

[First Reprint]

**ASSEMBLY, No. 5813**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED DECEMBER 4, 2023

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

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**District 35 (Bergen and Passaic)**

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**SYNOPSIS**

Exempts electricity sold to certain recovered materials manufacturing facilities from renewable energy portfolio standards.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Telecommunications and Utilities Committee on December 11, 2023, with amendments.



**(Sponsorship Updated As Of: 12/21/2023)**

1 AN ACT concerning electricity sold to recovered materials  
2 manufacturing facilities, and amending P.L.2022, c.110.

3

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

6

7 1. Section 1 of P.L.2022, c.110 (C.48:3-87.14) is amended to read  
8 as follows:

9 1. a. As used in this section:

10 "Recovered materials" means the same as the term is defined <sup>1</sup>[at]  
11 in<sup>1</sup> 40 C.F.R. s.247.3.

12 "Recovered materials manufacturing facility" means a facility that:  
13 (1) received service under an electric public utility rate that applied  
14 only to the owner of the facility on January 1, 2004; (2) manufactures  
15 products made from recovered materials, provided, however, that not  
16 less than 50 percent of the content of such products produced in this  
17 State meet the definition of recovered materials; and (3) has in place a  
18 collective bargaining agreement.

19 "Recycled materials" means any item or commodity which is  
20 manufactured or produced in whole or in part from post-consumer  
21 waste material.

22 "Recycled materials manufacturing facility" means a facility that:  
23 (1) receives service under an electric public utility rate at or above 110  
24 kilovolts delivery; (2) manufactures products made from recycled  
25 materials, provided that not less than 90 percent of the content of such  
26 products manufactured in the State meet the definition of recycled  
27 materials; and (3) employs not less than 200 employees in the State.

28 b. (1) Notwithstanding the provisions of section 38 of P.L.1999,  
29 c.23 (C.48:3-87), or any rule, regulation, or board order adopted  
30 pursuant thereto, to the contrary, an electric power supplier or basic  
31 generation service provider shall be exempt from all renewable energy  
32 portfolio standards obligations, including Class I RECs, Class II RECs,  
33 SRECs, ORECs, or any other RECs, established pursuant to section 38  
34 of P.L.1999, c.23 (C.48:3-87) or any other subsequent law, and any  
35 rule, regulation, or board order adopted pursuant thereto, for all  
36 kilowatt hours of electricity supplied by such electric power supplier  
37 or basic generation service provider to a recycled materials  
38 manufacturing facility or recovered materials manufacturing facility.

39 A recycled materials manufacturing facility or recovered materials  
40 manufacturing facility shall not be required to pay any charges  
41 designed to offset any renewable energy portfolio standards obligation  
42 of its electric power supplier or basic generation service provider,  
43 including Class I RECs, Class II RECs, SRECs, ORECs, or any other  
44 RECS.

**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 ATU committee amendments adopted December 11, 2023.

1 (2) For each electric power supplier or basic generation service  
2 provider requesting the exemption established by paragraph (1) of this  
3 subsection, the kilowatt hours of electricity sold to recycled materials  
4 manufacturing facilities and recovered materials manufacturing  
5 facilities shall be subtracted from the total kilowatt hours of electricity  
6 supplied to all customers in the State by that electric power supplier or  
7 basic generation service provider during that energy year such that the  
8 reduced total retail sales number shall be used to calculate the  
9 renewable energy portfolio standards obligation for each energy year.

10 (3) Each recycled materials manufacturing facility and recovered  
11 materials manufacturing facility shall provide its electric power  
12 supplier or basic generation provider with (a) documentation  
13 establishing that it meets the definition of a recycled materials  
14 manufacturing facility or recovered materials manufacturing facility,  
15 as appropriate, and (b) a sworn affidavit which certifies the number of  
16 kilowatt hours of electricity that the electric power supplier or basic  
17 generation provider sold to that recycled materials manufacturing  
18 facility or recovered materials manufacturing facility, as appropriate  
19 during that energy year.

20 (4) At the end of each energy year, each electric power supplier or  
21 basic generation supplier shall (a) submit to the board the sworn  
22 affidavit received from each recycled materials manufacturing facility  
23 and recovered materials manufacturing facility pursuant to paragraph  
24 (3) of this subsection, and (b) provide this information on the Retail  
25 Sales Adjustment Form that every electric power supplier and basic  
26 generation provider is required to submit to the board at the end of  
27 each energy year.

28 (5) The provisions of this subsection shall apply to all electricity  
29 sold to recycled materials manufacturing facilities beginning on  
30 January 1, 2022.

31 (6) The provisions of this subsection shall apply to all electricity  
32 sold to recovered materials manufacturing facilities beginning on  
33 January 1, 2024.

34 (cf: P.L.2022, c.110, s.1)

35

36 2. This act shall take effect immediately.