

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 519

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED JUNE 4, 1998

Sponsored by:

Assemblyman JOHN E. ROONEY

District 39 (Bergen)

Co-Sponsored by:

Assemblywomen Crecco and Myers

SYNOPSIS

Creates debt retirement fund to subsidize recovery of stranded solid waste facility debt.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Solid and Hazardous Waste Committee.



(Sponsorship Updated As Of: 5/4/1999)

1 AN ACT concerning solid waste disposal, and amending and
2 supplementing parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) Sections 1 through 11 inclusive of P.L. , c.
8 (C.13:1E-208 through 13:1E-218)(pending in the Legislature as this
9 bill) shall be known and may be cited as the "Solid Waste Facility Debt
10 Retirement Act."

11
12 2. (New section) The Legislature finds and declares that in
13 response to the need to protect and enhance the quality of the State's
14 environment, and to provide for the environmentally-sound and proper
15 collection, recycling and disposal of solid waste, the Legislature made
16 a determination over a quarter-century ago that these goals would be
17 best achieved through the development of a comprehensive Statewide
18 solid waste management strategy; that in furtherance of these
19 environmental goals and policies, and to provide for a regulatory
20 framework for the implementation thereof on a Statewide basis, the
21 Legislature enacted the "Solid Waste Management Act," P.L.1970,
22 c.39 (C.13:1E-1 et seq.), which designated every county and the
23 Hackensack Meadowlands District as a solid waste management
24 district for planning and implementation purposes and required each
25 county, or a public authority designated by the governing body of the
26 county, to develop, adopt and implement a district solid waste
27 management plan for the collection, disposal or recycling of solid
28 waste generated within its geographic boundaries.

29 The Legislature further finds and declares that in furtherance of
30 this State mandate, each county or public authority designated by the
31 county as responsible for solid waste management adopted a district
32 solid waste management plan which provided for designation of
33 specific solid waste facilities for the processing or disposal of the
34 district's solid waste; that the counties or their designated public
35 authorities entered into contracts, acquired real and personal property,
36 incurred administrative and other operating expenses, and issued debt
37 obligations to provide for these facilities, for the development of
38 district solid waste management plans and for the enforcement of
39 waste flow orders; that the rates, fees or charges paid by municipalities
40 and commercial generators of solid waste included a component to
41 allow for the recovery of the costs necessary to secure these capital-
42 intensive facilities; and that the Department of Environmental
43 Protection issued waste flow orders which required all constituent

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.

1 municipalities and local haulers to use the designated in-county solid
2 waste facilities for solid waste processing or disposal and which
3 effectively limited the short-term and virtually prohibited the long-term
4 use of out-of-state facilities.

5 The Legislature further finds and declares that while the
6 development of a comprehensive Statewide solid waste management
7 planning and implementation system as embodied in the "Solid Waste
8 Management Act" has ensured the availability of long-term disposal
9 capacity for most solid waste generated in this State, the system has
10 also resulted in the monopolization of waste processing and disposal
11 services by each county or public authority and has led to rates, fees
12 or charges for solid waste disposal that are among the highest in the
13 nation.

14 The Legislature further finds and declares that ability of each
15 county or public authority to fulfill its lawful responsibilities with
16 respect to district solid waste management plan implementation,
17 including the ability to raise revenues sufficient to provide funds for
18 payment of the costs of developing self-sufficient solid waste
19 management systems, had been predicated on its legal authority to
20 direct the flow of solid waste generated within the geographic
21 boundaries of the county to designated solid waste facilities, thereby
22 ensuring the economic viability of these facilities; and that waste flow
23 control by counties and public authorities had been supported by
24 statute, rules and regulations adopted by the Department of
25 Environmental Protection and franchises awarded by the Board of
26 Public Utilities, and was upheld in 1988 as a valid exercise of State
27 power by the federal courts in J. Filberto Sanitation, Inc. v. New
28 Jersey Dept. of Env'tl. Protection.

29 The Legislature further finds and declares that in the case of C &
30 A Carbone, Inc. v. Town of Clarkstown, N.Y., the U.S. Supreme Court
31 held on May 16, 1994 that the challenged ordinance, which mandated
32 that haulers use the facility designated by the town for solid waste
33 processing and disposal, impermissibly discriminated against interstate
34 commerce in violation of the U.S. Constitution; that the holding in
35 Carbone was subsequently interpreted by the appellate court in
36 Atlantic Coast Demolition & Recycling, Inc., et al. v. Board of Chosen
37 Freeholders of Atlantic County et al. to require reversal of the prior
38 ruling in J. Filberto Sanitation; on July 15, 1996, the U.S. District
39 Court for the district of New Jersey in its Atlantic Coast decision
40 invalidated New Jersey's waste flow rules to the extent that they
41 discriminate against interstate commerce; that on May 1, 1997, the
42 U.S. Court of Appeals in its second Atlantic Coast decision affirmed
43 the district court's findings that New Jersey's waste flow laws, rules
44 and regulations are unconstitutional insofar as they discriminate
45 against out-of-state solid waste facilities and reversed the two year
46 stay granted by Judge Irenas; that the State of New Jersey filed a

1 petition for certiorari to the U.S. Supreme Court on September 4,
2 1997; and that on November 10, 1997, the U.S. Supreme Court denied
3 the State's petition for certiorari in Atlantic Coast, thereby requiring
4 the State, the counties, public authorities and municipalities to
5 implement a constitutionally acceptable system for solid waste
6 management.

7 The Legislature further finds that in the Waste Management of
8 Pennsylvania, Inc. v. Shinn decision, the U.S. District Court for the
9 district of New Jersey determined on September 27, 1996 that the self-
10 sufficiency goals used by the Department of Environmental Protection
11 in the evaluation of contracts for long-term disposal of the State's solid
12 waste impermissibly discriminated against interstate commerce in
13 violation of the U.S. Constitution.

14 The Legislature further finds and declares that the counties and
15 public authorities must be able, under all circumstances, to secure
16 revenues sufficient to recover the stranded solid waste facility debt
17 incurred in constructing and operating State-mandated solid waste
18 disposal facilities, including sanitary landfills, transfer stations and
19 solid waste incinerators; and that the State is obligated to provide
20 financial assistance to counties and public authorities in the recovery
21 of these stranded costs as well as with the fiscally sound retirement of
22 solid waste facility debt.

23 The Legislature therefore determines that it is the public policy of
24 the State of New Jersey that the recovery of stranded solid waste
25 facility debt and the retirement of outstanding solid waste facility debt
26 incurred by counties, public authorities and qualified vendors in the
27 construction and operation of county solid waste facilities required
28 pursuant to the provisions of the "Solid Waste Management Act,"
29 P.L.1939, c.39 (C.13:1E-1 et seq.) shall be considered the obligation
30 of the State of New Jersey; and that the State's current solid waste
31 regulatory framework shall be revised to provide for a free market and
32 open competition for solid waste disposal services as required by the
33 court decisions; and that it is necessary to revise the solid waste
34 management statutes to reflect these changes.

35
36 3. (New section) As used in sections 1 through 11 inclusive of
37 P.L. , c. (C.13:1E-208 through 13:1E-218)(pending in the
38 Legislature as this bill):

39 "Business concern" means any corporation, association, firm,
40 partnership, sole proprietorship, trust or other form of commercial
41 organization.

42 "County solid waste facility" means a solid waste facility that is
43 designated by a public authority or county in its adopted district solid
44 waste management plan as approved by the department prior to
45 November 10, 1997 as the in-county facility to which solid waste
46 generated within the boundaries of the county is transported for final

1 disposal, or transfer for transportation to an offsite solid waste facility
2 or designated out-of-district disposal site for disposal, as appropriate,
3 pursuant to interdistrict or intradistrict waste flow orders issued by the
4 department.

5 "Debt service" means amounts due and payable by any county,
6 public authority or qualified vendor for bonded indebtedness, capital
7 costs associated with solid waste disposal, or other financing
8 commitments entered into or issued by a county or public authority to
9 finance a county solid waste facility, which are secured, directly or
10 indirectly, by revenues derived from the rates, fees or charges received
11 at the county solid waste facility for solid waste disposal or other
12 obligation to pay capital costs; or the amounts due and payable by a
13 qualified vendor for deposit in an environmental escrow fund to
14 finance a county solid waste facility, which are secured, directly or
15 indirectly, by revenues derived from the portion of the rates, fees or
16 charges received at the sanitary landfill facility for solid waste disposal
17 that are specifically allocated for capital improvements as provided in
18 the current solid waste disposal tariff established pursuant to law.

19 "Department" means the Department of Environmental Protection.

20 "Division of Local Government Services" means the Division of
21 Local Government Services in the Department of Community Affairs.

22 "Person" means any individual or business concern.

23 "Public authority" means a municipal or county utilities authority
24 created pursuant to the "municipal and county utilities authorities
25 law," P.L.1957, c.183 (C.40:14B-1 et seq.); a county improvement
26 authority created pursuant to the "county improvement authorities
27 law," P.L.1960, c.183 (C.40:37A-44 et seq.); a pollution control
28 financing authority created pursuant to the "New Jersey Pollution
29 Control Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.); or
30 any other public body corporate and politic created for solid waste
31 management purposes in any county, pursuant to the provisions of any
32 law; except that, as used in the provisions of P.L. , c. (C.13:1E-
33 208 et seq.)(pending in the Legislature as this bill), "public authority"
34 includes a bi-state agency authorized to develop resource recovery
35 facilities pursuant to the provisions of P.L.1985, c.38 (C.13:1E-136 et
36 al.);

37 "Qualified vendor" means the owner of a resource recovery facility,
38 which is a county solid waste facility and for which the owner thereof
39 has assumed the binding obligation to pay the debt service on debt
40 issued by a county or public authority to finance the construction of
41 the resource recovery facility; or the owner of a county solid waste
42 facility, which is a privately-owned sanitary landfill facility and for
43 which the current solid waste disposal tariff established pursuant to
44 law specifically allocates a portion of the rates, fees or charges
45 received at the sanitary landfill facility for solid waste disposal for
46 capital improvements, and the owner thereof has been awarded a

1 franchise pursuant to section 6 of P.L.1970, c.40 (C.48:13A-5) and
2 directed by the Board of Public Utilities or the department to deposit,
3 on a monthly basis, the amount collected for capital improvements
4 pursuant to this tariff in an environmental escrow fund for the sanitary
5 landfill facility.

6 "Resource recovery facility" means a solid waste facility
7 constructed and operated for the incineration of solid waste for energy
8 production and the recovery of metals and other materials for reuse;
9 or a mechanized composting facility, or any other solid waste facility.

10 "Responsible solid waste generator" means any property owner,
11 tenant or occupant of any single-family residential dwelling or multi-
12 family multiple dwelling, or the owner, tenant or occupant of any
13 industrial, commercial or institutional building or structure located
14 within the boundaries of any municipality, who generates solid waste
15 at those premises.

16 "Solid waste" means garbage, refuse, and other discarded materials
17 resulting from industrial, commercial and agricultural operations, and
18 from domestic and community activities, and shall include all other
19 waste materials including liquids, except for source separated
20 recyclable materials or source separated food waste collected by
21 livestock producers approved by the State Department of Agriculture
22 to collect, prepare and feed such wastes to livestock on their own
23 farms.

24 "Solid waste collection" means the activity related to pick-up and
25 transportation of solid waste from its source or location to a solid
26 waste facility or other destination.

27 "Solid waste collector" means a person engaged in the collection
28 of solid waste and registered pursuant to sections 4 and 5 of P.L.1970,
29 c.39 (C.13:1E-4 and 13:1E-5).

30 "Solid waste disposal" means the storage, treatment, utilization,
31 processing, or final disposal of solid waste.

32 "Solid waste facilities" means, and includes, the plants, structures
33 and other real and personal property acquired, constructed or operated
34 or to be acquired, constructed or operated by, or on behalf of, any
35 person, public authority or county pursuant to the provisions of the
36 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)
37 or any other act, including transfer stations, incinerators, resource
38 recovery facilities, sanitary landfill facilities or other plants for the
39 disposal of solid waste, and all vehicles, equipment and other real and
40 personal property and rights therein and appurtenances necessary or
41 useful and convenient for the collection or disposal of solid waste in
42 a sanitary manner.

43 "Stranded solid waste facility debt" means those costs of debt
44 service which would not be recoverable by a county, public authority
45 or qualified vendor under a nondiscriminatory solid waste management
46 system in which solid waste disposal services are provided on a

1 competitive market basis.

2

3 4. (New section) a. The department shall not require any
4 municipality, solid waste collector or responsible solid waste generator
5 to utilize a specified county solid waste facility for solid waste
6 disposal, whether pursuant to the provisions of any rule, regulation,
7 administrative order or otherwise.

8 b. No county, public authority or owner or operator of a county
9 solid waste facility may require any municipality, solid waste collector
10 or responsible solid waste generator to utilize a specified county solid
11 waste facility for solid waste disposal, whether pursuant to the
12 provisions of any rule, regulation, adopted district solid waste
13 management plan or otherwise.

14 The provisions of subsections a. and b. of this section shall not
15 apply to any privately-owned sanitary landfill facility, which is a
16 county solid waste facility owned by a qualified vendor who has been
17 awarded a franchise pursuant to section 6 of P.L.1970, c.40
18 (C.48:13A-5).

19 c. No county or public authority may impose or collect user
20 charges from any municipality, responsible solid waste generator or
21 solid waste collector.

22 For the purposes of this section, "user charges" means any rates,
23 fees or other charges imposed and collected by a county or public
24 authority for the recovery of stranded solid waste facility debt.

25

26 5. (New section) a. The provisions of any other law to the
27 contrary notwithstanding, the recovery of stranded solid waste facility
28 debt and the retirement of outstanding solid waste facility debt
29 incurred by counties, public authorities and qualified vendors in the
30 construction and operation of county solid waste facilities required
31 pursuant to the provisions of the "Solid Waste Management Act,"
32 P.L.1939, c.39 (C.13:1E-1 et seq.) shall constitute the obligation of
33 the State of New Jersey.

34 b. The provisions of any other law to the contrary
35 notwithstanding, every county, public authority or qualified vendor
36 with outstanding solid waste facility debt is eligible to apply to the
37 State for financial assistance in recovering the stranded solid waste
38 facility debt incurred in the construction and operation of county solid
39 waste facilities required pursuant to the "Solid Waste Management
40 Act," P.L.1939, c.39 (C.13:1E-1 et seq.) pursuant to the provisions of
41 P.L. , c. (C.13:1E-208 et seq.)(pending in the Legislature as this
42 bill).

43

44 6. (New section) a. The obligation to review and the
45 responsibility for determining the eligibility of stranded solid waste
46 facility debt for subsidy under the provisions of P.L. , c. (C.13:1E-

1 208 et seq.)(pending in the Legislature as this bill) is hereby vested in
2 the Director of the Division of Local Government Services.

3 (1) The director shall be entitled to call upon the services,
4 technical assistance and administrative support of the officials and
5 employees of the Department Community Affairs, the Department of
6 Environmental Protection, the Department of Treasury, and any other
7 State departments, boards, bureaus, commissions and agencies as the
8 director may require and as may be available to the director for the
9 purpose of determining the eligibility of stranded solid waste facility
10 debt.

11 (2) The director may establish, in rules or regulations adopted
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), the criteria and procedures to be utilized by the
14 director in making a determination of eligible stranded solid waste
15 facility debt.

16 b. Any county, public authority or qualified vendor seeking to
17 recover stranded solid waste facility debt may submit an application to
18 the director therefor as provided in section 7 of P.L. , c. (C.13:1E-
19 214)(pending in the Legislature as this bill).

20 c. Any county, public authority or qualified vendor submitting an
21 application to the director for the recovery of stranded solid waste
22 facility debt shall submit to an operational audit to be conducted or
23 contracted for by the State Treasurer if deemed necessary by the
24 director.

25 d. (1) The director shall review and approve the applications
26 submitted by counties, public authorities and qualified vendors to
27 assure that only reasonably incurred and mitigated stranded solid
28 waste facility debt are eligible for recovery pursuant to the provisions
29 of P.L. , c. (C.13:1E-208 et seq.)(pending in the Legislature as this
30 bill).

31 (2) The director may undertake any other analysis and receive any
32 other information from solid waste collectors, counties, public
33 authorities, qualified vendors or any other person as the director may
34 require for the purpose of determining the eligibility of stranded solid
35 waste facility debt.

36

37 7. (New section) a. Any county, public authority or qualified
38 vendor seeking to recover stranded solid waste facility debt shall
39 submit an application, in writing, to the Director of the Division of
40 Local Government Services for review and approval. The application
41 shall include, as appropriate, but need not be limited to, the following
42 information:

43 (1) Documentation indicating the costs incurred or assumed by, or
44 on behalf of, the county, public authority or qualified vendor that
45 should be considered stranded solid waste facility debt;

46 (2) Estimates of competitive market costs for the disposal of solid

waste generated within the geographic region served by the county solid waste facility prior to November 10, 1997;

(3) An analysis of the costs incurred or assumed by, or on behalf of, the county, public authority or qualified vendor which cause the solid waste charges received at the county solid waste facility to be in excess of competitive market costs;

(4) Evidence of the cost mitigation actions taken and savings achieved by the county, public authority or qualified vendor in reducing the solid waste charges received at the county solid waste facility to solid waste charges which are closer to competitive market costs; and

(5) Any other information that the director may require.

b. The director shall promptly review all applications submitted pursuant to this section. The director shall, within 30 days of receipt of an application, request that the county, public authority or qualified vendor submit additional information to assist in the review if the director deems that such information is necessary. If no such request is made, the application shall be construed to be completed. In the event that additional information is requested, the application shall be construed to be completed when the additional information is received by the director.

c. The director shall make an initial determination of eligible stranded solid waste facility debt within 45 days of receipt of a completed application in accordance with the following standards:

(1) The director shall consider the extent to which the county, public authority or qualified vendor has undertaken, or proposes to undertake, good faith efforts to mitigate its stranded solid waste facility debt, including refinancing of debt; improved efficiency in the operation and maintenance of the county solid waste facility and reductions in the operation and maintenance expenditures therefor; acceleration of depreciation and amortization of existing assets; sale or lease of existing assets; voluntary renegotiation of contracts; or increased business volumes.

Following the approval of its application, the county, public authority or qualified vendor shall have the continuing obligation to mitigate stranded solid waste facility debt to the maximum extent practicable and feasible.

Every initial determination of eligible stranded solid waste facility debt made by the director pursuant to this section shall be subject to annual review and, if necessary, revision by the director.

(2) Stranded solid waste facility debt shall not include the cost of any debt service obligation entered into after June 30, 1997, unless the debt service obligation was incurred to mitigate the cost of any debt service obligation entered into prior to June 30, 1997.

(3) Stranded solid waste facility debt shall not include any debt service obligation representing capitalized operating expenses, other

1 than ordinary working capital not to exceed 120 days.

2 d. The director shall include as an eligible stranded solid waste
3 facility debt any debt service obligation which is not recoverable or
4 would not otherwise be recoverable by the county, public authority or
5 qualified vendor as a result of any reduction in revenues that may
6 occur due to current competitive market costs for solid waste disposal.

7 e. In approving an application for the recovery of eligible stranded
8 solid waste facility debt, the director shall establish a reasonable
9 timetable therefor, which shall provide the county, public authority or
10 qualified vendor, as appropriate, with a schedule indicating the total
11 and annual amount of eligible stranded solid waste facility debt to be
12 recovered under the provisions of P.L. , c. (C.13:1E-208 et
13 seq.)(pending in the Legislature as this bill).

14 Any timetable or schedule established by the director shall be
15 subject to annual review and, if necessary, revision by the director.

16 f. Within 10 days of making a determination of the eligible
17 stranded solid waste facility debt that may be recovered by the
18 counties, public authorities and qualified vendors that have submitted
19 applications therefor, the director shall compute and certify the
20 aggregate amount of eligible stranded solid waste facility debt
21 statewide, and the aggregate amount of annual debt service payments
22 required therefor, which shall be known as State stranded solid waste
23 facility debt. The director shall compute payments, rates and allocation
24 schedules for the total and annual recovery of State stranded solid
25 waste facility debt.

26 Any computation of payments, rates or allocation schedules made
27 by the director shall be subject to annual review and, if necessary,
28 revision by the director.

29

30 8. (New section) a. The State Solid Waste Facility Debt
31 Retirement Fund is established in the Department of Treasury. The
32 debt retirement fund shall contain sub-accounts for each county, public
33 authority and qualified vendor to be held by the State Treasurer.
34 Moneys in the debt retirement fund shall be paid on a quarterly basis
35 to counties, public authorities and qualified vendors for the recovery
36 of eligible stranded solid waste facility debt upon approval of an
37 application therefor by the director pursuant to section 7 of P.L. ,
38 c. (C.13:1E-214)(pending in the Legislature as this bill).

39 Moneys in the debt retirement fund shall be used solely to subsidize
40 the debt service payments of counties, public authorities and qualified
41 vendors.

42 b. The debt retirement fund shall be the depository for the annual
43 appropriation made by the Legislature from the General Fund to
44 provide funding for the State obligation to make debt service payments
45 pursuant to section 9 of P.L. , c. (C.13:1E-216)(pending in the
46 Legislature as this bill).

1 c. Moneys in the debt retirement fund shall be disbursed in the
2 manner provided in section 10 of P.L. , c. (C.13:1E-217)(pending
3 in the Legislature as this bill).

4
5 9. (New section) a. The State of New Jersey shall be responsible
6 for the recovery of State stranded solid waste facility debt and the
7 payment of not less than 100% of the aggregate amount of annual debt
8 service payments due and payable as certified by the Director of
9 the Division of Local Government Services pursuant to section 7 of
10 P.L. , c. (C.13:1E-214). Moneys in the General Fund shall be used
11 to provide funding for the State obligation to make debt service
12 payments.

13 b. The Legislature shall annually appropriate from the General
14 Fund to the State Solid Waste Facility Debt Retirement Fund created
15 pursuant to section 8 of P.L. , c. (C.13:1E-215) not more than the
16 sum of \$100,000,000.00, and such additional sums as may be
17 necessary for the payment of the aggregate amount of annual debt
18 service payments due and payable as certified by the Director of
19 the Division of Local Government Services pursuant to section 7 of
20 P.L. , c. (C.13:1E-214).

21
22 10. (New section) a. Each county, public authority and qualified
23 vendor shall establish a County Solid Waste Facility Debt Retirement
24 Fund which shall be the depository for the moneys appropriated to
25 each county, public authority or qualified vendor pursuant to this
26 section. Every county debt retirement fund shall be administered by the
27 governing body of the county, except that when a qualified vendor or
28 a bi-state agency is involved, a trustee shall be appointed to administer
29 the fund.

30 b. All available moneys in each debt retirement fund sub-account
31 shall be appropriated to each county, public authority or qualified
32 vendor for deposit in its county debt retirement fund on a quarterly
33 basis. Moneys in each county debt retirement fund shall be used solely
34 to subsidize the debt service payments of the county, public authority
35 or qualified vendor.

36 In the case of a qualified vendor who is the owner of a county solid
37 waste facility, which is a privately-owned sanitary landfill facility and
38 the owner thereof has been awarded a franchise pursuant to section 6
39 of P.L.1970, c.40 (C.48:13A-5), all available moneys in the county
40 debt retirement fund shall be used solely to reduce the solid waste
41 charges received at the sanitary landfill facility.

42
43 11. (New section) a. Every bill or other statement presented by
44 a solid waste collector to a responsible solid waste generator for solid
45 waste collection services shall:

46 (1) Specify the county solid waste facility or other solid waste

1 facility to be utilized by the solid waste collector for solid waste
2 disposal;

3 (2) Identify the designated out-of-state disposal site to be utilized
4 by the solid waste collector for solid waste disposal;

5 (3) Enumerate the rates, fees or charges to be charged by the solid
6 waste collector, including a separate section for:

7 (a) the rates, fees or charges to be charged for regular solid waste
8 collection service; and

9 (b) the solid waste charges received at the solid waste facility or
10 designated out-of-state disposal site for solid waste disposal.

11 b. Every bill or other statement presented by a solid waste
12 collector to a responsible solid waste generator for solid waste
13 collection services shall include and list separately the following
14 information:

15 (1) The date of the bill;

16 (2) The time period for which the service is rendered;

17 (3) The size and number of solid waste containers;

18 (4) The frequency of service;

19 (5) The solid waste type;

20 (6) The solid waste facility or designated out-of-state disposal site
21 and solid waste disposal rate applied, including:

22 (a) The solid waste disposal component (actual weight for roll-off
23 services);

24 (b) The solid waste collection component; and

25 (c) The total charge for the service.

26

27 12. Section 3 of P.L.1957, c.183 (C.40:14B-3) is amended to read
28 as follows:

29 3. As used in this act~~],~~ unless a different meaning clearly appears
30 from the context~~]~~:

31 (1) "Municipality" shall mean any city of any class, any borough,
32 village, town, township, or any other municipality other than a county
33 or a school district, and except when used in section 4, 5, 6, 11, 12,
34 13, 42 or 45 of ~~this act~~ P.L.1957, c.183 (C.40:14B-4 through
35 40:14B-6, 40:14B-11 through 40:14B-13, 40:14B-42 or 40:14B-45),
36 any agency thereof or any two or more thereof acting jointly or any
37 joint meeting or other agency of any two or more thereof;

38 (2) "County" shall mean any county of any class;

39 (3) "Governing body" shall mean, in the case of a county, the
40 board of chosen freeholders, or in the case of those counties organized
41 pursuant to the provisions of the "Optional County Charter Law"
42 (P.L.1972, c.154; C.40:41A-1 et seq.), the board of chosen
43 freeholders and the county executive, the county supervisor or the
44 county manager, as appropriate, and, in the case of a municipality, the
45 commission, council, board or body, by whatever name it may be
46 known, having charge of the finances of the municipality;

1 (4) "Person" shall mean any person, association, corporation,
2 nation, state or any agency or subdivision thereof, other than a county
3 or municipality of the State or a municipal authority;

4 (5) "Municipal authority" shall mean a public body created or
5 organized pursuant to section 4, 5 or 6 of **[this act]** P.L.1957, c.183
6 (C.40:14B-4, 40:14B-5 or 40:14B-6) and shall include a municipal
7 utilities authority created by one or more municipalities and a county
8 utilities authority created by a county;

9 (6) Subject to the exceptions provided in section 10, 11 or 12 of
10 **[this act]** P.L.1957, c.183 (C.40:14B-10, 40:14B-11 or 40:14B-12),
11 "district" shall mean the area within the territorial boundaries of the
12 county, or of the municipality or municipalities, which created or
13 joined in or caused the creation or organization of a municipal
14 authority;

15 (7) "Local unit" shall mean the county, or any municipality, which
16 created or joined in or caused the creation or organization of a
17 municipal authority;

18 (8) "Water system" shall mean the plants, structures and other real
19 and personal property acquired, constructed or operated or to be
20 acquired, constructed or operated by a municipal authority or by any
21 person to whom a municipal authority has extended credit for this
22 purpose for the purposes of the municipal authority, including
23 reservoirs, basins, dams, canals, aqueducts, standpipes, conduits,
24 pipelines, mains, pumping stations, water distribution systems,
25 compensating reservoirs, waterworks or sources of water supply,
26 wells, purification or filtration plants or other plants and works,
27 connections, rights of flowage or division, and other plants, structures,
28 boats, conveyances, and other real and personal property, and rights
29 therein, and appurtenances necessary or useful and convenient for the
30 accumulation, supply or distribution of water;

31 (9) "Sewerage system" shall mean the plants, structures, on-site
32 wastewater systems and other real and personal property acquired,
33 constructed or operated or to be acquired, constructed, maintained or
34 operated by a municipal authority or by any person to whom a
35 municipal authority has extended credit for this purpose for the
36 purposes of the municipal authority, including sewers, conduits,
37 pipelines, mains, pumping and ventilating stations, sewage treatment
38 or disposal systems, plants and works, connections, outfalls,
39 compensating reservoirs, and other plants, structures, boats,
40 conveyances, and other real and personal property, and rights therein,
41 and appurtenances necessary or useful and convenient for **[the**
42 **collection, treatment, purification or disposal in a sanitary manner of**
43 **any sewage, liquid or solid wastes, night soil or industrial wastes]**
44 their use or operation;

45 (10) "Utility system" shall mean a water system, solid waste
46 **[system]** facilities, sewerage system, or a hydroelectric system or any

1 combination of such facilities or systems, acquired, constructed or
2 operated or to be acquired, constructed or operated by a municipal
3 authority or by any person to whom a municipal authority has
4 extended credit for this purpose;

5 (11) "Cost" shall mean, in addition to the usual connotations
6 thereof, the cost of planning, acquisition or construction of all or any
7 part of a utility system by or on behalf of a municipal authority and of
8 all or any property, rights, easements, privileges, agreements and
9 franchises deemed by the municipal authority to be necessary or useful
10 and convenient therefor or in connection therewith, including interest
11 or discount on bonds, cost of issuance of bonds, architectural,
12 engineering and inspection costs and legal expenses, cost of financial,
13 professional and other estimates and advice, organization,
14 administrative, operating and other expenses of the municipal
15 authority prior to and during such acquisition or construction, and all
16 such other expenses as may be necessary or incident to the financing,
17 acquisition, construction and completion of **【said】** the utility system
18 or part thereof and the placing of the same in operation or the
19 disposition of the same, and also such provision or reserves for
20 working capital, operating, maintenance or replacement expenses or
21 for payment or security of principal of or interest on bonds during or
22 after such acquisition or construction as the municipal authority may
23 determine, and also reimbursements to the municipal authority or any
24 county, municipality or other person of any moneys theretofore
25 expended for the purposes of the municipal authority or to any county
26 or municipality of any moneys theretofore expended for or in
27 connection with a utility system, including water supply, solid waste
28 facilities, water distribution, sanitation or hydroelectric facilities;

29 (12) "Real property" shall mean lands both within or without the
30 State, and improvements thereof or thereon, or any rights or interests
31 therein;

32 (13) "Construct" and "construction" shall connote and include acts
33 of construction, reconstruction, replacement, extension, improvement
34 and betterment of a utility system;

35 (14) "Industrial wastes" shall mean liquid or other wastes resulting
36 from any processes of industry, manufacture, trade or business or
37 from the development of any natural resource, and shall include any
38 chemical wastes or hazardous wastes;

39 (15) "Sewage" shall mean the water-carried wastes created in and
40 carried, or to be carried, away from, or to be processed by on-site
41 wastewater systems, residences, hotels, apartments, schools, hospitals,
42 industrial establishments, or any other public or private building,
43 together with such surface or ground water and industrial wastes and
44 leachate as may be present;

45 (16) "On-site wastewater system" means any of several facilities,
46 septic tanks or other devices, used to collect, treat, reclaim, or dispose

1 of wastewater or sewage on or adjacent to the property on which the
2 wastewater or sewage is produced, or to convey such wastewater or
3 sewage from said property to such facilities as the authority may
4 establish for its disposal;

5 (17) "Pollution" means the condition of water resulting from the
6 introduction therein of substances of a kind and in quantities rendering
7 it detrimental or immediately or potentially dangerous to the public
8 health, or unfit for public or commercial use;

9 (18) "Bonds" shall mean bonds or other obligations issued
10 pursuant to **[this act]** the provisions of P.L.1957, c.183 (C.40:14B-1
11 et seq.);

12 (19) "Service charges" shall mean water service charges, solid
13 waste **[service]** charges, sewer service charges, hydroelectric service
14 charges or any combination of such charges, as said terms are defined
15 in section 21 or 22 of **[this act]** P.L.1957, c.183 (C.40:14B-21 or
16 40:14B-22) or in section 7 of **[this amendatory and supplementary**
17 **act]** P.L.1980, c.34 (C.40:14B-21.1);

18 (20) "Compensating reservoir" shall mean the structures, facilities
19 and appurtenances for the impounding, transportation and release of
20 water for the replenishment in periods of drought or at other necessary
21 times of all or a part of waters in or bordering the State diverted into
22 a utility system operated by a municipal authority;

23 (21) "Sewage authority" shall mean a public body created pursuant
24 to the Sewerage Authorities Law (P.L.1946, c.138) or the acts
25 amendatory thereof or supplemental thereto;

26 (22) "County sewer authority" shall mean a sanitary sewer district
27 authority created pursuant to the act entitled "An act relating to the
28 establishment of sewerage districts in first- and second-class counties,
29 the creation of Sanitary Sewer District Authorities by the establishing
30 of such districts, prescribing the powers and duties of any such
31 authority and of other public bodies in connection with the
32 construction of sewers and sewage disposal facilities in any such
33 district, and providing the ways and means for paying the costs of
34 construction and operation thereof," approved April 23, 1946
35 (P.L.1946, c.123), or the acts amendatory thereof or supplemental
36 thereto;

37 (23) "Chemical waste" shall mean a material normally generated
38 by or used in chemical, petrochemical, plastic, pharmaceutical,
39 biochemical or microbiological manufacturing processes or petroleum
40 refining processes, which has been selected for waste disposal and
41 which is known to hydrolize, ionize or decompose, which is soluble,
42 burns or oxidizes, or which may react with any of the waste materials
43 which are introduced into the landfill, or which is buoyant on water,
44 or which has a viscosity less than that of water or which produces a
45 foul odor. Chemical waste may be either hazardous or nonhazardous;

46 (24) "Effluent" shall mean liquids which are treated in and

1 discharged by sewage treatment plants;

2 (25) "Hazardous wastes" shall mean any waste or combination of
3 waste which poses a present or potential threat to human health, living
4 organisms or the environment. "Hazardous waste" shall include, but
5 not be limited to, waste material that is toxic, corrosive, irritating,
6 sensitizing, radioactive, biologically infectious, explosive or
7 flammable;

8 (26) "Leachate" shall mean a liquid that has been in contact with
9 solid waste and contains dissolved or suspended materials from that
10 solid waste;

11 (27) **["Recycling"]** "Resource recovery" shall mean the
12 **[separation,]** collection, **[processing or]** separation, recycling and
13 recovery of metals, glass, paper, **[solid waste]** and other materials for
14 reuse; or the incineration of solid waste for energy production and
15 **[shall include resource recovery]** the recovery of metals and other
16 materials for reuse;

17 (28) "Sludge" shall mean any solid, semisolid, or liquid waste
18 generated from a municipal, industrial or other sewage treatment plant,
19 water supply treatment plant, or air pollution control facility, or any
20 other such waste having similar characteristics and effects; "sludge"
21 shall not include effluent;

22 (29) "Solid waste" shall mean garbage, refuse, and other discarded
23 materials resulting from industrial, commercial and agricultural
24 operations, and from domestic and community activities, and shall
25 include all other waste materials including **[sludge, chemical waste,**
26 **hazardous wastes and]** liquids, except for **[liquids which are treated**
27 **in public sewage treatment plants and except for solid animal and**
28 **vegetable wastes]** source separated recyclable materials or source
29 separated food waste collected by **[swine]** livestock producers
30 **[licensed]** approved by the State Department of Agriculture to collect,
31 prepare and feed such wastes to **[swine]** livestock on their own farms;

32 (30) "Solid waste **[system]** facilities" shall mean and include the
33 plants, structures and other real and personal property acquired,
34 constructed or operated or to be acquired, constructed or operated by
35 **[an]** , or on behalf of, any person, municipal authority or county
36 pursuant to the provisions of the "Solid Waste Management Act,"
37 P.L.1970, c.39 (C.13:1E-1 et seq.) or by any person to whom a
38 municipal authority has extended credit for this purpose pursuant to
39 the provisions of **[this act]** P.L.1984, c.178, including transfer
40 stations, incinerators, **[recycling]** resource recovery facilities,
41 **[including facilities for the generation, transmission and distribution**
42 **of energy derived from the processing of solid waste,]** sanitary landfill
43 facilities or other property or plants for the collection, recycling,
44 transfer or disposal of solid waste and all vehicles, equipment and
45 other real and personal property and rights thereon and appurtenances

1 necessary or useful and convenient for the collection, recycling, or
2 disposal of solid waste in a sanitary manner;

3 (31) "Hydroelectric system" shall mean the plants, structures and
4 other real and personal property acquired, constructed or operated or
5 to be acquired, constructed or operated by an authority pursuant to the
6 provisions of **【this act】** P.L.1980, c.34, including all that which is
7 necessary or useful and convenient for the generation, transmission
8 and sale of hydroelectric power at wholesale;

9 (32) "Hydroelectric power" shall mean the production of electric
10 current by the energy of moving water;

11 (33) "Sale of hydroelectric power at wholesale" shall mean any
12 sale of hydroelectric power to any person for purposes of resale of
13 such power;

14 (34) "County solid waste facility" means a solid waste facility that
15 is designated by a municipal authority or county in its adopted district
16 solid waste management plan as approved by the Department of
17 Environmental Protection prior to November 10, 1997 as the in-
18 county facility to which solid waste generated within the boundaries
19 of the county is transported for final disposal, or transfer for
20 transportation to an offsite solid waste facility or designated out-of-
21 district disposal site for disposal, as appropriate, pursuant to
22 interdistrict or intradistrict waste flow orders issued by the
23 department;

24 (35) "Debt service" means amounts due and payable by a
25 municipal authority for bonded indebtedness or other financing
26 commitments entered into or issued by a municipal authority to finance
27 a county solid waste facility, which are secured, directly or indirectly,
28 by revenues derived from the rates, fees or charges received at the
29 county solid waste facility for solid waste disposal;

30 (36) "Recycling" shall mean any process by which materials which
31 would otherwise become solid waste are collected, separated or
32 processed and returned to the economic mainstream in the form of raw
33 materials or products;

34 (37) "Resource recovery facility" means a solid waste facility
35 constructed and operated for the incineration of solid waste for energy
36 production and the recovery of metals and other materials for reuse;
37 or a mechanized composting facility, or any other solid waste facility;

38 (38) "Responsible solid waste generator" means any property
39 owner, tenant or occupant of any single-family residential dwelling or
40 multi-family multiple dwelling, or the owner, tenant or occupant of any
41 industrial, commercial or institutional building or structure located
42 within the boundaries of any municipality, who generates solid waste
43 at those premises;

44 (39) "Transfer station" means a solid waste facility at which solid
45 waste is transferred from a solid waste collection vehicle to a
46 registered solid waste haulage vehicle, including a rail car, for

1 transportation to an offsite solid waste facility or designated out-of-
2 state disposal site for disposal.

3 (cf: P.L.1984, c.178, s.1)

4
5 13. Section 19 of P.L.1957, c.183 (C.40:14B-19) is amended to
6 read as follows:

7 19. **[(a)] a.** The purposes of every municipal authority shall be
8 (1) the provision and distribution of an adequate supply of water for
9 the public and private uses of the local units, and their inhabitants,
10 within the district, **[and]** (2) the relief of waters in or bordering the
11 State from pollution arising from causes within the district and the
12 relief of waters in, bordering or entering the district from pollution or
13 threatened pollution, and the consequent improvement of conditions
14 affecting the public health, (3) the provision of sewage collection and
15 disposal service within or without the district, **[and]** (4) the provision
16 of water supply and distribution service in such areas without the
17 district as are permitted by the provisions of this act, **[and]** (5) the
18 provision of solid waste disposal services **[and]** or solid waste
19 facilities within or without the district in a manner consistent with the
20 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)
21 and in conformance with the district solid waste management plans
22 adopted by the solid waste management districts created therein,
23 **[and]** (6) the generation, transmission and sale of hydroelectric power
24 at wholesale, and (7) the operation and maintenance of utility systems
25 owned by other governments located within the district through
26 contracts with **[said]** those governments.

27 **[(b)] b.** Every municipal authority is hereby authorized, subject
28 to the limitations of **[this act]** P.L.1957, c.183 (C.40:14B-1 et seq.),
29 to acquire, in its own name but for the local unit or units, by purchase,
30 gift, condemnation or otherwise, lease as lessee, and, notwithstanding
31 the provisions of any charter, ordinance or resolution of any county or
32 municipality to the contrary, to construct, maintain, operate and use
33 such reservoirs, basins, dams, canals, aqueducts, standpipes, conduits,
34 pipelines, mains, pumping and ventilating stations, treatment,
35 purification and filtration plants or works, trunk, intercepting and
36 outlet sewers, water distribution systems, waterworks, sources of
37 water supply and wells at such places within or without the district,
38 such compensating reservoirs within a county in which any part of the
39 district lies, and such other plants, structures, boats and conveyances,
40 as in the judgment of the municipal authority will provide an effective
41 and satisfactory method for promoting purposes of the municipal
42 authority.

43 **[(c)] c.** Every municipal authority is hereby authorized and
44 directed, when in its judgment its sewerage system or any part thereof
45 will permit, to collect from any and all public systems within the

1 district all sewage and treat and dispose of the same in such manner as
2 to promote purposes of the municipal authority.

3 (cf: P.L.1980, c.34, s.6)

5 14. Section 20 of P.L.1957, c.183 (C.40:14B-20) is amended to
6 read as follows:

7 20. Every municipal authority shall be a public body politic and
8 corporate constituting a political subdivision of the State established
9 as an instrumentality exercising public and essential governmental
10 functions to provide for the public health and welfare and shall have
11 perpetual succession and have the following powers:

12 (1) To adopt and have a common seal and to alter the same at
13 pleasure;

14 (2) To sue and be sued;

15 (3) In the name of the municipal authority and on its behalf, to
16 acquire, hold, use and dispose of its service charges and other
17 revenues and other moneys;

18 (4) In the name of the municipal authority but for the local unit or
19 units, to acquire, rent, hold, lease as lessor, use and dispose of other
20 personal property for the purposes of the municipal authority;

21 (5) In the name of the municipal authority but for the local unit or
22 units and subject to the limitations of this act, to acquire by purchase,
23 gift, condemnation or otherwise, or lease as lessee, real property and
24 easements therein, necessary or useful and convenient for the purposes
25 of the municipal authority, and subject to mortgages, deeds of trust or
26 other liens, or otherwise, and to hold, lease as lessor, and to use the
27 same, and to dispose of property so acquired no longer necessary for
28 the purposes of the municipal authority;

29 (6) To produce, develop, purchase, accumulate, distribute and sell
30 water and water services, facilities and products within or without the
31 district, provided that no water shall be sold at retail in any
32 municipality without the district unless the governing body of **[such]**
33 ~~the~~ municipality shall have adopted a resolution requesting the
34 municipal authority to sell water at retail in **[such]** ~~the~~ municipality,
35 and the **[board of public utility commissioners]** Board of Public
36 Utilities shall have approved **[such]** ~~the~~ resolution as necessary and
37 proper for the public convenience;

38 (7) To provide for and secure the payment of any bonds and the
39 rights of the holders thereof, and to purchase, hold and dispose of any
40 bonds;

41 (8) To accept gifts or grants of real or personal property, money,
42 material, labor or supplies for the purposes of the municipal authority,
43 and to make and perform such agreements and contracts as may be
44 necessary or convenient in connection with the procuring, acceptance
45 or disposition of such gifts or grants;

46 (9) To enter on any lands, waters or premises for the purpose of

1 making surveys, borings, soundings and examinations for the purposes
2 of the municipal authority, and whenever the operation of a septic tank
3 or other component of an on-site wastewater system shall result in the
4 creation of pollution or contamination source on private property such
5 that under the provisions of R.S.26:3-49, a local board of health would
6 have the authority to notify the owner and require said owner to abate
7 the same, representatives of an authority shall have the power to enter,
8 at all reasonable times, any premises on which **such** the pollution or
9 contamination source shall exist, for the purpose of inspecting,
10 rehabilitating, securing samples of any discharges, improving,
11 repairing, replacing, or upgrading **such** the septic tank or other
12 component of an on-site wastewater system;

13 (10) To establish an inspection program to be performed at least
14 once every three years on all on-site wastewater systems installed
15 within the district which inspection program shall contain the
16 following minimum notice provisions: (i) not less than 30 days prior
17 to the date of the inspection of any on-site wastewater system as
18 described herein, the authority shall notify the owner and resident of
19 the property that the inspection will occur; and (ii) not less than 60
20 days prior to the date of the performance of any work other than an
21 inspection, the municipal authority shall provide notice to the owner
22 and resident of the property in which the work will be performed. The
23 notice to be provided to such owner and resident under this subsection
24 shall include a description of the deficiency which necessitates the
25 work and the proposed remedial action, and the proposed date for
26 beginning and duration of the contemplated remedial action;

27 (11) To prepare and file in the office of the municipal authority
28 records of all inspections, rehabilitation, maintenance, and work,
29 performed with respect to on-site wastewater disposal systems;

30 (12) To make and enforce bylaws or rules and regulations for the
31 management and regulation of its business and affairs and for the use,
32 maintenance and operation of the utility system and any other of its
33 properties, and to amend the same;

34 (13) To do and perform any acts and things authorized by **this**
35 **act** the provisions of P.L.1957, c.183 (C.40:14B-1 et seq.) under,
36 through or by means of its own officers, agents and employees, or by
37 contracts with any person;

38 (14) To enter into any and all contracts, execute any and all
39 instruments, and do and perform any and all acts or things necessary,
40 convenient or desirable for the purposes of the municipal authority or
41 to carry out any power expressly given in **this act** the provisions of
42 P.L.1957, c.183 (C.40:14B-1 et seq.) subject to "Local Public
43 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.); and

44 (15) To extend credit or make loans to any person for the
45 planning, designing, acquiring, constructing, reconstructing,
46 improving, equipping, furnishing, and operating by that person of any

1 part of **[a solid waste system]** solid waste facilities, or a sewage
2 treatment system, wastewater treatment or collection system for the
3 provision of services and facilities within or without the district, which
4 in the case of **[a solid waste system]** solid waste facilities shall be in
5 a manner consistent with the "Solid Waste Management Act,"
6 P.L.1970, c.39 (C.13:1E-1 et seq.) and in conformance with the
7 district solid waste management plans adopted by the solid waste
8 management districts created therein. The credits or loans may be
9 secured by loan and security agreements, mortgages, leases and any
10 other instruments, upon **[such]** the terms as the authority shall deem
11 reasonable, including provision for the establishment and maintenance
12 of reserve and insurance funds, and to require the inclusion in any
13 mortgage, lease, contract, loan and security agreement or other
14 instrument, provisions for the construction, use, operation and
15 maintenance and financing of that part of the aforementioned systems
16 as the municipal authority may deem necessary or desirable.
17 (cf: P.L.1984, c.178, s.2)

18

19 15. Section 15 of P.L.1977, c.384 (C.40:14B-22.1) is amended to
20 read as follows:

21 15. a. Every municipal authority is hereby authorized to calculate,
22 charge and collect rents, rates, fees or other charges (**[in this act**
23 **sometimes]** hereinafter referred to as "solid waste **[service]** charges")
24 for the use or services of **[the solid waste system]** solid waste
25 facilities acquired, constructed or operated or to be acquired,
26 constructed or operated by, or on behalf of, the municipal authority.
27 **[Such]** The solid waste **[service]** charges may be charged to and
28 collected from any municipality or any person contracting for such use
29 or services or from the owner or occupant, or both of them, of any
30 real property from or on which originates or has originated any solid
31 waste to be **[treated by]** disposed at the solid waste **[system]** facilities
32 of the municipal authority, and the owner of any such real property
33 shall be liable for and shall pay **[such]** the solid waste **[service]**
34 charges to the municipal authority at the time when and place where
35 **[such]** the solid waste **[service]** charges are due and payable.

36 **[Such rents, rates, fees and]**

37 b. The solid waste charges, being in the nature of use or service
38 charges, shall as nearly as the municipal authority shall deem
39 practicable and equitable be uniform throughout the county for the
40 same type, class and amount of use or service of the solid waste
41 **[system]** facilities, except as permitted by section 1 of P.L.1992,
42 c.215 (C.40:14B-22.2), and may be based or computed on any factors
43 determining the type, class and amount of use or service of the solid
44 waste **[system]** facilities, and may give weight to the characteristics
45 of the solid waste and any other special matter affecting the cost of

1 **【treatment and disposal of the same】** solid waste collection, disposal
2 or recycling.

3 c. No municipal authority may impose or collect user charges from
4 any municipality, responsible solid waste generator or solid waste
5 collector. For the purposes of this subsection, "user charges" means
6 any rates, fees or other charges imposed and collected by a county or
7 municipal authority for the recovery of stranded solid waste facility
8 debt, as those costs are defined in section 3 of P.L. , c. (C.13:1E-
9 210)(pending in the Legislature as this bill).

10 (cf: P.L.1992, c.215, s.3)

11
12 16. Section 33 of P.L.1957, c.183 (C.40:14B-33) is amended to
13 read as follows:

14 33. Neither the members of the municipal authority nor any person
15 executing bonds issued pursuant to this act shall be liable personally
16 on the bonds by reason of the issuance thereof. Bonds or other
17 obligations issued pursuant to this act shall not be in any way a debt
18 or liability of the State, and bonds or other obligations issued by a
19 municipal authority pursuant to this act shall not be in any way a debt
20 or liability of the State or of any local unit or of any county or
21 municipality and shall not create or constitute any indebtedness,
22 liability or obligation of the State or of any such local unit, county or
23 municipality, either legal, moral or otherwise, and nothing in this act
24 contained shall be construed to authorize any municipal authority to
25 incur any indebtedness on behalf of or in any way to obligate the State
26 or any county or municipality. The authority may receive moneys from
27 the State Solid Waste Facility Debt Retirement Fund created pursuant
28 to section 8 of P.L. , c. (C.13:1E-215) (pending in the Legislature
29 as this bill).

30 (cf: P.L.1957, c.183, s.33)

31
32 17. Section 49 of P.L.1957, c.183 (C.40:14B-49) is amended to
33 read as follows:

34 49. Any municipal authority for the carrying out and effectuation
35 of its purposes, and (a) any of the local units (b) any other municipality
36 whether within or without the district and (c) any other municipal
37 authority, any sewerage authority or any other public body of the State
38 empowered to treat or dispose of sewage or solid waste (all such local
39 units, municipalities, other municipal authorities, sewerage authorities
40 and other bodies being hereinafter referred to individually as a
41 "governmental unit") for fostering the relief of waters in, bordering or
42 entering the territorial area of the governmental unit from pollution or
43 threatened pollution or assisting the municipal authority in carrying out
44 and effectuating its purposes, may enter into a contract or contracts
45 providing for or relating to the collection, treatment and disposal of
46 sewage or solid waste collection, disposal or recycling originating in

1 the district or received by the municipal authority, or originating in the
2 territorial area of or collected by the governmental unit, by means of
3 the sewerage or solid waste **【system】** facilities or any sewerage or
4 solid waste facilities of the governmental unit or both, and the cost and
5 expense of **【such】** the collection, treatment and disposal of sewage or
6 solid waste collection, disposal or recycling.

7 Any municipal authority for the carrying out and effectuation of its
8 purposes, and (a) any of the local units (b) any other municipality
9 whether within or without the district and (c) any other municipal
10 authority, any sewerage authority or any other public body of the State
11 empowered to sell and supply water (all such local units,
12 municipalities, other municipal authorities, sewerage authorities and
13 other bodies being hereinafter referred to individually as a
14 "governmental unit") for fostering the provision and distribution of an
15 adequate supply of water within the territorial area of the
16 governmental unit or assisting the municipal authority in carrying out
17 and effectuating its purposes may enter into a contract or contracts
18 providing for or relating to the sale or supplying of water to such
19 municipal authority or to the governmental unit or to persons or
20 properties within the district or the governmental unit, and the cost
21 and expense of such sale or supplying of water. Any such contract may
22 provide for the payment to the municipal authority by the
23 governmental unit annually or otherwise of such sum or sums of
24 money, computed at fixed amounts or by a formula based on any
25 factors or other matters described in section 21 or section 22 of **【this**
26 **act】** P.L.1957, c.183 (C.40:14B-21 or 40:14B-22) or in any other
27 manner, as said contract or contracts may provide, and may provide
28 that the sum or sums so payable to the municipal authority shall be in
29 lieu of all or any part of the service charges which would otherwise be
30 charged and collected by the municipal authority with regard to
31 persons or real property within the territorial area of the governmental
32 unit.

33 Such contract or contracts may also contain provisions as to the
34 financing and payment of expenses to be incurred by the municipal
35 authority and determined by it to be necessary for its purposes prior
36 to the placing in operation of a sewerage system, solid waste facilities
37 or water supply and distribution system and may provide for the
38 payment by the governmental unit to the municipal authority for
39 application to such expenses or indebtedness therefor such sum or
40 sums of money, computed as said contract or contracts may provide
41 and as the governing body (hereinafter described) of the governmental
42 unit shall, by virtue of its authorization of and entry into said contract
43 or contracts, determine to be necessary for the purposes of the
44 municipal authority.

45 Every such contract shall be authorized and entered into under and
46 pursuant to a resolution adopted by the authority in the case of

1 municipal or other authority, an ordinance of the governing body in the
2 case of a municipality, a resolution or ordinance of the governing body
3 in the case of a county, and, in the case of any other public body, a
4 resolution of the commission, council, board or body by whatever
5 name it may be known (in this section sometimes referred to as
6 "governing body") having charge of the finances of such public body,
7 but the terms or text of said contract need not be set forth in full or
8 stated in any such resolution or ordinance if the form of said contract
9 is on file in the office of the clerk or other recording officer of the
10 governmental unit or its governing body and the place in fact of such
11 filing is described in the resolution or ordinance.

12 Any such contract may be made with or without consideration and
13 for a specified or an unlimited time and on any terms and conditions
14 which may be approved by or on behalf of the governmental unit and
15 which may be agreed to by the municipal authority in conformity with
16 its contracts with the holders of any bonds, and shall be valid whether
17 or not an appropriation with respect thereto is made by the
18 governmental unit prior to authorization or execution thereof. Every
19 such governmental unit is hereby authorized and directed to do and
20 perform any and all acts or things necessary, convenient or desirable
21 to carry out and perform every such contract and to provide for the
22 payment or discharge of any obligation thereunder in the same manner
23 as other obligations of such governmental unit. Subject to any such
24 contracts with the holders of bonds, the municipal authority is hereby
25 authorized to do and perform any and all acts or things necessary,
26 convenient or desirable to carry out and perform every such contract
27 and, in accordance with any such contract, to waive, modify, suspend
28 or reduce the service charges which would otherwise be charged and
29 collected by the municipal authority with regard to persons or real
30 property within the territorial area of the governmental unit, but
31 nothing in this section or any such contract shall prevent the municipal
32 authority from charging and collecting, as if such contract had not
33 been made, service charges with regard to such persons and real
34 property sufficient to meet any default or deficiency in any payments
35 agreed in such contract to be made by such governmental unit.

36 No municipal authority may impose or collect user charges from
37 any municipality, responsible solid waste generator or solid waste
38 collector. For the purposes of this section, "user charges" means any
39 rates, fees or other charges imposed and collected by a county or
40 municipal authority for the recovery of stranded solid waste facility
41 debt as defined in section 3 of P.L. , c. (C.13:1E-210)(pending in
42 the Legislature as this bill).

43 (cf: P.L.1979, c.86, s.14)

44

45 18. Section 2 of P.L.1960, c.183 (C.40:37A-45) is amended to
46 read as follows:

1 2. As used in this act~~],~~ unless a different meaning clearly appears
2 from the context~~]~~:

3 (a) "Authority" shall mean a public body created pursuant to ~~]~~this
4 act~~]~~ the provisions of P.L.1960, c.183 (C.40:37A-44 et seq.);

5 (b) "Bond resolution" shall have the meaning ascribed thereto in
6 section 17 of P.L.1960, c.183 (C.40:37A-60);

7 (c) "Bonds" shall mean bonds, notes or other obligations issued
8 pursuant to ~~]~~this act~~]~~ the provisions of P.L.1960, c.183 (C.40:37A-44
9 et seq.);

10 (d) "Construct" and "construction" shall connote and include acts
11 of clearance, demolition, construction, development or redevelopment,
12 reconstruction, replacement, extension, improvement and betterment;

13 (e) "Cost" shall mean, in addition to the usual connotations
14 thereof, the cost of planning, acquisition or construction of all or any
15 part of any public facility or facilities of an authority and of all or any
16 property, rights, easements, privileges, agreements and franchises
17 deemed by the authority to be necessary or useful and convenient
18 therefor or in connection therewith, including interest or discount on
19 bonds, cost of issuance of bonds, architectural, engineering and
20 inspection costs and legal expenses, cost of financial, professional and
21 other estimates and advice, organization, administrative, operating and
22 other expenses of the authority prior to and during such acquisition or
23 construction, and all such other expenses as may be necessary or
24 incident to the financing, acquisition, construction and completion of
25 such public facility or facilities or part thereof and the placing of the
26 same fully in operation or the disposition of the same, and also such
27 provision or reserves for working capital, operating, maintenance or
28 replacement expenses or for payment or security of principal of or
29 interest on bonds during or after such acquisition or construction as
30 the authority may determine, and also reimbursements to the authority
31 or any governmental unit or person of any moneys theretofore
32 expended for the purposes of the authority;

33 (f) The term "county" shall mean any county of any class of the
34 State and shall include, without limitation, the terms "the county" and
35 "beneficiary county" defined in this ~~]~~act~~]~~ section, and the term "the
36 county" shall mean the county which created an authority pursuant to
37 ~~]~~this act~~]~~ the provisions of P.L.1960, c.183 (C.40:37A-44 et seq.);

38 (g) "Development project" shall mean any lands, structures, or
39 property or facilities acquired or constructed or to be acquired or
40 constructed by an authority for the purposes of the authority described
41 in subsection (e) of section 11 of P.L.1960, c.183 (C.40:37A-54);

42 (h) "Facility charges" shall have the meaning ascribed to said term
43 in section 14 of P.L.1960, c.183 (C.40:37A-57);

44 (i) "Facility revenues" shall have the meaning ascribed to said term
45 in subsection (e) of section 20 of P.L.1960, c.183 (C.40:37A-63);

46 (j) "Governing body" shall mean, in the case of a county, the

1 board of chosen freeholders, or in the case of a county operating under
2 article 3 or 5 of the "Optional County Charter Law" (P.L.1972, c.154;
3 C.40:41A-1 et seq.) as defined thereunder, and, in the case of a
4 municipality, the commission, council, board or body, by whatever
5 name it may be known, having charge of the finances of the
6 municipality;

7 (k) "Governmental unit" shall mean the United States of America
8 or the State or any county or municipality or any subdivision,
9 department, agency, or instrumentality heretofore or hereafter created,
10 designated or established by or for the United States of America or the
11 State or any county or municipality;

12 (l) "Local bond law" shall mean chapter 2 of Title 40A,
13 Municipalities and Counties, of the New Jersey Statutes (N.J.S.) as
14 amended and supplemented;

15 (m) "Municipality" shall mean any city, borough, village, town, or
16 township of the State but not a county or a school district;

17 (n) "Person" shall mean any person, partnership, association,
18 corporation or entity other than a nation, state, county or municipality
19 or any subdivision, department, agency or instrumentality thereof;

20 (o) "Project" shall have the meaning ascribed to said term in
21 section 17 of P.L.1960, c.183 (C.40:37A-60);

22 (p) "Public facility" shall mean any lands, structures, franchises,
23 equipment, or other property or facilities acquired, constructed,
24 owned, financed, or leased by the authority or any other governmental
25 unit or person to accomplish any of the purposes of an authority
26 authorized by section 11 of P.L.1960, c.183 (C.40:37A-54);

27 (q) "Real property" shall mean lands within or without the State,
28 above or below water, and improvements thereof or thereon, or any
29 riparian or other rights or interests therein;

30 (r) "**Garbage and solid waste disposal system** Solid waste
31 facilities" shall mean the plants, structures and other real and personal
32 property acquired, constructed or operated or to be acquired,
33 constructed or operated by, or on behalf of, any person, county or a
34 county improvement authority pursuant to the provisions of the "Solid
35 Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.),
36 including transfer stations, incinerators, resource recovery facilities,
37 sanitary landfill facilities or other plants for the **treatment and**
38 transfer or disposal of **garbage,** solid waste **and refuse matter** and
39 all other real and personal property and rights therein and
40 appurtenances necessary or useful and convenient for the collection
41 **and treatment**, recycling or disposal of solid waste in a sanitary
42 manner **of garbage, solid waste and refuse matter (but not including**
43 **sewage)**;

44 (s) "**Garbage, solid** Solid waste **or refuse matter**" shall mean
45 garbage, refuse and other discarded materials resulting from industrial,
46 commercial and agricultural operations, and from domestic and

1 community activities, and shall include all other waste materials
2 including **【sludge, chemical waste, hazardous wastes and】** liquids,
3 **【except for liquids which are treated in public sewage treatment plants**
4 **and】** except for **【solid animal and vegetable wastes】** source separated
5 recyclable materials or source separated food waste collected by
6 **【swine】** livestock producers **【licensed】** approved by the State
7 Department of Agriculture to collect, prepare and feed such wastes to
8 **【swine】** livestock on their own farms;

9 (t) "Blighted, deteriorated or deteriorating area" may include an
10 area determined heretofore by the municipality to be blighted in
11 accordance with the provisions of P.L.1949, c.187, repealed by
12 P.L.1992, c.79 (C.40:55-21.1 et seq.) and, in addition, areas which are
13 determined by the municipality, pursuant to the same procedures as
14 provided in said law, to be blighted, deteriorated or deteriorating
15 because of structures or improvements which are dilapidated or
16 characterized by disrepair, lack of ventilation or light or sanitary
17 facilities, faulty arrangement, location, or design, or other unhealthful
18 or unsafe conditions;

19 (u) "Redevelopment" may include planning, replanning,
20 conservation, rehabilitation, clearance, development and
21 redevelopment; and the construction and rehabilitation and provision
22 for construction and rehabilitation of residential, commercial,
23 industrial, public or other structures and the grant or dedication or
24 rededication of spaces as may be appropriate or necessary in the
25 interest of the general welfare for streets, parks, playgrounds, or other
26 public purposes including recreational and other facilities incidental or
27 appurtenant thereto, in accordance with a redevelopment plan
28 approved by the governing body of a municipality;

29 (v) "Redevelopment plan" shall mean a plan as it exists from time
30 to time for the redevelopment of all or any part of a redevelopment
31 area, which plan shall be sufficiently complete to indicate such land
32 acquisition, demolition and removal of structures, redevelopment,
33 improvements, conservation or rehabilitation as may be proposed to
34 be carried out in the area of the project, zoning and planning changes,
35 if any, land uses, maximum densities, building requirements, the plan's
36 relationship to definite local objectives respecting appropriate land
37 uses, improved traffic, public transportation, public utilities,
38 recreational and community facilities, and other public improvements
39 and provision for relocation of any residents and occupants to be
40 displaced in a manner which has been or is likely to be approved by the
41 Department of Community Affairs pursuant to the "Relocation
42 Assistance Law of 1967," P.L.1967, c.79 (C.52:31B-1 et seq.) and the
43 "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.) and
44 rules and regulations pursuant thereto;

45 (w) "Redevelopment project" shall mean any undertakings and
46 activities for the elimination, and for the prevention of the

1 development or spread, of blighted, deteriorated, or deteriorating
2 areas and may involve any work or undertaking pursuant to a
3 redevelopment plan; such undertaking may include: (1) acquisition of
4 real property and demolition, removal or rehabilitation of buildings and
5 improvements thereon; (2) carrying out plans for a program of
6 voluntary repair and rehabilitation of buildings or other improvements;
7 and (3) installation, construction or reconstruction of streets, utilities,
8 parks, playgrounds or other improvements necessary for carrying out
9 the objectives of the redevelopment project;

10 (x) "Redeveloper" shall mean any person or governmental unit that
11 shall enter into or propose to enter into a contract with an authority
12 for the redevelopment of an area or any part thereof under the
13 provisions of ~~【this act】~~ P.L.1960, c.183 (C.40:37A-44 et seq.);

14 (y) "Redevelopment area" shall mean an area of a municipality
15 which the governing body thereof finds is a blighted area or an area in
16 need of rehabilitation whose redevelopment is necessary to effectuate
17 the public purposes declared in ~~【this act】~~ the provisions of P.L.1960,
18 c.183 (C.40:37A-44 et seq.). A redevelopment area may include
19 lands, buildings, or improvements which of themselves are not
20 detrimental to the public health, safety or welfare, but whose inclusion
21 is found necessary, with or without change in their condition, for the
22 effective redevelopment of the area of which they are a part;

23 (z) ~~【"Sludge" shall mean any solid, semisolid, or liquid waste~~
24 ~~generated from a municipal, industrial or other sewage treatment plant,~~
25 ~~water supply treatment plant, or air pollution control facility, or any~~
26 ~~other such waste having similar characteristics and effects, but shall~~
27 ~~not include effluent; and】~~ (Deleted by amendment, P.L. __, c. __)
28 (pending in the Legislature as this bill)

29 (aa) "Beneficiary county" shall mean any county that has not
30 created an authority pursuant to ~~【this act】~~ the provisions of P.L.1960,
31 c.183 (C.40:37A-44 et seq.);

32 (bb) "County solid waste facility" means a solid waste facility that
33 is designated by an authority or county in its adopted district solid
34 waste management plan as approved by the Department of
35 Environmental Protection prior to November 10, 1997 as the in-
36 county facility to which solid waste generated within the boundaries
37 of the county is transported for final disposal, or transfer for
38 transportation to an offsite solid waste facility or designated out-of-
39 district disposal site for disposal, as appropriate, pursuant to
40 interdistrict or intradistrict waste flow orders issued by the
41 department;

42 (cc) "Debt service" means amounts due and payable by an
43 authority for bonded indebtedness or other financing commitments
44 entered into or issued by an authority to finance a county solid waste
45 facility, which are secured, directly or indirectly, by revenues derived
46 from the rates, fees or charges received at the county solid waste

1 facility for solid waste disposal;

2 (dd) "Recycling" shall mean any process by which materials which
 3 would otherwise become solid waste are collected, separated or
 4 processed and returned to the economic mainstream in the form of raw
 5 materials or products;

6 (ee) "Resource recovery facility" means a solid waste facility
 7 constructed and operated for the incineration of solid waste for energy
 8 production and the recovery of metals and other materials for reuse;
 9 or a mechanized composting facility, or any other solid waste facility;

10 (ff) "Responsible solid waste generator" means any property
 11 owner, tenant or occupant of any single-family residential dwelling or
 12 multi-family multiple dwelling, or the owner, tenant or occupant of any
 13 industrial, commercial or institutional building or structure located
 14 within the boundaries of any municipality, who generates solid waste
 15 at those premises;

16 (gg) "Transfer station" means a solid waste facility at which solid
 17 waste is transferred from a solid waste collection vehicle to a
 18 registered solid waste haulage vehicle, including a rail car, for
 19 transportation to an offsite solid waste facility or designated out-of-
 20 state disposal site for disposal.

21 (cf: P.L.1994, c.76, s.1)

22

23 19. Section 11 of P.L.1960, c.183 (C.40:37A-54) is amended to
 24 read as follows:

25 11. The purposes of every authority shall be (a) provision within
 26 the county or any beneficiary county of public facilities for use by the
 27 State, the county or any beneficiary county, or any municipality in any
 28 such county, or any two or more or any subdivisions, departments,
 29 agencies or instrumentalities of any of the foregoing for any of their
 30 respective governmental purposes, (b) provision within the county or
 31 any beneficiary county of public facilities for use as convention halls,
 32 or the rehabilitation, improvement or enlargement of any convention
 33 hall, including appropriate and desirable appurtenances located within
 34 the convention hall or near, adjacent to or over it within boundaries
 35 determined at the discretion of the authority, including but not limited
 36 to office facilities, commercial facilities, community service facilities,
 37 parking facilities, hotel facilities and other facilities for the
 38 accommodation and entertainment of tourists and visitors, (c)
 39 provision within the county or any beneficiary county of structures,
 40 franchises, equipment and facilities for operation of public
 41 transportation or for terminal purposes, including development and
 42 improvement of port terminal structures, facilities and equipment for
 43 public use in counties in, along or through which a navigable river
 44 flows, (d) provision within the county or any beneficiary county of
 45 structures or other facilities used or operated by the authority or any
 46 governmental unit in connection with, or relative to development and

1 improvement of, aviation for military or civilian purposes, including
2 research in connection therewith, and including structures or other
3 facilities for the accommodation of passengers, (e) provision within the
4 county or any beneficiary county of a public facility for a combination
5 of governmental and nongovernmental uses; provided that not more
6 than 50% of the usable space in any such facility shall be made
7 available for nongovernmental use under a lease or other agreement by
8 or with the authority, (f) acquisition of any real property within the
9 county or any beneficiary county, with or without the improvements
10 thereof or thereon or personal property appurtenant or incidental
11 thereto, from the United States of America or any department, agency
12 or instrumentality heretofore or hereafter created, designated or
13 established by or for it, and the clearance, development or
14 redevelopment, improvement, use or disposition of the acquired lands
15 and premises in accordance with the provisions and for the purposes
16 stated in this act, including the construction, reconstruction,
17 demolition, rehabilitation, conversion, repair or alteration of
18 improvements on or to said lands and premises, and structures and
19 facilities incidental to the foregoing as may be necessary, convenient
20 or desirable, (g) acquisition, construction, maintenance and operation
21 of ~~garbage and solid waste disposal systems~~ solid waste facilities for
22 the purpose of collecting ~~and~~, disposing or recycling of
23 ~~garbage,~~ solid waste ~~or refuse matter~~, whether owned or operated
24 by any person, the authority or any other governmental unit, within or
25 without the county or any beneficiary county, (h) the improvement,
26 furtherance and promotion of the tourist industries and recreational
27 attractiveness of the county or any beneficiary county through the
28 planning, acquisition, construction, improvement, maintenance and
29 operation of facilities for the recreation and entertainment of the
30 public, which facilities may include, without being limited to, a center
31 for the performing and visual arts, (i) provision of loans and other
32 financial assistance and technical assistance for the construction,
33 reconstruction, demolition, rehabilitation, conversion, repair or
34 alteration of buildings or facilities designed to provide decent, safe and
35 sanitary dwelling units for persons of low and moderate income in
36 need of housing, including the acquisition of land, equipment or other
37 real or personal properties which the authority determines to be
38 necessary, convenient or desirable appurtenances, all in accordance
39 with the provisions of this act, as amended and supplemented, (j)
40 planning, initiating and carrying out redevelopment projects for the
41 elimination, and for the prevention of the development or spread of
42 blighted, deteriorated or deteriorating areas and the disposition, for
43 uses in accordance with the objectives of the redevelopment project,
44 of any property or part thereof acquired in the area of such project, (k)
45 any combination or combinations of the foregoing or following, and (l)
46 subject to the prior approval of the Local Finance Board, the planning,

1 design, acquisition, construction, improvement, renovation,
2 installation, maintenance and operation of facilities or any other type
3 of real or personal property within the county or any beneficiary
4 county for a corporation or other person organized for any one or
5 more of the purposes described in subsection a. of N.J.S.15A:2-1
6 except those facilities or any other type of real or personal property
7 which can be financed pursuant to the provisions of P.L.1972, c.29
8 (C.26:2I-1 et seq.) as amended.
9 (cf: P.L.1994, c.110, s.1)

10
11 20. Section 14 of P.L.1960, c.183 (C.40:37A-57) is amended to
12 read as follows:

13 14. a. Every authority is hereby authorized to calculate, charge
14 and collect tolls, rents, rates, fares, fees or other charges (in this act
15 sometimes referred to as "facility charges") in connection with, or for
16 the use or services of, or otherwise relating to, any public facility or
17 other property owned, leased or controlled by the authority. If the
18 public facility is a **【system of】** solid waste **【disposal】** facility,
19 including, but not limited to, a resource recovery facility, recycling
20 **【plant】** center or transfer station owned, leased or controlled by the
21 authority, the authority may charge and collect in connection with that
22 **【system】** solid waste facility from any governmental unit included
23 within the jurisdiction of the authority or any governmental unit which
24 contracts for service with that authority, or from any person utilizing
25 the solid waste facility, or from any owner or occupant of any real
26 property situated in a constituent municipality or in a municipality
27 which contracts for service with that authority. **【Such】** The facility
28 charges may be charged to and collected from any governmental unit
29 or person and **【such】** the governmental unit or person shall be liable
30 for and shall pay **【such】** the facility charges to the authority at the
31 time when and place where **【such】** the facility charges are due and
32 payable.

33 b. No authority may impose or collect user charges from any
34 municipality, responsible solid waste generator or solid waste
35 collector. For the purposes of this subsection, "user charges" means
36 any rates, fees or other charges imposed and collected by a county or
37 authority for the recovery of stranded solid waste facility debt, as
38 defined in section 3 of P.L. , c. (C.13:1E-210)(pending in the
39 Legislature as this bill).

40 (cf: P.L.1988, c.140, s.1)

41
42 21. Section 23 of P.L.1960, c.183 (C.40:37A-66) is amended to
43 read as follows:

44 23. Neither the members of an authority nor any person executing
45 bonds issued pursuant to this act shall be liable personally on the
46 bonds by reason of the issuance thereof. Bonds or other obligations

1 issued by an authority pursuant to this act shall not be in any way a
2 debt or liability of the State or any subdivision thereof and shall not
3 create or constitute any indebtedness, liability or obligation of the
4 State or any such subdivision, except the authority and any county
5 which in accordance with this act shall have guaranteed payment of the
6 principal of and interest on such bonds. The authority may receive
7 moneys from the State Solid Waste Facility Debt Retirement Fund
8 created pursuant to section 8 of P.L. , c. (C.13:1E-215)(pending
9 in the Legislature as this bill).

10 (cf: P.L.1960, c.183, s.23)

11
12 22. Section 3 of P.L.1973, c.330 (C.40:37A-100) is amended to
13 read as follows:

14 3. Any solid waste **【disposal system】** facilities owned or operated
15 by a county improvement authority shall be subject to the provisions
16 of the "Solid Waste Management Act **【(1970)】**" (P.L.1970, c.39,
17 C.13:1E-1 et seq.), and to any rules and regulations adopted
18 **【thereunder】** pursuant thereto by the State Department of
19 Environmental Protection.

20 (cf: P.L.1973, c.330, s.3)

21
22 23. Section 3 of P.L.1973, c.376 (C.40:37C-3) is amended to read
23 as follows:

24 3. **【In】** As used in this act **【**, unless the context otherwise clearly
25 requires, the terms used herein shall have the meanings ascribed to
26 them as follows**】**:

27 "Act" means **【this】** the "New Jersey Pollution Control Financing
28 Law," P.L.1973, c.376 (C.40:37C-1 et seq.).

29 "Authority" means a pollution control financing authority created
30 pursuant to **【this act】** the provisions of P.L.1973, c.376 (C.40:37C-1
31 et seq.).

32 "Bonds" means any notes, bonds and other evidences of
33 indebtedness or obligations of any agency.

34 "County" means any county of any class.

35 "County solid waste facility" means a solid waste facility that is
36 designated by an authority or county in its adopted district solid waste
37 management plan as approved by the Department of Environmental
38 Protection prior to November 10, 1997 as the in-county facility to
39 which solid waste generated within the boundaries of the county is
40 transported for final disposal, or transfer for transportation to an
41 offsite solid waste facility or designated out-of-district disposal site for
42 disposal, as appropriate, pursuant to interdistrict or intradistrict waste
43 flow orders issued by the department.

44 "Debt service" means amounts due and payable by an authority for
45 bonded indebtedness or other financing commitments entered into or
46 issued by an authority to finance a county solid waste facility, which

1 are secured, directly or indirectly, by revenues derived from the rates,
2 fees or charges received at the county solid waste facility for solid
3 waste disposal.

4 "Governing body" means the board of chosen freeholders.

5 "Person" means any individual, partnership, firm, company,
6 corporation, public utility, association, trust, estate, or any other legal
7 entity, or their legal representative, agent or assigns.

8 "Pollution" means any form of environmental pollution deriving
9 from the operation of public utility, industrial, manufacturing,
10 warehousing, commercial, office or research facilities, or deriving from
11 the disposal of solid waste generated at residences, hotels, apartments
12 or any other public or private buildings, including, but not limited to,
13 water pollution, air pollution, pollution caused by solid waste disposal,
14 thermal pollution, radiation contamination, or noise pollution as
15 determined by the various standards prescribed by this State or the
16 Federal Government and including, but not limited to, anything which
17 is considered as pollution or environmental damage pursuant to the
18 laws, rules and regulations administered by the Department of
19 Environmental Protection as established by P.L.1970, c.33 (C.13:1D-1
20 et seq.), and any amendments and supplements thereto.

21 "Pollution control facilities" means any structures, facilities,
22 systems, fixtures, lands and rights in lands, improvements,
23 appurtenances, machinery, equipment or any combination thereof
24 designed and utilized for the purpose of resource recovery and in
25 connection with solid waste disposal, or for the purpose of reducing,
26 abating or preventing pollution, deriving from the operation of public
27 utility, industrial, manufacturing, warehousing, commercial, office or
28 research facilities; and provided that the State Department of
29 Environmental Protection and the governing body of the county certify
30 that any such facility does not conflict with, overlap or duplicate any
31 other planned or existing pollution control facilities undertaken or
32 planned by another public agency or authority.

33 "Project costs" as applied to pollution control facilities financed
34 under the provisions of this act means the sum total of all reasonable
35 or necessary costs incident to the acquisition, construction,
36 reconstruction, repair, alteration, improvement and extension of such
37 pollution control facilities including, but not limited to, the cost of
38 studies and surveys; plans, specifications, architectural and engineering
39 services; organization, marketing or other special services; legal
40 financing, acquisition, demolition, construction, equipment and site
41 development of new and rehabilitated buildings; rehabilitation,
42 reconstruction, repair or remodeling of existing buildings, fixtures,
43 machinery and equipment; insurance premiums; and all other necessary
44 and incidental expenses including an initial bond and interest reserve
45 together with interest on bonds issued to finance such pollution
46 control facilities to a date 6 months subsequent to the estimated date

1 of completion and such other reserves as may be required by
2 resolution of an agency.

3 "Resource recovery" means the collection, separation, recycling
4 and recovery of metals, glass, paper and other materials for reuse; or
5 the incineration of solid waste for energy production and the recovery
6 of metals and other materials for reuse.

7 "Resource recovery facility" means a solid waste facility
8 constructed and operated for the incineration of solid waste for energy
9 production and the recovery of metals and other materials for reuse;
10 or a mechanized composting facility, or any other solid waste facility.

11 "Responsible solid waste generator" means any property owner,
12 tenant or occupant of any single-family residential dwelling or multi-
13 family multiple dwelling, or the owner, tenant or occupant of any
14 industrial, commercial or institutional building or structure located
15 within the boundaries of any municipality, who generates solid waste
16 at those premises.

17 "Solid waste" means garbage, refuse, and other discarded materials
18 resulting from industrial, commercial and agricultural operations, and
19 from domestic and community activities, and shall include all other
20 waste materials including liquids, except for source separated
21 recyclable materials or source separated food waste collected by
22 livestock producers approved by the State Department of Agriculture
23 to collect, prepare and feed such wastes to livestock on their own
24 farms.

25 "Solid waste facilities" means, and includes, the plants, structures
26 and other real and personal property acquired, constructed or operated
27 or to be acquired, constructed or operated by, or on behalf of, any
28 person, an authority or county pursuant to the provisions of the "Solid
29 Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), or for
30 the benefit or use by any governmental unit or person, including
31 transfer stations, incinerators, resource recovery facilities, sanitary
32 landfill facilities or other plants for the disposal of solid waste and all
33 other real and personal property and rights therein and appurtenances
34 necessary or useful and convenient for the collection, recycling or
35 disposal of solid waste in a sanitary manner.

36 (cf: P.L.1983, c.298, s. 4)

37

38 24. Section 4 of P.L.1973, c.376 (C.40:37C-4) is amended to read
39 as follows:

40 4. a. (1) Any county may create an authority under the provisions
41 of this act which shall be a public body corporate and politic and a
42 political subdivision of the State for the purpose of acquiring,
43 constructing, reconstructing, repairing, altering, improving, extending,
44 owning, leasing, financing, selling, maintaining, operating and
45 disposing of pollution control facilities within such county; provided
46 that, with respect to any pollution control facility which is not engaged

1 in resource recovery, the Department of Environmental Protection
2 certifies that the proposed undertaking of the authority is the proper
3 method of solving the problem under consideration; and provided
4 further that, with respect to any pollution control facility which is
5 engaged in resource recovery, the solid waste facilities, including the
6 resource recovery facility, conforms to the Statewide solid waste
7 management plan and the applicable district solid waste management
8 plan and has an approved registration statement and engineering
9 design pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5).

10 The purposes of every authority shall include the acquisition,
11 construction, maintenance and operation of solid waste facilities for
12 the purpose of collecting, disposing or recycling of solid waste,
13 whether owned or operated by any person, the authority or any other
14 governmental unit, within or without the county. Every solid waste
15 facility owned or operated by, or on behalf of, an authority created
16 pursuant to the provisions of P.L.1973, c.376 (C.40:37C-1 et seq.)
17 shall be subject to the provisions of the "Solid Waste Management
18 Act," P.L.1970, c.39 (C.13:1E-1 et seq.), and to any rules and
19 regulations adopted pursuant thereto by the Department of
20 Environmental Protection.

21 (2) Every authority created pursuant to the provisions of
22 P.L.1973, c.376 (C.40:37C-1 et seq.) is hereby authorized to
23 calculate, charge and collect rates, fees or other charges (hereinafter
24 referred to as "solid waste charges") in connection with, or for the use
25 or services of, or otherwise relating to, any solid waste facilities
26 owned, sold, leased or controlled by the authority, including, but not
27 limited to, any recycling center, resource recovery facility, transfer
28 station or sanitary landfill facility. An authority may charge and collect
29 solid waste charges from any governmental unit included within the
30 jurisdiction of the authority, or any governmental unit which contracts
31 for service with the authority, or from any person utilizing the solid
32 waste facilities of the authority, or from any owner or occupant of any
33 real property situated in a municipality or county which contracts for
34 service with the authority. The solid waste charges may be charged to
35 and collected from any governmental unit or person and the
36 governmental unit or person shall be liable for and shall pay the solid
37 waste charges to the authority at the time when and place where the
38 solid waste charges are due and payable.

39 No authority may impose or collect user charges from any
40 municipality, responsible solid waste generator or solid waste
41 collector. For the purposes of this subsection, "user charges" means
42 any rates, fees or other charges imposed and collected by a county or
43 authority for the recovery of stranded solid waste facility debt, as
44 defined in section 3 of P.L. , c. (C.13:1E-210)(pending in the
45 Legislature as this bill).

46 b. The authority shall be created by resolution and shall be known

1 as the "Pollution Control Financing Authority of _____," inserting all
2 or any significant part of the name of the county creating the authority.
3 The authority shall constitute an agency and instrumentality of the
4 county creating it.

5 c. An authority shall consist of five members appointed by
6 resolution of the governing body of the county which created such
7 authority.

8 Members shall serve for terms of 5 years, provided that the
9 members first appointed shall be designated by the resolution of
10 appointment to serve for terms expiring on the first days of the first,
11 second, third, fourth and fifth Februarys next ensuing after such
12 appointment. Each member shall hold office for the term of his
13 appointment and until his successor shall have been appointed and
14 qualified. Any vacancy shall be filled in the same manner as the
15 original appointment but for the unexpired term only.

16 d. The governing body of any county which has created an
17 authority may dissolve the authority by resolution on condition that the
18 authority has no debts or obligations outstanding or that provision has
19 been made for the retirement of such debts or obligations. Upon any
20 such dissolution, all property, funds and assets of the authority shall
21 be vested in the county which created the authority.

22 e. A certified copy of each resolution creating or dissolving an
23 authority and each resolution appointing members thereto shall be filed
24 in the office of the Secretary of State. A copy of any such certified
25 resolution, certified by or on behalf of the Secretary of State, shall be
26 conclusive evidence of the due and proper creation or dissolution of
27 the authority or the due and proper appointment of the member or
28 members named therein.

29 f. The powers of an authority shall be vested in the members
30 thereof from time to time and three members shall constitute a
31 quorum. Action may be taken and motions and resolutions adopted by
32 an agency at any meeting thereof by the affirmative vote of at least
33 three members of the authority.

34 No vacancy in the membership of an authority shall impair the right
35 of a quorum of the members thereof to exercise all the powers and
36 perform all the duties of the authority.

37 g. At the first meeting of any authority and thereafter on or after
38 February 1 in each year, the members shall elect from among their
39 number a chairman and vice chairman who shall hold office until
40 February 1 next ensuing and until their respective successors have
41 been appointed and qualified. Every authority also may appoint,
42 without regard to the provisions of Title **11** of the **Revised** 11A of
43 the New Jersey Statutes, a secretary, treasurer and such other officers,
44 agents and employees as it may require.

45 h. The members of an authority shall serve without compensation,
46 but the authority shall reimburse its members for actual expenses

1 necessarily incurred in the discharge of their official duties.

2 i. No member, officer or employee of an authority, nor member of
3 their family, shall have or acquire any interest, direct or indirect in any
4 pollution control facilities undertaken or planned by the authority or
5 in any contract or proposed contract for materials or services to be
6 furnished to or used by the authority, but neither the holding of any
7 office or employment in the government of any county or municipality
8 or under any law of the State shall be deemed a disqualification for
9 membership in or employment by an authority, except as may be
10 specifically provided by law, and members of the governing body of a
11 county may be appointed by such governing body and may serve as
12 members of the authority. A member may be removed only by the
13 governing body by which he was appointed for inefficiency or neglect
14 of duty or misconduct in office or conviction of a crime, and after he
15 shall have been given a copy of the charges against him and, not
16 sooner than 10 days thereafter, had the opportunity in person or by
17 counsel to be heard thereon by such governing body.

18 (cf: P.L1983, c.298, s.5)

19

20 25. Section 10 of P.L.1973, c.376 (C.40:37C-10) is amended to
21 read as follows:

22 10. Bonds issued under the provisions of this act shall not be
23 deemed to constitute a debt or liability of the State or of any political
24 subdivision thereof, but shall be payable solely from the funds herein
25 provided therefor. The issuance of bonds under the provisions of this
26 act shall not, directly, indirectly or contingently, obligate the State or
27 any political subdivision thereof to levy any form of taxation therefor
28 or to make any appropriation for their payment. Nothing in this act
29 shall be construed to authorize an agency to create a debt of the State
30 or any county or municipality within the meaning of the Constitution
31 or statutes of New Jersey and all bonds issued by such authority
32 pursuant to the provisions of this act, unless funded or refunded
33 pursuant to this act, are payable and shall state that they are payable
34 solely from the funds pledged for their payment in accordance with the
35 resolution authorizing their issuance or in any indenture executed as
36 security therefor. The State, county, and municipality shall not in any
37 event be liable for the payment of the principal of or interest or
38 premiums, if any, on any bonds of an authority or for the performance
39 of any pledge, obligation or agreement of any kind whatsoever which
40 may be undertaken by such authority. No breach by an authority of
41 any such pledge, obligation or agreement may impose any pecuniary
42 liability upon the State, county or municipality or any charge upon
43 their general credit or against their taxing power.

44 The State, however, does pledge and agree with the holders of any
45 bonds issued under this act that it will not limit or alter the rights
46 hereby vested in any authority to fulfill the terms of any agreements

1 made with the holders thereof consistent herewith, or in any way
2 impair the rights and remedies of such holders until such bonds,
3 together with the interest thereon, with interest on any unpaid
4 installments of interest, and all costs and expenses for which the
5 authority is liable in connection with any action or proceeding by or on
6 behalf of such holders, are fully met and discharged. Any authority is
7 authorized to include this pledge and agreement of the State in any
8 agreement it may make with the holders of such bonds. The authority
9 may receive moneys from the State Solid Waste Facility Debt
10 Retirement Fund created pursuant to section 8 of P.L. , c.
11 (C.13:1E-215)(pending in the Legislature as this bill).
12 (cf: P.L.1973, c.376, s.10)

13
14 26. Section 18 of P.L.1983, c.313 (C.40A:5A-18) is amended to
15 read as follows:

16 18. If at any time, as a result of exercising **his** the
17 responsibilities of the Director of the Division of Local Government
18 Services under **this act** the provisions of P.L.1983, c.313
19 (C.40A:5A-1 et seq.), the director has reason to believe that an
20 authority is faced with financial difficulty, the director shall summon
21 appropriate officials of the authority and the local unit or units or
22 either of the aforesaid to a hearing before the Local Finance Board.
23 The Local Finance Board may require the production of papers,
24 documents, witnesses or information and may make or cause to be
25 made an audit or investigation of the circumstances with respect to
26 which the hearing was called.
27 (cf: P.L.1983, c.313, s.18)

28
29 27. Section 19 of P.L.1983, c.313 (C.40A:5A-19) is amended to
30 read as follows:

31 19. a. If the Local Finance Board determines that financial
32 difficulties exist which (1) jeopardize the payment of operating
33 expenses and debt service on obligations of the authority or either of
34 the aforesaid; or place an undue financial burden on the inhabitants of
35 the local unit or units or the users of the system or facilities of an
36 authority; and (2) that these difficulties are likely to recur and, if they
37 continue, will impair the credit of the authority and local unit or units
38 or either of the aforesaid to the detriment of the inhabitants thereof;
39 and (3) no financial plan designed to prevent a recurrence of these
40 conditions and which is deemed to be practicable and feasible by the
41 director has been undertaken by the authority or the local unit or units,
42 the Local Finance Board shall order the implementation of a financial
43 plan which will assure the payment of debt service on obligations of
44 the authority, or provide relief from undue financial burden. The order
45 shall be deemed conclusive and final and upon receipt of the order all
46 persons shall be estopped from contesting the order or the provisions

1 thereof and the authority or local unit or units affected thereby shall
2 take the action to comply with the order.

3 b. In ordering the implementation of a financial plan which will
4 assure the payment of debt service on obligations of a public authority
5 related to the financing of solid waste facilities, the Local Finance
6 Board shall not order a public authority to impose or collect user
7 charges from any municipality, responsible solid waste generator or
8 solid waste collector. For the purposes of this subsection, "user
9 charges" means any rates, fees or other charges imposed and collected
10 by a county or public authority for the recovery of stranded solid
11 waste facility debt, as those costs are defined in section 3 of P.L. ,
12 c. (C.13:1E-210)(pending in the Legislature as this bill).

13 (cf: P.L.1983, c.313, s.19)

14

15 28. This act shall take effect immediately.