

[First Reprint]

**ASSEMBLY, No. 3343**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED OCTOBER 23, 2008

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Co-Sponsored by:**

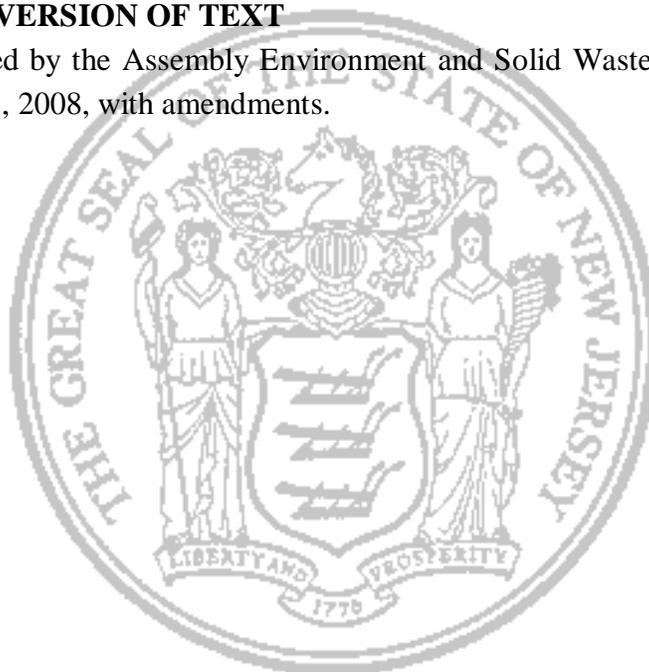
**Assemblywoman Greenstein and Senator B.Smith**

**SYNOPSIS**

Revises “Electronic Waste Recycling Act.”

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment and Solid Waste Committee on November 13, 2008, with amendments.



**(Sponsorship Updated As Of: 11/25/2008)**

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.

38 “Consumer” means a person who purchases a covered electronic  
39 device in a transaction that is a retail sale. “Consumer” shall not  
40 include any business concern purchasing covered electronic devices  
41 <sup>1</sup>whose recycling is contractually mandated in language included  
42 within the annual plan submitted to, and approved by, the  
43 department pursuant to section 10 of P.L.2007, c.347 (C.13:1E-  
44 99.103)]<sup>1</sup>.

**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:

<sup>1</sup>Assembly AEN committee amendments adopted November 13, 2008.

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

17 “Department” means the Department of Environmental  
18 Protection.

19 <sup>1</sup>“Local government unit” means any county or municipality, or  
20 any agency, instrumentality, authority or corporation of any county  
21 or municipality, including, but not limited to, sewerage, utilities and  
22 improvement authorities, or any other political subdivision of the  
23 State.<sup>1</sup>

24 “Manufacturer” means any person: (1) who manufactures or  
25 manufactured covered electronic devices under a brand that it owns  
26 or owned or is or was licensed to use, other than a license to  
27 manufacture covered electronic devices for delivery exclusively to  
28 or at the order of the licensor; (2) who sells or sold covered  
29 electronic devices manufactured by others under a brand that the  
30 seller owns or owned or is or was licensed to use, other than a  
31 license to manufacture covered electronic devices for delivery  
32 exclusively to or at the order of the licensor; (3) who manufactures  
33 or manufactured covered electronic devices without affixing a  
34 brand; (4) who manufactures or manufactured covered electronic  
35 devices to which the person affixes or affixed a brand that the  
36 person neither owns or owned nor is or was licensed to use; **[or]** (5)  
37 for whose account covered electronic devices manufactured outside  
38 the United States are or were imported into the United States,  
39 provided however, if, at the time such covered electronic devices  
40 are or were imported into the United States, another person has  
41 registered as the manufacturer of the brand of the covered electronic  
42 devices pursuant to subsection b. of section 9 of **[this act]**  
43 P.L.2007, c.347 (C.13:1E-99.102), then paragraph (5) of this  
44 definition shall not apply; or (6) a person who assumes the  
45 obligations and responsibilities for any manufacturer pursuant to  
46 paragraphs (1) through (5) of this definition.

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

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

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

21       “Orphan device” means a covered electronic device for which no  
22 manufacturer can be identified, or for which the original  
23 manufacturer no longer exists.

24       “Person” means an individual, trust firm, joint stock company,  
25 business concern, and corporation, including, but not limited to, a  
26 government department, partnership, limited liability company, or  
27 association.

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

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

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

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

41       “Recycling” means any process by which materials which would  
42 otherwise become solid waste are collected, separated or processed  
43 and returned to the economic mainstream in the form of raw  
44 materials or products. “Recycling” shall not include energy  
45 recovery or energy generation by means of incinerating electronic  
46 waste whether apart or in combination with other wastes.

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

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

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

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

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

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

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

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

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

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

45

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

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

7       b. Each registered television manufacturer shall submit an  
8 annual renewal of its registration to the department and pay to the  
9 department a registration renewal fee of \$5,000 by January 1 of  
10 each program year. Each registered television manufacturer's  
11 renewal shall include an annual report.

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

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

27       e. By June 1, 2010, each registered television manufacturer or  
28 group of registered television manufacturers shall submit a plan to  
29 the department to collect, transport and recycle used televisions  
30 based on the television manufacturer's market share. Every plan  
31 shall be filed with a television manufacturer's annual registration,  
32 and shall include:

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

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

39       (3) Means that will be utilized to publicize the collection  
40 services, including specification of a website or toll-free telephone  
41 number that provides information about the registrant's recycling  
42 program in sufficient detail to allow consumers to learn how to  
43 return their used televisions for recycling, including limitations  
44 placed by collection sites on the number of used televisions  
45 permitted for drop-off by consumers; and

46       (4) The intention of the registrant to fulfill its obligation through  
47 its own operations, either individually or with other registered

1 television manufacturers, or by contract with for-profit or not-for-  
2 profit corporations, or <sup>1</sup> [units of government] local government  
3 units<sup>1</sup>.

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

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

16 By January 1, [2010] 2011, each registered television  
17 manufacturer or group of registered television manufacturers shall  
18 [participate in a statewide] commence its used television recycling  
19 program to implement and finance the collection, transportation,  
20 and recycling of used televisions. The [statewide] used television  
21 recycling program shall accept all types and all brands of used  
22 televisions, including orphan devices.

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

39 g. If a registered television manufacturer fails to comply with all  
40 the conditions and terms of an approved plan, the registered  
41 television manufacturer shall be prohibited from selling or offering  
42 for sale televisions in this State.

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

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

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

4  
5        3. (New section) a. The department shall prepare a plan every  
6 three years that: (1) establishes used television per-capita collection  
7 and recycling goals; and (2) identifies any necessary State actions to  
8 expand collection opportunities to achieve the used television per-  
9 capita collection and recycling goals. The plan shall be posted on  
10 the department's Internet website and submitted, pursuant to section  
11 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

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

15        The annual report shall include the following:

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

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

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

27  
28        4. Section 6 of P.L.2007, c.347 (C.13:1E-99.99) is amended to  
29 read as follows:

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

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

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

41        d. Sellers of **[products]** covered electronic devices in or into the  
42 State shall consult the list established by the department pursuant to  
43 subsection c. of this section prior to selling covered electronic  
44 devices in this State. A seller shall be considered to have complied  
45 with this responsibility if, on the date that the **[product]** covered  
46 electronic device was ordered from the manufacturer or its agent,  
47 the manufacturer was listed as being in compliance on the  
48 aforementioned website.

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.6)

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

8       7. Beginning on January 1, 【2009】 2010, a manufacturer or  
9 retailer may not sell or offer for sale a covered electronic device in  
10 this State unless the covered electronic device is labeled with the  
11 manufacturer's brand, and the label is permanently affixed and  
12 readily visible.

13       【The provisions of this section shall not apply to any  
14 manufacturer or retailer of televisions offered for sale for delivery  
15 in this State.】

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

17  
18       6. Section 8 of P.L.2007, c.347 (C.13:1E-99.101) is amended to  
19 read as follows:

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

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

38  
39       7. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended to  
40 read as follows:

41       9. a. (1) By January 30, 【2011】 2012, and by each January 30  
42 thereafter, the department shall:

43       (a) have completed an auditable, statistically significant  
44 sampling of covered electronic devices collected from consumers in  
45 this State 【by the department】 during the previous program year.  
46 The sampling information collected shall consist of a list of brands  
47 of covered electronic devices and the weight of covered electronic

1 devices that are identified for each brand. The department's  
2 sampling shall be conducted in accordance with a procedure  
3 established by the department and may be conducted by a third-  
4 party organization including **[a]** an authorized recycler, to be  
5 determined by the department. The department may, at its  
6 discretion, be present at the sampling and may audit the  
7 methodology and the results of the third-party organization. The  
8 costs associated with the sampling shall be recovered from the fees  
9 paid by manufacturers to the department; and

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

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

19 (a) the results of an auditable, statistically significant sampling  
20 of covered electronic devices collected from consumers in this State  
21 by the manufacturer or group of manufacturers during the previous  
22 program year. The sampling information reported shall consist of a  
23 list of brands of covered electronic devices and the weight of  
24 covered electronic devices that are identified for each brand; and

25 (b) the total weight of covered electronic devices, including  
26 orphan devices, collected from consumers in this State by the  
27 manufacturer or group of manufacturers during the previous  
28 program year and documentation verifying collection and recycling  
29 of such devices.

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

41 The provisions of this section shall not apply to any  
42 manufacturer or retailer of televisions offered for sale for delivery  
43 in this State.

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

45

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

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

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

9 ~~(2)~~ submit a plan to the department to collect, transport and  
10 recycle covered electronic devices.

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

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

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

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

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

28 (2) The processes and methods that will be used to recycle  
29 recovered covered electronic devices including a description of the  
30 recycling processes that will be used, including the name and  
31 location of all authorized recyclers to be directly utilized by the  
32 plan;

33 ~~(3) The processes and methods that will be used to recycle~~  
34 ~~recovered covered electronic devices which originated from~~  
35 ~~transactions between business concerns;~~

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

41 ~~[(4)] (5) The intention of the registrant to fulfill its obligation~~  
42 ~~through operation of its own plan, either individually or with other~~  
43 ~~manufacturers.~~

44 The department shall hold confidential any information obtained  
45 pursuant to this subsection when shown by a manufacturer that the  
46 information, if made public, would divulge competitive business

1 information, methods or processes entitled to protection as trade  
2 secrets of the manufacturer.

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

12 f. **【Before the fee set forth in subsection a. of this section may**  
13 **be waived by the department, the】** Each manufacturer's plan or plan  
14 jointly submitted by a group of manufacturers shall be reviewed to  
15 determine its compliance with subsection e. of this section and  
16 approved by the department. **【Upon approval of the plan by the**  
17 **department, the payment of the annual fee set forth in subsection a.**  
18 **of this section shall be waived.】** The department may reject the  
19 plan, in whole or in part, and may impose additional requirements  
20 as a condition of approval.

21 g. If a manufacturer fails to comply with all the conditions and  
22 terms of an approved plan, the manufacturer shall be **【required to**  
23 **submit the following:**

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

29 (2) A penalty in the form of a payment equal to the cost of  
30 collecting, transporting, and recycling 10% of the manufacturer's  
31 total obligation **】** prohibited from selling or offering for sale in this  
32 State a covered electronic device.

33 h. Manufacturers that collect, transport, and recycle covered  
34 electronic devices in excess of their obligation may sell credits to  
35 another registrant or apply that excess to the following year's  
36 recycling obligation.

37 i. **【Whenever more than one person is within the definition of**  
38 **manufacturer of a brand of a covered electronic device pursuant to**  
39 **section 2 of this act, any one or more such persons may assume**  
40 **responsibility for and satisfy the obligations of a manufacturer**  
41 **under this act with respect to covered electronic devices bearing**  
42 **that brand. In the event that no person assumes responsibility for**  
43 **and satisfies the obligations of a manufacturer under this act with**  
44 **respect to covered electronic devices bearing that brand, the**  
45 **department may consider any one or more persons within such**  
46 **definition to be the manufacturer of that brand.】** (Deleted by  
47 amendment, P.L. , c. )

1 j. **【The obligations under this act for a manufacturer who**  
2 **manufactures or manufactured covered electronic devices, or who**  
3 **sells or sold covered electronic devices manufactured by others,**  
4 **under a brand that was previously used by a different person in the**  
5 **manufacture of covered electronic devices shall extend to all**  
6 **covered electronic devices bearing that brand.】** (Deleted by  
7 amendment, P.L. , c. )

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

10 l. The provisions of this section shall not apply to any  
11 manufacturer or retailer of televisions offered for sale for delivery  
12 in this State.

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

14  
15 9. Section 11 of P.L.2007, c.347 (C.13:1E-99.104) is amended  
16 to read as follows:

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

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

37 <sup>1</sup>【c. Beginning on March 1, 2010, and each March 1 thereafter,  
38 retailers of new televisions shall submit a report to every registered  
39 television manufacturer from whom a new television was ordered  
40 indicating the number of televisions sold within the State from the  
41 registered television manufacturer for the previous year.】<sup>1</sup>

42 **【The provisions of this section shall not apply to any**  
43 **manufacturer or retailer of televisions offered for sale for delivery**  
44 **in this State.】**

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

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

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

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

32       (3) By April 2, **[2010]** 2011, the department shall provide each  
33 manufacturer for whom a return share is determined pursuant to  
34 paragraph (1) of this subsection with its return share and its return  
35 share in weight for the first program year. Annually thereafter, by  
36 February 15, beginning in **[2012]** 2013, the department shall  
37 provide each manufacturer for whom a return share is determined  
38 pursuant to paragraph (1) of this subsection with its return share and  
39 its return share in weight for the second and subsequent program  
40 years.

41       b. **[The department shall receive fees from manufacturers as**  
42 **provided in section 10 of this act.]** (Deleted by amendment, P.L. ,  
43 c. )

44       c. (1) The department shall **[organize, administer, and]** ensure  
45 that at least one electronics collection opportunity is available in  
46 each county throughout the State and in such a manner as to be

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

1 in this State.

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

3

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

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

10 b. **[The department shall not be held financially liable or**  
11 **responsible for any violation of federal, State, or local law by any**  
12 **person to whom the department makes payment pursuant to section**  
13 **14 of this act.]** (Deleted by amendment, P.L. , c. ) (pending in  
14 the Legislature as this bill)

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

23 d. No fees or costs may be charged to consumers for the  
24 collection, transportation, or recycling of covered electronic  
25 devices. Any **'[manufacturer or]'** authorized recycler may charge  
26 fees to **'[recognized academic institutions or units of government]**  
27 **schools or local government units'** for the reasonable costs incurred  
28 by the **'[manufacturer or]'** authorized recycler for the collection,  
29 transportation, or recycling of covered electronic devices.

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

31

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

34 15. a. Covered electronic devices collected through any  
35 program in this State **'[, whether by manufacturers, retailers, for-**  
36 **profit or not-for profit corporations, or units of government, or**  
37 **organized by the department,]'** shall be recycled in a manner that is  
38 in compliance with all applicable federal, State, and local laws,  
39 regulations, and ordinances, and shall not be exported for disposal  
40 in a manner that poses a significant risk to the public health or the  
41 environment.

42 The provisions of this subsection shall apply to the collection  
43 and recycling of used televisions.

44 b. The department shall establish performance requirements **[in**  
45 **order]** for collectors, transporters, and authorized recyclers **[to be**  
46 **eligible to receive funds from the department]**. Every collector,

1 transporter, and authorized recycler shall, at a minimum,  
2 demonstrate compliance with the United States Environmental  
3 Protection Agency's Plug-In to eCycling Guidelines for Materials  
4 Management as issued and available on the United States  
5 Environmental Protection Agency's Internet website in addition to  
6 any other requirements mandated by federal or State law. The  
7 department shall maintain an Internet website that shall include a  
8 list of collectors, transporters, and authorized recyclers that it has  
9 determined have met these performance requirements.  
10 (cf: P.L.2007, c.347, s.15)

11  
12 13. Section 16 of P.L.2007, c.347 (C.13:1E-99.109) is amended  
13 to read as follows:

14 16. On and after January 1, ~~2010~~ 2011, no person shall  
15 knowingly dispose of a used covered electronic device, or any of  
16 the components or subassemblies thereof, as solid waste.  
17 (cf: P.L.2007, c.347, s.16)

18  
19 14. Section 17 of P.L.2007, c.347 (C.13:1E-99.110) is amended  
20 to read as follows:

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

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

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

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

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

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

7         (2) ~~the application for compensation for the collection,~~  
8 ~~transportation, and recycling of covered electronic devices not~~  
9 ~~collected within the State, or region as provided in section 19 of this~~  
10 ~~act;~~

11         (3) ~~the use of a qualified collection program to recycle covered~~  
12 ~~electronic devices not discarded within the State, or region as~~  
13 ~~provided in section 19 of [this act] P.L.2007, c.347 (C.13:1E-~~  
14 ~~99.112);~~

15         (4) ~~(3) the knowing failure to report or accurately report any~~  
16 ~~data required to be reported to the department pursuant to this act;~~  
17 ~~and~~

18         (5) ~~(4) the non-payment of any fee required pursuant to this~~  
19 ~~act.~~

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

21  
22     15. Section 18 of P.L.2007, c.347 (C.13:1E-99.111) is amended  
23 to read as follows:

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

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

41     (a) The department shall exclude from the rules and regulations  
42 the sale of a new covered electronic device that contains a substance  
43 that is used to comply with the consumer, health, or safety  
44 requirements that are required by the Underwriters Laboratories or  
45 federal or State law.

46     (b) In adopting rules and regulations pursuant to this subsection,  
47 the department may not require the manufacture or sale of a new

1 covered electronic device that is different than, or otherwise not  
2 prohibited by, the European Union under Directive 2002/95/EC,  
3 adopted by the European Parliament and the Council of the  
4 European Union on January 27, 2003. The department shall use, in  
5 addition to any other information deemed relevant by the  
6 department, the published decisions of the Technical Adaptation  
7 Committee and European Union member states that interpret the  
8 requirements of Directive 2002/95/EC.

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

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

17  
18 16. Section 19 of P.L.2007, c.347 (C.13:1E-99.112) is amended  
19 to read as follows:

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

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

26  
27 17. Section 20 of P.L.2007, c.347 (C.13:1E-99.113) is amended  
28 to read as follows:

29 20. **[This act is]** The provisions of P.L.2007, c.347 (C.13:1E-  
30 99.94 et seq.) and section 3 of P.L. , c. (C. )(pending  
31 before the Legislature as this bill) are intended to govern all aspects  
32 of the collection and recycling of covered electronic devices as  
33 those terms are defined in [this act] section 2 of P.L.2007, c.347  
34 (C.13:1E-99.95). Upon a determination by the Department of  
35 Environmental Protection of an equivalent national program to  
36 collect or recycle covered electronic devices, the Commissioner of  
37 Environmental Protection shall notify, in writing, the Governor, the  
38 President of the Senate and the Speaker of the General Assembly,  
39 and the members of the Senate Environment Committee and the  
40 Assembly Environment and Solid Waste Committee, or their  
41 successors, of this determination.

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

45 The department shall provide notice in the New Jersey Register  
46 of any determination made pursuant to this section, and shall take  
47 any administrative action necessary in order to implement the

1 national program.  
2 (cf: P.L.2007, c.347, s.20)

3  
4 18. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended  
5 to read as follows:

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

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

20

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

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

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

34 (1) Designation of a district recycling coordinator;

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

39 (3) Designation of the strategy for the collection, marketing and  
40 disposition of designated source separated recyclable materials in  
41 each municipality;

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

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

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

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

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

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

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

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

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

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

44 For the purposes of this subsection, "television" and "covered  
45 electronic device," respectively, mean the same as those terms are  
46 defined in section 2 of P.L.2007, c.347 (C.13:1E-99.95). (Deleted  
47 by amendment, P.L. , c. )(pending in the Legislature as this bill)  
48 (cf: P.L.2007, c.347, s.22)

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

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

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

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

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

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

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

43       The revised master plan shall include provisions for the  
44 collection, disposition and recycling of recyclable materials  
45 designated in the municipal recycling ordinance adopted pursuant to  
46 subsection b. of this section, and for the collection, disposition and  
47 recycling of designated recyclable materials within any  
48 development proposal for the construction of 50 or more units of

1 single-family residential housing or 25 or more units of multi-  
2 family residential housing and any commercial or industrial  
3 development proposal for the utilization of 1,000 square feet or  
4 more of land.

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

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

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

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

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

37

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

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

45 22. The following are repealed:

46 Sections 4 and 5 of P.L.2007, c.347 (C.13:1E-99.97 and 13:1E-  
47 99.98);

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24

- 1 Section 14 of P.L.2007, c.347 (C.13:1E-99.107).
- 2
- 3 23. This act shall take effect immediately.