

***Recycled or Recovered Material Manufacturing Facilities Certification Form
For the State of New Jersey***

INSTRUCTIONS

On January 8, 2024, the Governor signed into law an Act concerning electricity sold to recovered materials manufacturing facilities, and amending P.L.2022, c.110, N.J.S.A. 48:3-87.14. N.J.S.A. 48:3-87.14 had become law on September 15, 2022 supplementing P.L.1999, c.23 (C.48:3-49 et seq.).

As amended, N.J.S.A. 48:3-87.14 exempts electric power suppliers and basic generation services providers from “all current and future renewable energy portfolio standards, including Class I RECs, Class II RECs, SRECs, ORECs, or any other RECs, established pursuant to section 38 of P.L.1999, c.23 (C.48:3-87) or any other subsequent law, and any rule, regulation, or board order adopted pursuant thereto, for all kilowatt hours of electricity supplied by such electric power supplier or basic generation service provider to a recycled materials manufacturing or recovered material manufacturing facility.” N.J.S.A. 48:3-87.14(b)(1). The law also specifies that a recycled materials manufacturing facility or recovered material manufacturing facility is not “required to pay any charges designed to offset any renewable energy portfolio standards obligation of its electric power supplier or basic generation service provider, including Class I RECs, Class II RECs, SRECs, ORECs, or any other RECs.” Id. The provisions of the Act apply to “all electricity sold to recycled materials manufacturing facilities beginning on January 1, 2022” and all electricity sold to recovered materials manufacturing facilities beginning on January 1, 2024 N.J.S.A. 48:3-87.14(b)(5).

The law defines a “[r]ecycled materials manufacturing facility” as “a facility that: (1) receives service under an electric public utility rate at or above 110 kilovolts delivery; (2) manufactures products made from recycled materials, provided that not less than 90 percent of the content of such products manufactured in the State meet the definition of recycled materials; and (3) employs not less than 200 employees in the State.” N.J.S.A. 48:3-87.14(a). The law also defines “[r]ecycled materials” to mean “any item or commodity which is manufactured or produced in whole or in part from post-consumer waste material.” Id.

In addition, the law defines a “[r]ecovered materials manufacturing facility” as a facility that: (1) received service under an electric public utility rate that applied only to the owner of the facility on January 1, 2024; (2) manufactures products made from recovered materials, provided, however, that not less than 50 percent of the content of such products produced in this State meet the definition of recovered materials; and (3) has in place a collective bargaining agreement.”

The law also requires each electric power supplier or basic generation supplier to submit to the New Jersey Board of Public Utilities, at the end of each energy year, a “sworn affidavit received from each recycled materials manufacturing or recovered materials

manufacturing facility” which “certifies the number of kilowatt hours of electricity that the electric power supplier or basic generation provider sold to that recycled materials manufacturing facility or recovered materials manufacturing facility during that energy year.” N.J.S.A. 48:3-87.14(b)(3) to (4). Each electric power supplier or basic generation supplier is also required to “provide this information on the Retail Sales Adjustment Form that every electric power supplier and basic generation provider is required to submit to the board at the end of each energy year.” N.J.S.A. 48:3-87.14(b)(4).

The Affidavit form that must be used to show compliance with these requirements is provided on the following page.

Recycled or Recovered Materials Manufacturing Facility Certification Form

Energy year: From _____ **to** _____

Name of Facility: _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____

Contact person: _____

Telephone Number: _____

E-Mail Address: _____

I, _____ (print name), hold the position of _____ (position held) at the Recycled Materials Manufacturing Facility referenced above (the “Facility”).

☐ **I certify that this Facility: (1) receives service under an electric public utility rate at or above 110 kilovolts delivery; (2) manufactures products made from recycled materials, and not less than 90 percent of the content of said products manufactured in the State meet the definition of “recycled materials” as used in the Act; and (3) employs not less than 200 employees in this State.**

OR

I, _____ (print name), hold the position of _____ (position held) at the Recovered Materials Manufacturing Facility referenced above (the “Facility”).

☐ **I certify that this Facility: (1) received service under an electric public utility rate that applied only to the owner of the facility on January 1, 2024; (2) manufactures products made from recovered materials, provided, however, that not less than 50 percent of the content of such products produced in this State meet the definition of recovered materials; and (3) has in place a collective bargaining agreement.”**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this affidavit and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information:

I certify that the electric power supplier and/or basic generation provider sold _____ kilowatt hours of electricity to the Facility during the energy year _____.

I certify under penalty of law the submitted information is true, accurate, and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate, or incomplete information, including the possibility of fine and/or imprisonment.

_____ **Date:** _____

(Signature)