

ASSEMBLY, No. 5191

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 21, 2020

Sponsored by:

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District 27 (Essex and Morris)
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District 7 (Burlington)
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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.



(Sponsorship Updated As Of: 1/4/2021)

1 **AN ACT** concerning the reduction of organic waste in landfills and
2 supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. a. There is established for the State the following targets to
8 reduce the disposal of organic waste in landfills:

9 (1) a 50 percent reduction in the level of the Statewide disposal
10 of organic waste from the 2016 level by January 1, 2022; and

11 (2) a 75 percent reduction in the level of the Statewide disposal
12 of organic waste from the 2016 level by January 1, 2027.

13 b. No later than 18 months after the effective date of this act,
14 the Department of Environmental Protection shall adopt, pursuant
15 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
16 1 et seq.), rules and regulations necessary to achieve the targets
17 established in subsection a. of this section.

18 (1) The regulations adopted pursuant to this subsection may:

19 (a) require local governments to impose requirements on
20 generators of organic waste or other appropriate persons or entities
21 within their jurisdictions, and may authorize local governments to
22 impose reasonable penalties for noncompliance;

23 (b) include different tiers of requirements for local governments
24 and phased timelines for compliance with those requirements, based
25 upon each local government's progress in meeting the targets
26 established in subsection a. of this section; and

27 (c) may include reasonable penalties to be imposed by the
28 department for noncompliance.

29 (2) The regulations adopted pursuant to this subsection shall:

30 (a) include requirements intended to meet the goal that not less
31 than 20 percent of excess, unused, and edible food that is currently
32 disposed of is recovered for human consumption by 2030, and the
33 food waste goals established in section 2 of P.L.2017, c.136
34 (C.13:1E-227);

35 (b) not include a numeric organic waste disposal limit for
36 individual landfills; and

37 (c) include a two-year grace period from the assessment of any
38 penalties for noncompliance, beginning on the date the regulations
39 adopted pursuant to this subsection take effect.

40 c. A local government may charge and collect reasonable fees
41 from generators of organic waste and other appropriate persons or
42 entities to recover any costs the local government incurs in
43 complying with the rules and regulations adopted pursuant to
44 subsection b. of this section.

45 d. No later than July 1, 2022, the department shall prepare and
46 submit a report to the Governor and, pursuant to section 2 of
47 P.L.1991, c.164 (C.52:14-19.1), the Legislature, analyzing the
48 progress that the solid waste sector, State government, and local

1 governments have made in achieving the organic waste reduction
2 targets established pursuant to subsection a. of this section. The
3 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.

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

23

24 2. This act shall take effect immediately.

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STATEMENT

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

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

45 The Statewide targets established in the bill are as follows: (1) a
46 50 percent reduction in the level of the Statewide disposal of
47 organic waste from the 2016 level by January 1, 2022; and (2) a 75
48 percent reduction in the level of the Statewide disposal of organic

1 waste from the 2016 level by January 1, 2027. The bill would
2 require the DEP to adopt regulations to achieve these targets. These
3 regulations may require local governments to impose requirements
4 on generators of organic waste or other appropriate persons or
5 entities, and may authorize local governments to impose reasonable
6 penalties for noncompliance. The regulations would not, however,
7 include a numeric organic waste disposal limit for individual
8 landfills.

9 The bill would authorize local governments to charge and collect
10 reasonable fees from generators of organic waste and other
11 appropriate persons or entities to recover costs the local government
12 incurs in complying with the regulations. No later than July 1,
13 2022, the DEP would be required to prepare and submit a report
14 analyzing the progress that the solid waste sector, State
15 government, and local governments have made in achieving the
16 organic waste reduction targets established in the bill. Nothing in
17 the bill would prohibit a local government from adopting,
18 implementing, and enforcing requirements regarding the reduction
19 of organic waste that are more stringent than, or in addition to,
20 those adopted under the bill.

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