdiction wherein injunctive relief has been
46 requested. The Superior Court shall have jurisdiction to enforce the

1 provisions of the "Penalty Enforcement Law of 1999" in connection
2 with this act.

3 If the violation is of a continuing nature, each day during which
4 it continues constitutes an additional, separate, and distinct offense.

5 The department may institute a civil action for injunctive relief
6 to enforce this act and to prohibit and prevent a violation of this act,
7 and the court may proceed in the action in a summary manner.

8 c. Violations of the act include, but are not limited to:

9 (1) the sale of a new covered electronic device by any person
10 that is not in full compliance with the provisions of this act;

11 (2) ~~the~~ application for compensation for the collection,
12 transportation, and recycling of covered electronic devices not
13 collected within the State, or region as provided in section 19 of this
14 act;

15 (3) ~~the~~ use of a qualified collection program to recycle covered
16 electronic devices not discarded within the State, or region as
17 provided in section 19 of ~~this act~~ P.L.2007, c.347 (C.13:1E-
18 99.112);

19 ~~[(4)]~~ (3) the knowing failure to report or accurately report any
20 data required to be reported to the department pursuant to this act;
21 and

22 ~~[(5)]~~ (4) the non-payment of any fee required pursuant to this
23 act.

24 (cf: P.L.2007, c.347, s.17)

25

26 15. Section 18 of P.L.2007, c.347 (C.13:1E-99.111) is amended
27 to read as follows:

28 18. a. (1) The department shall adopt, pursuant to the
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.), rules and regulations as are necessary to effectuate the
31 purposes of ~~this act~~ P.L.2007, c.347 (C.13:1E-99.94 et seq.) and
32 section 3 of P.L. , c. (C.)(pending before the Legislature
33 as this bill).

34 (2) The department shall adopt rules and regulations, in
35 accordance with the provisions of section 8 of P.L.2007, c.347
36 (C.13:1E-99.101), that prohibit a new covered electronic device
37 from being sold or offered for sale in this State if the covered
38 electronic device is prohibited from being sold or offered for sale in
39 the European Union on and after its date of manufacture, to the
40 extent that Directive 2002/95/EC, adopted by the European
41 Parliament and the Council of the European Union on January 27,
42 2003, and as amended thereafter by the Commission of European
43 Communities, prohibits that sale due to the presence of certain
44 heavy metals.

45 (a) The department shall exclude from the rules and regulations
46 the sale of a new covered electronic device that contains a substance
47 that is used to comply with the consumer, health, or safety

1 requirements that are required by the Underwriters Laboratories or
2 federal or State law.

3 (b) In adopting rules and regulations pursuant to this subsection,
4 the department may not require the manufacture or sale of a new
5 covered electronic device that is different than, or otherwise not
6 prohibited by, the European Union under Directive 2002/95/EC,
7 adopted by the European Parliament and the Council of the
8 European Union on January 27, 2003. The department shall use, in
9 addition to any other information deemed relevant by the
10 department, the published decisions of the Technical Adaptation
11 Committee and European Union member states that interpret the
12 requirements of Directive 2002/95/EC.

13 b. The department may, in accordance with a fee schedule
14 adopted as a rule or regulation pursuant to the provisions of the
15 "Administrative Procedure Act," establish and charge reasonable
16 fees for any of the services to be performed in connection with this
17 act, which shall cover the full costs incurred by the department for
18 the review of plans and for other costs incurred by the department
19 for implementation of this act.

20 (cf: P.L.2007, c.347, s.18)

21

22 16. Section 19 of P.L.2007, c.347 (C.13:1E-99.112) is amended
23 to read as follows:

24 19. The department is authorized to participate in the
25 establishment and implementation of a regional, multi-state
26 organization or compact that is consistent with the requirements of
27 **[this act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.) and section 3 of
28 P.L. , c. (C.)(pending before the Legislature as this bill).

29 (cf: P.L.2007, c.347, s.19)

30

31 17. Section 20 of P.L.2007, c.347 (C.13:1E-99.113) is amended
32 to read as follows:

33 20. **[This act is]** The provisions of P.L.2007, c.347 (C.13:1E-
34 99.94 et seq.) and section 3 of P.L. , c. (C.)(pending
35 before the Legislature as this bill) are intended to govern all aspects
36 of the collection and recycling of covered electronic devices as
37 those terms are defined in [this act] section 2 of P.L.2007, c.347
38 (C.13:1E-99.95). Upon a determination by the Department of
39 Environmental Protection of an equivalent national program to
40 collect or recycle covered electronic devices, the Commissioner of
41 Environmental Protection shall notify, in writing, the Governor, the
42 President of the Senate and the Speaker of the General Assembly,
43 and the members of the Senate Environment Committee and the
44 Assembly Environment and Solid Waste Committee, or their
45 successors, of this determination.

46 The provisions of this act shall expire 60 days after the date of
47 the notification required pursuant to this section or within the
48 timeframe provided by federal law, as appropriate.

1 The department shall provide notice in the New Jersey Register
2 of any determination made pursuant to this section, and shall take
3 any administrative action necessary in order to implement the
4 national program.

5 (cf: P.L.2007, c.347, s.20)

6
7 18. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended
8 to read as follows:

9 21. By January 1, ~~2013~~ 2014, the department shall prepare a
10 report, which shall be posted on the department's Internet website
11 and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
12 19.1), to the Legislature, assessing the success or failure of the
13 electronic waste management system implemented pursuant to the
14 provisions of ~~["this act"] P.L.2007, c.347 (C.13:1E-99.94 et seq.) and~~
15 ~~section 3 of P.L. , c. (C.)~~(pending before the Legislature
16 as this bill) relative to the statutory management of covered
17 electronic devices in other states, including jurisdictions that have
18 adopted a producer responsibility model versus those that have
19 adopted an advance recovery fee approach, or both, with respect to
20 the recycling of used televisions and other covered electronic
21 devices.

22 (cf: P.L.2007, c.347, s.21)

23
24 19. Section 3 of P.L.1987, c.102 (C.13:1E-99.13) is amended to
25 read as follows:

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

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

37 (1) Designation of a district recycling coordinator;

38 (2) Designation of the recyclable materials to be source
39 separated in each municipality which shall include, in addition to
40 leaves, at least three other recyclable materials separated from the
41 municipal solid waste stream;

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

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

1 (a) The recycling of at least 15% of the total municipal solid
2 waste stream by December 31, 1989;

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

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

8 (5) Designation of countywide recovery targets to achieve the
9 maximum feasible recovery of recyclable materials from the total
10 solid waste stream which shall include, at a minimum, the recycling
11 of at least 60% of the total solid waste stream by December 31,
12 1995.

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

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

28 c. Each district recycling plan, in designating a strategy for the
29 collection, marketing and disposition of designated recyclable
30 materials in each municipality, shall authorize municipalities that
31 adopt a recycling ordinance pursuant to subsection b. of section 6 of
32 P.L.1987, c.102 (C.13:1E-99.16) to limit the collection of
33 designated recyclable materials to specified operating hours in order
34 to preserve the peace and quiet in neighborhoods during the hours
35 when most residents are asleep.

36 d. A district recycling plan may be modified to require that each
37 municipality within the county revise the ordinance adopted
38 pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-
39 99.16) to provide for the source separation and collection of used
40 dry cell batteries as a designated recyclable material.

41 e. [Within 12 months of the effective date of P.L.2007, c.347
42 (C.13:1E-99.94 et al.), each district recycling plan shall be modified
43 to include the designation of collection sites for the delivery of used
44 televisions, and may be modified to include the designation of
45 collection sites for the delivery of other covered electronic devices.

46 For the purposes of this subsection, "television" and "covered
47 electronic device," respectively, mean the same as those terms are

1 defined in section 2 of P.L.2007, c.347 (C.13:1E-99.95).] (Deleted
2 by amendment, P.L. , c.)(pending in the Legislature as this bill)
3 (cf: P.L.2007, c.347, s.22)

4

5 20. Section 6 of P.L.1987, c.102 (C.13:1E-99.16) is amended to
6 read as follows:

7 6. Each municipality in this State shall, within 24 months of
8 the effective date of P.L.2007, c.311 (C.13:1E-96.2 et al.),
9 designate one or more persons as the municipal certified recycling
10 coordinator. For the purposes of this section, "municipal certified
11 recycling coordinator" means a person who shall have completed
12 the requirements of a course of instruction in various aspects of
13 recycling program management, as determined and administered by
14 the department. Each municipality shall establish and implement a
15 municipal recycling program in accordance with the following
16 requirements:

17 a. **[(1)]** Each municipality shall provide for a collection system
18 for the recycling of the recyclable materials designated in the
19 district recycling plan as may be necessary to achieve the
20 designated recovery targets set forth in the plan in those instances
21 where a recycling collection system is not otherwise provided for
22 by the generator or by the county, interlocal service agreement or
23 joint service program, or other private or public recycling program
24 operator.

25 **[(2)]**Each municipality shall provide for collection sites for the
26 delivery of used televisions by consumers, and the delivery of other
27 covered electronic devices if designated in the district recycling
28 plan.

29 For the purposes of this paragraph, "television" and "covered
30 electronic device," respectively, mean the same as those terms are
31 defined in section 2 of P.L.2007, c.347 (C.13:1E-99.95).]

32 b. The governing body of each municipality shall adopt an
33 ordinance which requires persons generating municipal solid waste
34 within its municipal boundaries to source separate from the
35 municipal solid waste stream, in addition to leaves, the specified
36 recyclable materials for which markets have been secured and,
37 unless recycling is otherwise provided for by the generator, place
38 these specified recyclable materials for collection in the manner
39 provided by the ordinance.

40 c. The governing body of each municipality shall, at least once
41 every 36 months, conduct a review and make necessary revisions to
42 the master plan and development regulations adopted pursuant to
43 P.L.1975, c.291 (C.40:55D-1 et seq.), which revisions shall reflect
44 changes in federal, State, county and municipal laws, policies and
45 objectives concerning the collection, disposition and recycling of
46 designated recyclable materials.

47 The revised master plan shall include provisions for the
48 collection, disposition and recycling of recyclable materials

1 designated in the municipal recycling ordinance adopted pursuant to
2 subsection b. of this section, and for the collection, disposition and
3 recycling of designated recyclable materials within any
4 development proposal for the construction of 50 or more units of
5 single-family residential housing or 25 or more units of multi-
6 family residential housing and any commercial or industrial
7 development proposal for the utilization of 1,000 square feet or
8 more of land.

9 d. The governing body of a municipality may exempt persons
10 occupying commercial and institutional premises within its
11 municipal boundaries from the source separation requirements of
12 the ordinance adopted pursuant to subsection b. of this section if
13 those persons have otherwise provided for the recycling of the
14 recyclable materials designated in the district recycling plan from
15 solid waste generated at those premises. To be eligible for an
16 exemption pursuant to this subsection, a commercial or institutional
17 solid waste generator annually shall provide written documentation
18 to the municipality of the total number of tons recycled.

19 e. The governing body of each municipality shall, on or before
20 July 1 of each year, submit a recycling tonnage report to the New
21 Jersey Office of Recycling in accordance with rules and regulations
22 adopted by the department therefor.

23 f. The governing body of each municipality shall, at least once
24 every six months, notify all persons occupying residential,
25 commercial, and institutional premises within its municipal
26 boundaries of local recycling opportunities, and the source
27 separation requirements of the ordinance. In order to fulfill the
28 notification requirements of this subsection, the governing body of
29 a municipality may, in its discretion, place an advertisement in a
30 newspaper circulating in the municipality, post a notice in public
31 places where public notices are customarily posted, include a notice
32 with other official notifications periodically mailed to residential
33 taxpayers, or any combination thereof, as the municipality deems
34 necessary and appropriate.

35 The governing body of a municipality that adopts a recycling
36 ordinance pursuant to subsection b. of this section may limit the
37 collection of designated recyclable materials to specified operating
38 hours in order to preserve the peace and quiet in neighborhoods
39 during the hours when most residents are asleep.

40 (cf: P.L.2007, c.347, s.23)

41

42 21. Section 1 of P.L.2007, c.347 (C.13:1E-99.94) is amended to
43 read as follows:

44 1. Sections 1 through 21 of P.L.2007, c.347 (C.13:1E-99.94 et
45 seq.) and section 3 of P.L. , c. (C.)(pending before the
46 Legislature as this bill) shall be known and may be cited as the
47 "Electronic Waste Management Act."

