

# SENATE, No. 997

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Establishes grant program in DEP to provide financial assistance to municipalities for infrastructure and other physical upgrades to certain municipally owned sanitary landfill facilities closed before June 1987; appropriates \$10 million.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S997 GREENSTEIN

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1 AN ACT establishing a grant program in Department of  
2 Environmental Protection to finance upgrades to certain  
3 municipally owned sanitary landfill facilities, supplementing  
4 Title 13 of the Revised Statutes, and making an appropriation.

5

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

8

9 1. As used in this act:

10 “Commissioner” means the Commissioner of Environmental  
11 Protection.

12 “Department” means the Department of Environmental  
13 Protection.

14 “Grant program” or “program” means the “Municipal Landfill  
15 Upgrading and Infrastructure Improvement Grant Program,”  
16 established pursuant to section 2 of this act.

17 “Improperly closed sanitary landfill facility” or “improperly  
18 closed” means a sanitary landfill facility, or a portion of a sanitary  
19 landfill facility, at which operations were terminated prior to June  
20 1, 1987 and for which performance is not complete with respect to  
21 all activities associated with the design, installation, purchase, or  
22 construction of structures or equipment, or with respect to the  
23 implementation of other appropriate measures, as may be required  
24 by the department, pursuant to law, for proper facility closure,  
25 including, but not limited to, activities involving the placement or  
26 installation of earthen or vegetative cover, methane gas vents,  
27 methane gas monitors, air pollution control devices, and leachate  
28 monitoring wells or collection systems.

29 “Municipal landfill upgrading and infrastructure costs” or  
30 “costs” means the financial costs incurred by a municipality in  
31 association with its implementation and ongoing maintenance and  
32 management of infrastructure improvements and other physical  
33 upgrades to a municipally owned and improperly closed sanitary  
34 landfill facility.

35 “Sanitary landfill facility” means the same as that term is defined  
36 in section 3 of P.L.1970, c.39 (C.13:1E-3).

37

38 2. a. The “Municipal Landfill Upgrading and Infrastructure  
39 Improvement Grant Program” is established in the Department of  
40 Environmental Protection to provide financial assistance to pay  
41 municipal landfill upgrading and infrastructure costs incurred by a  
42 municipality, which costs are necessary to ensure that the  
43 municipality:

44 (1) comports with the department’s standards and regulations  
45 concerning the proper closure, capping, and post-closure care of  
46 sanitary landfill facilities; and

- 1 (2) has the capacity to effectively prevent, minimize, eliminate,  
2 or monitor pollution and other health hazards resulting from a  
3 municipally owned and improperly closed sanitary landfill facility.
- 4 b. Any municipality that owns an improperly closed sanitary  
5 landfill facility shall be eligible to apply for a grant under the  
6 program.
- 7 c. An eligible municipality seeking to obtain a program grant  
8 shall submit an application therefor, in a form and manner  
9 prescribed by the commissioner. The grant application shall  
10 include the following information:
- 11 (1) a certification stating that the sanitary landfill facility, which  
12 is the subject of the grant application, is owned by the municipality  
13 and was improperly closed prior to June 1, 1987;
- 14 (2) a statement indicating the total amount of funding that is  
15 being sought under the grant program;
- 16 (3) a list of other financial resources, including federal financial  
17 assistance, that may be available to finance the municipal landfill  
18 upgrading and infrastructure costs;
- 19 (4) a description of the specific project or projects for which  
20 grant funding is being sought, including: the type of infrastructure  
21 improvement or other physical upgrade being proposed; the reason  
22 why such infrastructure improvement or other physical upgrade is  
23 necessary; the environmental and health-related impacts that are  
24 expected to result from the improvement or upgrade; the total  
25 anticipated costs of the project, including the total anticipated  
26 expenses associated with the municipality's ongoing maintenance  
27 and management of completed project components; the permits and  
28 approvals that will required for project commencement; and the  
29 anticipated dates on which the project will be commenced and  
30 completed; and
- 31 (5) any other information required by the commissioner.
- 32 d. A grant awarded under the program shall be used only to  
33 finance those municipal landfill upgrading and infrastructure costs  
34 that are directly incurred and paid by the municipality. In any case  
35 where a federal agency is financing a portion of the municipal  
36 landfill upgrading and infrastructure costs, the total costs used to  
37 determine the amount of the grant to be awarded under the program  
38 shall be reduced by the amount of the federal contribution.
- 39 e. Within 180 days after the effective date of this act, the  
40 commissioner shall develop a project priority system, which shall  
41 identify the ranking criteria and funding policies that will be used  
42 by the department to prioritize projects for grant awards under the  
43 program. At a minimum, the project priority system shall provide  
44 for the prioritization of those projects that will have the most  
45 significant impacts with respect to enabling the ongoing municipal  
46 prevention, reduction, elimination, or monitoring of pollution and  
47 other health hazards resulting from an improperly closed sanitary  
48 landfill facility.

1 f. Each municipality receiving a grant award under the  
2 program shall submit to the department, on an annual or more  
3 frequent basis, as required by the commissioner, a grant fund  
4 expenditures report that describes how the awarded grant funds are  
5 being used by the municipality. Each report shall be submitted in a  
6 form and manner prescribed by the commissioner.

7 g. The commissioner shall annually submit a written report to  
8 the Governor, and, pursuant to section 2 of P.L.1991, c.164  
9 (C.52:14-19.1), to the Legislature, on the implementation and  
10 effectiveness of the grant program. The annual report shall, at a  
11 minimum:

12 (1) identify the total number and dollar amount of grant awards  
13 issued during the current reporting period, the total number and  
14 dollar amount of grant awards issued, to date, since the program  
15 was commenced, and the total number of funded projects that have  
16 been completed;

17 (2) for those projects that received a grant during the current  
18 reporting period, indicate the purpose for which each grant was  
19 awarded, and describe the anticipated or actual environmental and  
20 health-related impacts associated with the grant award;

21 (3) indicate the amount of appropriated funds that remain  
22 available to finance future grant awards under the program; and

23 (4) evaluate whether, and the extent to which, the grant program  
24 has been successful in facilitating municipal compliance with  
25 department standards and regulations governing the proper closure,  
26 capping, and post-closure care of sanitary landfill facilities, and  
27 whether, and the extent to which, grant-funded projects have  
28 succeeded in enabling the more effective municipal prevention,  
29 minimization, elimination, or monitoring of pollution and other  
30 health hazards resulting from these facilities.

31  
32 3. a. The commissioner shall adopt rules and regulations,  
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.), as may be necessary to implement the  
35 provisions of this act.

36 b. The rules and regulations shall identify, at a minimum:

37 (1) the procedures to be used by municipalities when submitting  
38 grant applications;

39 (2) the standards to be used by the department when evaluating  
40 grant applications and when awarding program grants in accordance  
41 with the priority system developed pursuant to subsection e. of  
42 section 2 of this act;

43 (3) any limitations, restrictions, or other requirements  
44 concerning the use of grant funds awarded under the program; and

45 (4) the requisite content of the grant fund expenditures reports  
46 that are to be submitted by grant recipients, pursuant to subsection  
47 f. of section 2 of this act, and the requisite timeframes for  
48 submission of the reports.

1 4. There is appropriated, from the General Fund to the  
2 Department of Environmental Protection, the sum of \$10,000,000  
3 for the purposes of financing grants to municipalities, as provided  
4 by this act.

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6 5. This act shall take effect immediately.

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STATEMENT

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11 This bill would establish, in the Department of Environmental  
12 Protection (DEP), a “Municipal Landfill Upgrading and  
13 Infrastructure Improvement Grant Program.” The program would  
14 provide financial assistance to pay municipal landfill upgrading and  
15 infrastructure costs – i.e., those financial costs that are incurred by a  
16 municipality in association with its implementation and ongoing  
17 maintenance and management of infrastructure improvements and  
18 other physical upgrades to a municipally owned and improperly  
19 closed sanitary landfill facility – which costs are necessary to  
20 ensure that the municipality: (1) comports with the DEP’s  
21 standards and regulations concerning the proper closure, capping,  
22 and post-closure care of sanitary landfill facilities, which were  
23 initially adopted on June 1, 1987; and (2) has the capacity to  
24 effectively prevent, minimize, eliminate, or monitor pollution and  
25 other health hazards resulting from the improperly closed sanitary  
26 landfill facility.

27 A municipality that owns an improperly closed sanitary landfill  
28 facility would be eligible to apply for a grant under the program.  
29 The bill defines an “improperly closed sanitary landfill facility” to  
30 mean a sanitary landfill facility, or a portion of a sanitary landfill  
31 facility, at which operations were terminated prior to June 1, 1987  
32 and for which performance is not complete with respect to all  
33 activities associated with the design, installation, purchase, or  
34 construction of structures or equipment, or with respect to the  
35 implementation of other appropriate measures, as may be required  
36 by the DEP, pursuant to law, for proper facility closure, including,  
37 but not limited to, activities involving the placement or installation  
38 of earthen or vegetative cover, methane gas vents, methane gas  
39 monitors, air pollution control devices, and leachate monitoring  
40 wells or collection systems.

41 In addition to any other information that may be required by the  
42 DEP commissioner, an application for a program grant submitted by  
43 an eligible municipality under the bill would need to include: (1) a  
44 certification stating that the sanitary landfill facility, which is the  
45 subject of the grant application, is owned by the municipality and  
46 was improperly closed prior to June 1, 1987; (2) a statement  
47 indicating the total amount of grant funding that is being sought  
48 pursuant to the bill; (3) a list of any other financial resources,

1 including federal financial assistance, that may be available to  
2 finance the municipal landfill upgrading and infrastructure costs;  
3 and (4) a description of the specific project or projects for which  
4 grant funding is being sought. The project description is to  
5 identify: the type of infrastructure improvement or other physical  
6 upgrade being proposed; the reason why the infrastructure  
7 improvement or other physical upgrade is necessary; the  
8 environmental impacts that are expected to result from the  
9 improvement or upgrade; the total anticipated costs of the project,  
10 including the total anticipated expenses associated with the  
11 municipality's ongoing maintenance and management of completed  
12 project components; the permits and approvals that will be required  
13 for project commencement; and the anticipated dates on which the  
14 project will be commenced and completed.

15 A grant awarded under the program may be used to finance only  
16 those municipal landfill upgrading and infrastructure costs that are  
17 directly incurred by a municipality. In any case where a federal  
18 agency is financing a portion of the municipal landfill upgrading  
19 and infrastructure costs, the total costs used in determining the  
20 amount of the grant to be awarded under the grant program would  
21 be reduced by the amount of the federal contribution.

22 The bill requires the DEP commissioner, within 180 days after  
23 the bill's effective date, to develop a project priority system that  
24 identifies the ranking criteria and funding policies to be used by the  
25 DEP when prioritizing projects for grant awards under the program.  
26 At a minimum, the project priority system is to provide for the  
27 prioritization of those projects that will have the most significant  
28 impacts with respect to enabling the ongoing municipal prevention,  
29 reduction, elimination, or monitoring of pollution and other health  
30 hazards resulting from an improperly closed sanitary landfill  
31 facility.

32 Each municipality receiving a grant award under the program  
33 would be required to regularly submit to the DEP, a grant fund  
34 expenditures report that describes how the awarded grant funds are  
35 being used by the municipality. The commissioner would be  
36 required to adopt rules and regulations that, among other things,  
37 specify the requisite content of these expenditure reports. The bill  
38 also requires the DEP commissioner to annually submit, to the  
39 Governor and the Legislature, a written report on the  
40 implementation and effectiveness of the grant program, which is to  
41 include, among other things, an accounting of the appropriated  
42 funds that remain available for future project grants.

43 The bill would appropriate \$10 million from the General Fund to  
44 the DEP for the purposes of financing grants under the program.