

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2371

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2020

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 2371.

This bill would require certain generators of solid waste to separate and recycle food waste, and amend the definition of “Class I renewable energy.”

Specifically, beginning one year after the effective date of the bill, every large food waste generator that is located within 25 road miles of an authorized food waste recycling facility and that generates an average projected volume of 52 or more tons per year of food waste within 25 road miles of an authorized food waste recycling facility would be required to: (1) source separate its food waste from other solid waste; and (2) send that source separated food waste to an authorized food waste recycling facility that has available capacity and will accept it.

Under the bill, if a large food waste generator is not located within 25 road miles of an authorized food waste recycling facility, or the facility will not accept the generator’s food waste, the generator may send the food waste for final disposal at a solid waste facility as provided in the approved district solid waste management plan for the solid waste management district in which the generator is located. In addition, a large food waste generator would be deemed in compliance with the bill if the generator: (1) performs enclosed on-site composting, or anaerobic or aerobic digestion of its source separated food waste in accordance with standards adopted by the department; or (2) recycles food waste using an alternative authorized food waste recycling method.

The bill would authorize a large food waste generator to petition the Department of Environmental Protection (DEP) for a waiver of the recycling requirement if the cost of transporting the food waste plus the fee charged by an authorized food waste recycling facility located within 25 road miles of the large food waste generator is at least 10 percent more than the cost of transporting the food waste for disposal as solid waste plus the disposal fee charged for solid waste disposal in the State for noncontract commercial waste by a properly licensed

transfer station, sanitary landfill facility, incinerator, or resource recovery facility located within 25 road miles of the large food waste generator. The bill would require that any authorized food waste recycling facility located within 25 road miles of the large food waste generator seeking the waiver be given notice of the petition and an opportunity to participate in the proceeding before the DEP.

Any person who violates the provisions in the bill would be subject to a civil penalty of \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third and subsequent offenses. If the violation is of a continuing nature, each day during which the violation continues would constitute a separate offense.

The DEP would be required to adopt regulations to implement the bill, including: (1) record keeping and reporting requirements for large food waste generators and authorized food waste recycling facilities; (2) guidelines and procedures for businesses to follow to determine whether they are subject to the requirements of the bill, including food waste generation estimates and food waste audits or assessments; (3) a list of food waste products that must be source separated and recycled; (4) standards for the enclosed on-site composting, or anaerobic or aerobic digestion of source separated food waste, including requirements for energy production and other sustainable uses of the byproducts of recycled food waste; and (5) a list of actions businesses may take to reduce the amount of food waste they generate to a level below the threshold amount established in the bill. The DEP would publish on its Internet website the name, location, and contact information for each authorized food waste recycling facility in the State.

Under the bill, any municipality within which an authorized food waste recycling facility is located, pursuant to an adopted district solid waste management plan approved after the effective date of the bill would be entitled to an economic benefit.

The bill would also establish the Food Waste Recycling Market Development Council. The bill would require State departments and agencies to use, where technically feasible, environmentally sound, and competitively priced, compost, mulch, or other soil amendments produced from municipal solid waste, food waste, sludge, yard waste, clean wood waste, or other similar materials that the supplier has certified comply with applicable project standards and specifications.

Finally, the bill would amend the definition of “Class I renewable energy” to include electric energy produced from methane gas from a composting or anaerobic or aerobic digestion facility that converts food waste or other organic waste to energy.

COMMITTEE AMENDMENTS:

The committee amendments update the date in section 3 of the bill referring to the calendar year 2019 to instead refer to calendar year 2021.