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SYNOPSIS
Establishes Statewide targets to reduce disposal of organic waste in landfills; requires DEP to adopt regulations to achieve targets.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the reduction of organic waste in landfills and supplementing Title 13 of the Revised Statutes.

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

1. a. There is established for the State the following targets to reduce the disposal of organic waste in landfills:
   (1) a 50 percent reduction in the level of the Statewide disposal of organic waste from the 2016 level by January 1, 2022; and
   (2) a 75 percent reduction in the level of the Statewide disposal of organic waste from the 2016 level by January 1, 2027.
   b. No later than 18 months after the effective date of this act, the Department of Environmental Protection shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to achieve the targets established in subsection a. of this section.
      (1) The regulations adopted pursuant to this subsection may:
         (a) require local governments to impose requirements on generators of organic waste or other appropriate persons or entities within their jurisdictions, and may authorize local governments to impose reasonable penalties for noncompliance;
         (b) include different tiers of requirements for local governments and phased timelines for compliance with those requirements, based upon each local government’s progress in meeting the targets established in subsection a. of this section; and
         (c) may include reasonable penalties to be imposed by the department for noncompliance.
      (2) The regulations adopted pursuant to this subsection shall:
         (a) include requirements intended to meet the goal that not less than 20 percent of excess, unused, and edible food that is currently disposed of is recovered for human consumption by 2030, and the food waste goals established in section 2 of P.L.2017, c.136 (C.13:1E-227);
         (b) not include a numeric organic waste disposal limit for individual landfills; and
         (c) include a two-year grace period from the assessment of any penalties for noncompliance, beginning on the date the regulations adopted pursuant to this subsection take effect.
   c. A local government may charge and collect reasonable fees from generators of organic waste and other appropriate persons or entities to recover any costs the local government incurs in complying with the rules and regulations adopted pursuant to subsection b. of this section.
   d. No later than July 1, 2022, the department shall prepare and submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, analyzing the progress that the solid waste sector, State government, and local
governments have made in achieving the organic waste reduction targets established pursuant to subsection a. of this section. The analysis shall include, but need not be limited to:

(1) the effectiveness of the rules and regulations adopted pursuant to subsection b. of this section and recommendations for both legislative and regulatory action to further reduce the disposal of organic waste in landfills;

(2) the status of organic waste recycling infrastructure in the State, and the availability of State or local funding to support the expansion of that infrastructure;

(3) the State’s progress toward attracting and permitting new organic waste recycling facilities, and recommendations for both legislative and regulatory action, including new incentives, to facilitate the siting and permitting of such facilities; and

(4) the status of markets in the State for the products generated by organic waste recycling facilities, including, but not limited to, compost and biomethane.

e. Nothing in this section shall be construed to limit the authority of a local government to adopt, implement, and enforce requirements regarding the reduction of organic waste that are more stringent than, or in addition to, those adopted pursuant to this section.

2. This act shall take effect immediately.

STATEMENT

This bill would establish Statewide targets to reduce the disposal of organic waste in landfills, and authorize the Department of Environmental Protection (DEP) to adopt regulations to achieve those targets.

Organic waste is biodegradable waste that derives from organic material, and includes food, paper and cardboard, yard trimmings, animal waste, bio-solids, and sludge. The vast majority of organic waste that is generated in New Jersey is deposited into landfills, where it breaks down and releases methane, a potent greenhouse gas. While a percentage of this methane is collected by landfills and used to provide energy, much of it escapes into the atmosphere, contributing significantly to climate change. Additionally, as the largest component of municipal solid waste, organic waste takes up valuable landfill space and generates landfill liquids that can pollute waterways. Recycling food waste produces a number of environmental and economic benefits.

The Statewide targets established in the bill are as follows: (1) a 50 percent reduction in the level of the Statewide disposal of organic waste from the 2016 level by January 1, 2022; and (2) a 75 percent reduction in the level of the Statewide disposal of organic
waste from the 2016 level by January 1, 2027. The bill would require the DEP to adopt regulations to achieve these targets. These regulations may require local governments to impose requirements on generators of organic waste or other appropriate persons or entities, and may authorize local governments to impose reasonable penalties for noncompliance. The regulations would not, however, include a numeric organic waste disposal limit for individual landfills.

The bill would authorize local governments to charge and collect reasonable fees from generators of organic waste and other appropriate persons or entities to recover costs the local government incurs in complying with the regulations. No later than July 1, 2022, the DEP would be required to prepare and submit a report analyzing the progress that the solid waste sector, State government, and local governments have made in achieving the organic waste reduction targets established in the bill. Nothing in the bill would prohibit a local government from adopting, implementing, and enforcing requirements regarding the reduction of organic waste that are more stringent than, or in addition to, those adopted under the bill.

This bill is modeled substantially off of a law passed in California in 2016.