

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice!*

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## STATE HOUSE NEWS

*November 6, 2015*

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### FOOD COMPOSTING

On November 9<sup>th</sup>, NJAC is meeting with Assemblywoman Grace Spencer to discuss our concerns with **ASSEMBLY, NO. 4397** (*Spencer D-29*), which would require large volume generators of food waste to send their waste for disposal to a composting facility or food waste recycling facility under certain circumstances.

Although county governments across the State are committed to engaging in state of the art recycling and solid waste management activities, NJAC is concerned that mandating the source separation of food waste from other streams of waste under A-4397 would substantially increase capital improvement, operational, and collection costs for county recycling facilities. Moreover, county governments have already invested millions of taxpayer dollars on the development and implementation of comprehensive solid waste management plans that serve their communities well, and should retain the autonomy to manage food waste in a manner consistent with their respective solid waste management systems.

Importantly note that as of this writing, Burlington, Cape May, Cumberland, Mercer, Middlesex, Morris Ocean, Salem, and Somerset counties have adopted resolutions expressing their concerns with this legislation's potential impact on county recycling and solid waste operations. With this in mind, NJAC is meeting with the Assemblywoman to discuss potential amendments that would make the measure more practical for county governments that have committed substantial resources for carrying out cutting edge recycling and solid waste management activities. A-4397 is currently in the Assembly Solid Waste and Environment Committee of which Assemblywoman Spencer chairs. The Senate companion version **SENATE, NO. 2494** (*Lesniak D-20*) is currently in the Senate Environment and Energy Committee awaiting consideration.

## ELECTRONIC WASTE RECYCLING

On October 22<sup>nd</sup>, the full Senate approved the Senate Substitute for **SENATE, NO. 2973** (*Smith D-17/Bateman R-16*), which would make certain changes to the State's electronic waste recycling laws.

In summary, this legislation would make various changes to the State's electronic waste recycling laws as it would require each manufacturer of "covered electronic devices" to provide for the collection, transportation, and recycling of its market share in weight of all covered electronic devices collected in a program year. This requirement would replace the current law's mandate that each manufacturer provide for the collection, transportation, and recycling of its "return share in weight" as estimated by the Department of Environmental Protection (DEP).

The measure would further authorize DEP to adjust the market share in weight obligation based upon the total weight in pounds actually collected in each program year. The bill would change the definition of "consumer" to include State entities, school districts, and local government units; and, would include fax machines and printers in the definition of "covered electronic device." Additionally, the legislation would allow DEP to establish a statewide standard program to collect, transport, and recycle covered electronic devices.

The bill would also require each manufacturer to provide for the convenient collection of covered electronic devices, especially used televisions in densely populated areas. The bill would streamline the DEP's planning and reporting requirements by requiring an annual report with a complete listing of all collection locations for covered electronic devices including televisions, the parties that operate them, the amount of material by weight collected at each site, and a complete listing of all recyclers that recycle covered electronic devices, together with the amount of material by weight recycled annually.

The measure would require collection locations to report semiannually. The reports would include the total weight or volume of covered electronic devices collected, the date, time, and volume of covered electronic devices transported from the collection location, and the name and identifying information of the authorized recycler transporting the covered electronic devices. Every authorized recycler would be required to identify the address of each collection location, and the total weight of covered electronic devices delivered or collected from each collection location, the weight of each type of covered electronic device collected from each collection location, the address of any facility where covered electronic devices are handled, and the disposition of all components of covered electronic devices. Each manufacturer would be required to report

semi-annually its progress towards achieving its market share in weight obligation.

The bill would further allow DEP to assess a per pound fee of \$0.50 multiplied by a manufacturer's market share in weight obligation for a manufacturer that fails to collect, transport, and recycle covered electronic devices under the law. In addition, the bill would authorize DEP to recover the costs associated with covered electronic devices improperly abandoned, discarded, or otherwise disposed of on the land or waters of the State. Finally, the bill would establish the "Electronic Waste Management Fund" whereby all program revenues and penalties would be deposited in the fund for administration and enforcement and other costs of the program. NJAC supports this important and timely measure to assure that manufacturers continue providing free and convenient electronic waste recycling programs as recycling vendors are poised to cease operations in the State by the end of the year if the current process isn't modified, which would in turn force counties to either absorb electronic waste recycling costs or eliminate the popular programs entirely. S-2973 is currently on Second Reading in the Senate.

#### **WATER QUALITY MANAGEMENT PLANNING RULES (WQMP)**

The Department of Environmental Protection (DEP) is accepting public comments until December 18<sup>th</sup> on its proposed changes to the Water Quality Management Planning (WQMP) rules. The proposal is now available for review at <http://www.state.nj.us/dep/wrm/wqmprule.html> and the DEP's rule page at <http://www.nj.gov/dep/rules/notices.html>.

NJAC is in the process of reviewing the changes with the New Jersey County Planners Association as the rules would require local planning agencies to identify areas suitable for wastewater infrastructure based upon the ecological capacity of water bodies to accept future waste water and other environmental factors. The rules would also grant county and local planning agencies more flexibility in making land-use decisions and evaluating environmental impacts when mapping areas suitable for wastewater infrastructure. The DEP is concurrently proposing a related Capacity Assurance Program (CAP) rule to ensure that wastewater treatment systems avoid overloads that could result in discharges that don't meet water quality requirements. While the WQMP rule takes a longer-term look at future circumstances and development, the CAP rule focuses on the near-term implementation of capital improvements or other measures to handle today's flows.

DEP has been meeting with stakeholders since 2012 to identify and correct several issues with the existing Water Quality Management Planning Rule adopted in 2008. In summary, the proposed rules would: (1) Provide for comprehensive planning of water quality infrastructure to better protect the environment in the long term; (2) Limit where sewers can be located, thus allowing denser development only in those areas that are not environmentally sensitive and where it is consistent with local zoning; (3) Protect groundwater quality by setting goals for nitrate dilution from septic systems; (4) Allow counties and other planning entities more flexibility in preparing water quality plans; (5) Promote more cooperation between the DEP and counties in finding solutions to environmental issues; (6) Allow for the continuation of approvals of sewer service area amendments consistent with environmental standards and local planning objectives; (6) Defer to management plans for the Pinelands and Highlands concerning development decisions in those regions; and, (7) Enhance DEP's ability to resolve capacity issues at wastewater treatment plants.

County and local planning agencies will have one year following final adoption of the rules to approve wastewater management plans accordingly. At its discretion, DEP may choose to develop plans for any agencies that do not meet this deadline. Comments may be submitted to [www.nj.gov/dep/rules/comments](http://www.nj.gov/dep/rules/comments); and, counties are encouraged to participate in one of the three public hearings scheduled for later this month.

NOVEMBER 10<sup>TH</sup> 1:00 P.M. – 4:00 P.M.  
Freylinghuysen Arboretum  
Haggerty Room  
353 East Hanover Avenue  
Morris Township, NJ 07962

NOVEMBER 17<sup>TH</sup> 5:00 P.M. TO 8:00 P.M.  
Gloucester County Clayton Complex  
Clayton Auditorium  
1200 Delsea Drive  
Clayton, NJ 08312

NOVEMBER 30<sup>TH</sup> 10:00 A.M. TO 1:00 P.M.  
DEP Public Hearing Room  
401 East State Street  
Trenton, NJ 08625

## SCAAP FUNDING

NJAC recently sent New Jersey's congressional delegation a letter urging their support for H.R. 2578, which would provide critical funding for the State Criminal Alien Assistance Program (SCAAP).

In summary, SCAAP is a federal grant program that reimburses state and county governments across the country for the costs associated with incarcerating undocumented immigrants convicted of crimes. Although these costs continue to rise, SCAAP funding has been dramatically reduced by nearly 70% from a high of \$585.0 million in fiscal year 2000 to only \$185.0 million in fiscal year 2015. To compound matters, the number of jurisdictions applying for and receiving such grant monies has increased by more than 100% during this time. As has been well documented, county governments in New Jersey currently receive approximately \$6.5 million annually in SCAAP monies, and further reducing resources for this program would inequitably shift a federal obligation to local property taxpayers. Moreover, as county governments continue to struggle with a declining ratable base, unfunded mandates, and a restrictive 2% property tax levy cap, county officials will be forced to reduce or eliminate essential services in other critical areas to compensate for SCAAP reimbursement shortfalls.

## SECURITY RECORDINGS

NJAC is in the process of reviewing **ASSEMBLY, NO. 4393** (*Muoio D-15/Gusciora D-15*), which would require all State agencies and political subdivisions to provide law enforcement agencies with access to security recordings of the public exteriors of the government entities' premises. The Assembly Appropriations Committee will consider the measure at its meeting on November 9<sup>th</sup>.

Under the bill, the State or political subdivisions would be required to provide access to an exterior security camera upon the request of a law enforcement agency that has received a report of a crime and reasonably believes that the camera has recorded the alleged crime or circumstances surrounding the crime. Specifically, the State or political subdivision would be required to provide a recording spanning from one hour prior to the alleged time of commission of the crime to one hour following the time of commission of the crime. Access to the camera is to be provided by the close of the business day following the request, or sooner as required by the Attorney General. The bill would also require the Attorney General to set forth mandatory procedures to be followed by State agencies and political subdivisions of the State for the release of security recordings to law enforcement agencies.

## CONGRATULATIONS COUNTY ADMINISTRATOR PROGRAM GRADUATES

Congratulations to the 32 county officials that successfully completed the 2015 “New Jersey County Administrators Certificate Program,” a collaborative effort between NJAC and the Rutgers University Center for Government Services. County administrators, sheriffs, finance officers, jail wardens, clerks, purchasing officials, road supervisors, engineers, and more participated in this unique two day training program that covered critical topics such as public procurement, management challenges, fiscal operations and ethics. Special thanks to Kathi Cupano and Alan Zalkind with Rutgers for putting together an outstanding program.

## UPCOMING NJAC EVENTS

Don't miss NJAC's Summit on Bail Reform and Prisoner Re-entry scheduled for December 18<sup>th</sup> at the historic Trenton Country Club in Trenton. NJAC is pleased to report that the Administrative Office of the Courts (AOC) has agreed to provide a comprehensive overview of the new bail reform and speedy trial law. This important and timely overview by the State entity charged with implementing the new law will replace the panel discussion originally planned, but all other events scheduled for the day will remain the same. Please visit our website at [www.njac.org](http://www.njac.org) for additional details.

### SUMMIT ON BAIL REFORM AND PRISONER RE-ENTRY AGENDA SNAPSHOT *December 18<sup>th</sup> at the Trenton Country Club in Trenton*

- 9:00 a.m. NJAC Board of Directors Meeting
- 10:00 a.m. Opening Remarks
- 10:15 a.m. Bail Reform and Speedy Trial by the AOC
- 11:30 a.m. Successful Prisoner Re-entry Programs
- 12:30 p.m. Lunch
- 1:00 p.m. Keynote Speaker

## STATE HOUSE TRIVIA

*Did you know* that Veterans Day began as Armistice Day on November 11, 1919 on the first anniversary celebrating of the end of World War I; and, that in 1954, President Dwight D. Eisenhower signed legislation into law changing the name to Veterans Day to honor veterans of all American wars?

*“Neither a wise man nor a brave man lies down in the tracks of history to wait for the train of the future to run him over.” Henry Ford*