

ASSEMBLY, No. 989

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen MORAN and CONNORS

1 AN ACT concerning the development of solid waste facilities, and  
2 supplementing P.L.1970, c.39 (C.13:1E-1 et seq.).

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

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7 1. The provisions of any other law, or any rule or regulation  
8 adopted pursuant thereto to the contrary notwithstanding, any county  
9 which has secured disposal capacity within the county sufficient for its  
10 anticipated solid waste disposal needs for the next five years following  
11 the effective date of this 1988 supplementary act pursuant to a district  
12 solid waste management plan required pursuant to the provisions of  
13 the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et  
14 seq.), and approved by the Department of Environmental Protection  
15 prior to January 1, 1988, shall not be required to accept out-of-district  
16 solid waste for disposal at any solid waste facilities located within the  
17 county which have been identified in the approved plan.

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19 2. The provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) or  
20 P.L.1970, c.40 (C.48:13A-1 et seq.) or any rule or regulation adopted,  
21 or order issued, pursuant thereto to the contrary notwithstanding, the  
22 Department of Environmental Protection, in conjunction with the  
23 Board of Public Utilities, shall not redirect the flow of solid waste  
24 generated within a county which has failed to provide sufficient  
25 available, suitable disposal capacity within the county for its interim  
26 solid waste disposal needs, as determined by the department, to any  
27 solid waste facilities located within any county which has secured  
28 disposal capacity within the county sufficient for its anticipated solid  
29 waste disposal needs for the next five years following the effective  
30 date of this 1988 supplementary act pursuant to a district solid waste  
31 management plan approved by the department prior to January 1,  
32 1988, unless the proposed receiving county approves the interdistrict  
33 waste flow order by duly adopted resolution of its governing body.

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35 3. a. The provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) or any

1 rule or regulation adopted, or administrative order issued pursuant  
2 thereto to the contrary notwithstanding, any county which has secured  
3 disposal capacity within the county sufficient for its anticipated solid  
4 waste disposal needs for the next five years following the effective  
5 date of this 1988 supplementary act pursuant to a district solid waste  
6 management plan approved by the department prior to January 1,  
7 1988, shall be exempt from and shall not be required to achieve the  
8 various milestones or otherwise adhere to the specific project schedule  
9 contained within an administrative order or consent agreement entered  
10 into between the county and the department for the development of a  
11 resource recovery facility ordered by the department for the long-term  
12 solid waste disposal requirements of the district. This exemption shall  
13 not exceed five years in duration.

14 b. To be eligible for an exemption pursuant to this section, a  
15 county shall have established and implemented a countywide  
16 mandatory source separation and recycling program pursuant to  
17 P.L.1987, c.102 (C.13:1E-99.11 et al.), and shall undertake a study to  
18 explore alternatives to mass-burn incineration and examine ash residue  
19 disposal techniques. In conducting this study, the county shall:

20 (1) Research the practicability and feasibility of technologies that  
21 may be available for the environmentally-sound disposal of solid waste  
22 which do not utilize incineration to process solid waste or recover  
23 reusable materials from solid waste; and

24 (2) Investigate methods for the environmentally-sound  
25 management and disposal of fly ash and bottom ash or other waste  
26 products resulting from the operation of a resource recovery facility.  
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28 4. This act shall take effect immediately.  
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### 31 STATEMENT 32

33 This bill would limit the authority of the Department of  
34 Environmental Protection and the Board of Public Utilities to direct  
35 solid waste exported from counties which have thus far failed to  
36 provide for their own solid waste disposal needs to solid waste  
37 facilities with available disposal capacity located in counties with  
38 approved district solid waste management plans. The bill would also  
39 exempt counties which have secured sufficient landfill disposal  
40 capacity for the next five years from the orders of the DEP requiring  
41 the scheduled development of a resource recovery facility so that the  
42 county may investigate alternatives to mass-burn incineration and  
43 examine ash residue disposal techniques prior to deciding upon a  
44 long-term solid waste disposal strategy.

45 Interdistrict solid waste flow orders jointly issued by the DEP and  
46 the BPU requiring a county to accept out-of-district solid waste

1 typically results in a premature depletion of the receiving county's  
2 remaining disposal capacity. These orders thus result in palpable  
3 planning dislocations and financial hardship, rather than mere  
4 inconvenience, to a receiving county. Moreover, the premature  
5 depletion of capacity at a sanitary landfill facility utilized by a county  
6 for its interim disposal requirements pending the development of a  
7 long-term disposal method often has the unintended consequence of  
8 constraining county solid waste planners to select, usually in a  
9 precipitous manner, mass-burn incineration as the county's long-term  
10 solid waste disposal strategy.

11 Specifically, the bill would: (1) permit a county with sufficient  
12 disposal capacity for its anticipated solid waste disposal needs for each  
13 of the next five years, as identified in an adopted district solid waste  
14 management plan approved by the department prior to January 1,  
15 1988, to refuse to accept out-of-district solid waste for disposal at  
16 operational solid waste facilities located within the county; (2) prohibit  
17 the DEP and the BPU from redirecting the flow of solid waste to solid  
18 waste facilities located in a county with sufficient disposal capacity for  
19 each of the next five years in accordance with an adopted district solid  
20 waste management plan approved by the DEP prior to January 1, 1988  
21 unless the county adopts a resolution approving the interdistrict waste  
22 flow order; and (3) exempt, for up to five years, a county with  
23 sufficient disposal capacity for the next five years from the DEP  
24 administrative order or consent agreement entered into with the  
25 department for the development of a resource recovery facility,  
26 provided that the county has implemented a countywide mandatory  
27 source separation and recycling program and that the county will  
28 conduct a study of alternative waste processing technologies and ash  
29 disposal techniques.

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34 Prohibits the exportation of out-of-district solid waste to certain  
35 counties; exempts certain counties from DEP orders requiring the  
36 development of resource recovery facilities.