

L. LEGISLATIVE INITIATIVES AND REGULATORY REFORM

Contained in this Statewide Solid Waste Management Plan are numerous proposed initiatives which would require new legislation or amendments/modifications to existing legislation and regulations in order to implement. The following is a brief listing and synopsis of the legislative/regulatory proposals contained within this Statewide Solid Waste Management Plan. This listing does not prioritize the legislative proposals. More detailed discussions of each of these proposals can be found in the appropriate sections of the Plan.

Mercury Legislation

The Department, in an initiative designed to reduce the toxicity of materials entering the waste stream, has worked in conjunction with the Northeast Waste Management Officials' Association (NEWMOA) on the development of model legislation that would reduce or eliminate non-essential uses of mercury in household, institutional and industrial products and processes. The model legislation provides a comprehensive framework to help states develop more consistent approaches to managing mercury-containing wastes.

Modifications to the Toxic Packaging Reduction Act

The Toxic Packaging Reduction Act was adopted in 1991. This Act requires manufacturers of packaging and packaging materials to reduce the amounts of certain toxic substances added to packaging and packaging components. While this Act has been beneficial in the Department's reduction of toxic materials and source reduction efforts, amendments to the Act are needed to make it consistent with the updated and revised model legislation endorsed by the Council of State Governments.

Dedicated Funding Source for Recycling

As identified in Section B.2, the Department is recommending legislation that would provide for the State funding of recycling in New Jersey. There has been no dedicated source of funding for recycling in New Jersey since the expiration of the Recycling Tax in 1996. The recently enacted "Clean Communities and Recycling Grant Act" represents a significant step, since it includes some funding for recycling grants to municipalities and eligible counties; however, it does not fully address the funding needs of local recycling programs, nor does it provide any funding for a comprehensive state recycling program. The Department is supporting legislative efforts (A4075/S2615) that propose to levy a surcharge on all waste either originating in-state, regardless of where the waste may ultimately be disposed, and on waste originating out-of-state but either disposed in state, or transferred from in-state facilities for out-of-state disposal. The current drafts of

this proposal call for a surcharge of \$3.00 per ton, to be disbursed as follows: not less than 60% to municipalities (and eligible counties) as recycling performance grants; not less than 30% to be disbursed to counties, and not more than 10% for state administration, recycling promotion and market development activities.

Amendments to the Comprehensive Regulated Medical Waste Management Act

The Department will request that the Legislature amend the New Jersey Comprehensive Regulated Medical Waste Management Act (CRMWMA) for inclusion of agents used or intended for use in terroristic incidents, including related home self-care wastes not normally regulated under the present CRMWMA law. At present, the CRMWMA addresses both certain listed and characteristic medical wastes generated from the treatment, immunization or diagnosis of humans, certain research, biological production and animal wastes. Wastes contaminated with biological agents hazardous to human health outside medical or research arenas may not be covered by the CRMWMA. As an analogy, hazardous chemical wastes generated at site cleanups are managed under the authority of both State and Federal hazardous waste regulations based on the character of the waste not the source of waste generation, as is the case with medical wastes under the CRMWMA.

Air Emissions Legislation

Controlling air emissions should include controlling fine particle emissions from solid waste vehicles. The basic thrust of this program would require legislation to have solid waste fleet owners upgrade their vehicles by retrofitting necessary controls and developing a differential fee system that insures a level playing field. While new engine standards for on-road diesel-powered vehicles, effective 2007, have been developed nationally, it will be some time before new vehicles fully replace existing in-use ones, thus the need for an interim program.

Consumer Electronics Recycling

Legislation is recommended that would require manufacturers of consumer electronic equipment to develop and submit plans to the Department for the financing and implementation of collection and recycling programs of these products. The Department is supportive of the introduction of A3057/S1861, which would require, as currently written, each manufacturer of covered electronic equipment (generally, those items covered in the Department's Universal Waste regulations for electronics) to "prepare and submit an electronic waste management plan, in writing, to the Department for implementing a program for financing the environmentally-sound management of discarded and obsolete electronic equipment".

Updating the Statewide Solid Waste Management Plan

The Department is recommending expanding the timeframe for updating the Statewide Solid Waste Management Plan. Currently, the Department is required pursuant to

N.J.S.A. 13:1E-6, to update the Plan once every 2 years. This requirement has historically been unmet due to the procedural difficulties in updating the Plan. The Department is recommending expanding the timeframe for updating the Plan to once every 5 years.

Regulatory Reform

The solid waste regulations found at N.J.A.C. 7:26-1 et seq. will sunset in 2007. Many of these regulations have been in place for many years. The Department intends to analyze all of the solid waste regulations during the re-adoption process to find areas where regulatory reform may be appropriate. The Department will work with a variety of stakeholders during this process to determine the areas reform might be appropriate. As indicated in the solid waste utility section, that is an area that we have already targeted for reform, i.e. the planned alteration to how we deal with facility rate regulation. While the re-adoption is a regulatory process, we will also look at potential statutory reforms that would be appropriate given the state of solid waste management today.

Solid Waste Generator Regulations

The Department believes there is a need for development of solid waste generator regulations. Historically, the solid waste program has begun the process of regulating solid waste at the transporter and facility level, leaving the regulation of generators to the counties and municipalities. This results in inconsistent regulation among generators. The Department believes there is a need to hold some generators, particularly commercial entities, responsible for the solid waste they generate.

Compost Facility Design Requirements

The Department is considering changes to the recycling rules including a reduction in the 1,000-foot buffer requirement for the receipt and processing of grass clippings and food waste in outdoor operations where neighboring property owners agree to a lesser distance. Also being considered generally, is addition of flexibility in other design requirements. One example being considered, is the possibility of allowing environmental monitoring in lieu of strict adherence to the requirement for an impervious surface for the composting of vegetative food waste.

Management of Sharps/Needle Disposal

The Department supports the enactment of legislation that would assist in the management of the collection and disposal of sharps/needles from home health care or less legal uses. Unauthorized and/or illegal disposal of sharps/needles has resulted in beach wash-ups causing the closure of New Jersey beaches. Proposed legislation allowing needle exchanges would reduce the possibility of illegal disposal and resultant negative environmental effects.

