

CHAPTER 193

AN ACT concerning food waste generated by schools and supplementing Title 13 of the Revised Statutes.

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

C.13:1E-99.115a Schools, delivery, process, compostable, anaerobically digestible food waste, parameters; Department of Environmental Protection, guidance, rules, regulations.

1. a. Except as provided in subsection d. of this section, notwithstanding the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), the "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et seq.), or rule or regulation adopted pursuant thereto, or a district solid waste management plan adopted pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) to the contrary, a school may deliver, or provide for the delivery of, compostable or anaerobically digestible food waste generated by the school to another school in the State, and a school in the State may accept and process compostable or anaerobically digestible food waste, provided that the receiving school:

- (1) accepts the food waste;
- (2) composts the food waste using an on-site, in-vessel composting system or digests the food waste using an on-site anaerobic digestion system;
- (3) does not accept food waste in excess of the capacity of its in-vessel composting system or anaerobic digestion system; and
- (4) notifies the Department of Environmental Protection and applicable local government entities of its intent to begin accepting food waste from another school via a form provided by the department.

b. A school that receives food waste pursuant to subsection a. of this section shall not be required by the Department of Environmental Protection to obtain a permit, approval, or other authorization issued by the department pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) or the "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et al.), or any rules or regulations adopted pursuant thereto, in connection with the receipt of the food waste or the processing of food waste generated on-site.

c. Notwithstanding the provisions of any State law or rule or regulation adopted pursuant thereto, a school that composts food waste generated on-site or received pursuant to subsection a. of this section using an on-site, in-vessel composting system, or digests such food waste using an on-site anaerobic digestion system, shall not be subject to any fees to obtain any permits required for such an on-site, in-vessel composting system or anaerobic digestion system pursuant to the "Air Pollution Control Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), any other State law, or any rule or regulation adopted pursuant thereto.

d. The provisions of this section shall not apply to a school that is subject to the provisions of P.L.2020, c.24 (C.13:1E-99.122 et al.). A school that is subject to the provisions of P.L.2020, c.24 (C.13:1E-99.122 et al.) shall dispose of its food waste in accordance with that law.

e. In order to ensure that a school's composting or anaerobic digestion of food waste is conducted in a manner that avoids public health and environmental impacts, the Department of Environmental Protection shall issue guidance for school composting and anaerobic digestion systems addressing odor control, vessel siting, operational standards, and record keeping. The Department of Environmental Protection may promulgate such rules and regulations as are necessary to implement the requirements of P.L.2023, c.193 (C.13:1E-99.115a).

f. As used in this section:

“Anaerobically digestible” means capable of undergoing anaerobic biological decomposition such that the material breaks down into a slurry fraction of digestate and a gaseous fraction of biogas.

“Anaerobic digestion system” means a system of anaerobically digesting anaerobically digestible waste in which the waste is entirely enclosed, except for ventilation ducts or other means of ventilation, such that the material breaks down into, or otherwise becomes part of, liquid and solid digestate in addition to biogas.

“Compostable” means capable of undergoing aerobic biological decomposition such that the material breaks down into, or otherwise become part of, usable compost in a safe and timely manner.

“In-vessel composting system” means a system of composting compostable waste in which the waste is entirely enclosed, except for ventilation ducts or other means of ventilation, within a building, container, or other vessel.

“School” means a public or nonpublic elementary or secondary school offering education in grades K through 12, or any combination thereof, at which a child may legally fulfill compulsory school attendance requirements.

2. This act shall take effect immediately.

Approved December 21, 2023.