# SENATE, No. 3516

# STATE OF NEW JERSEY

## 219th LEGISLATURE

INTRODUCED MARCH 9, 2021

**Sponsored by:**
**Senator PAUL A. SARLO**
**District 36 (Bergen and Passaic)**
**Senator ROBERT W. SINGER**
**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**
**Senator Oroho**

**SYNOPSIS**

Authorizes certain large food waste generators to send food waste to sanitary landfill facilities for purpose of generating Class I renewable energy.

**CURRENT VERSION OF TEXT**

As introduced.

**(Sponsorship Updated As Of: 3/25/2021)**

**AN ACT** concerning the delivery of food waste to sanitary landfill facilities and amending P.L.2020, c.24.

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

1. Section 2 of P.L.2020, c.24 (C.13:1E-99.123) is amended to read as follows:

2. a. Beginning 18 months after the effective date of P.L.2020, c.24 (C.13:1E-99.122 et al.), each large food waste generator, for each individual establishment or location owned or operated by the large food waste generator that is located within 25 road miles of an authorized food waste recycling facility and 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, shall:

(1) source separate its food waste from other solid waste; and

(2) send the source separated food waste to an authorized food waste recycling facility that has available capacity and will accept it.

b. Notwithstanding the provisions of subsection a. of this section:

(1) If a large food waste generator is not located within 25 road miles of an authorized food waste recycling facility, or the authorized food waste recycling facility will not accept the generator's food waste, the large food waste 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;

(2) Any large food waste generator that is obligated to source separate and recycle its food waste pursuant to subsection a. of this section shall be deemed to be in compliance with the provisions of this section if the large food waste generator:

(a) performs enclosed on-site composting, or anaerobic or aerobic digestion of its source separated food waste in accordance with standards adopted by the department pursuant to subsection d. of this section, **[**or**]**

(b) recycles food waste using an alternative authorized food waste recycling method , or

(c) as of the effective date of P.L.2020, c.24 (C.13:1E-99.122 et al.), sends its food waste for final disposal to a sanitary landfill facility that collects and delivers landfill gas to a gas-to-energy facility as fuel for the generation of Class I renewable energy, and only so long as the large food waste generator continues to dispose of its food waste in this manner; and

**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.**

(3) A large food waste generator may petition the Department of Environmental Protection for a waiver of the requirements in subsection a. of this section 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 provided that any authorized food waste recycling facility located within 25 road miles of the large food waste generator seeking the waiver must be given notice of the petition and an opportunity to participate in the proceeding before the department.

c. Any person who violates P.L.2020, c.24 (C.13:1E-99.122 et al.), or any rule or regulation adopted pursuant thereto, shall be subject to a civil penalty of $250 for the first offense, $500 for the second offense, and $1,000 for the third and each subsequent offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense. The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in connection with this subsection.

d. The Department of Environmental Protection shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement this section, including, but not limited to:

(1) record keeping and reporting requirements for large food waste generators and authorized food waste recycling facilities, as determined necessary by the department;

(2) guidelines and procedures for businesses to follow to determine whether they are subject to the requirements of this section, 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 pursuant to this section;

(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;

(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 subsection a. of this section; and

(6) procedures for a large food waste generator to follow when petitioning the department for a waiver pursuant to paragraph (3) of subsection b. of this section.

e. The department shall publish on its Internet website the name, location, and contact information for each authorized food waste recycling facility in the State.

(cf: P.L.2020, c.24, s.2)

2. This act shall take effect immediately.

STATEMENT

This bill would authorize certain large food waste generators to send their food waste to sanitary landfill facilities for the purpose of generating Class I renewable energy.

Under current law, beginning in October 2021, large food waste generators will be required to source separate their food waste and send the food waste to an authorized food waste recycling facility, with certain exceptions. This bill provides that a large food waste generator is deemed to be in compliance with the provisions of P.L.2020, c.24 if, as of the effective date of that law, April 14, 2020, the large food waste generator sent its food waste for final disposal to a sanitary landfill facility that collects and delivers landfill gas to a gas-to-energy facility as fuel for the generation of Class I renewable energy. The exemption would apply only so long as the large food waste generator continues to dispose of its food waste in this manner. Under section 3 of P.L.1999, c.23 (C.48:3-51), "Class I renewable energy" is defined to include electric energy produced from methane gas from landfills.