

ASSEMBLY, No. 2576

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblyman BARNES, Assemblywoman BUONO and
Assemblyman Wisniewski

1 AN ACT concerning certain sanitary landfill facilities, and amending
2 P.L.1994, c.27.

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

6
7 1. Section 2 of P.L.1994, c.27 (C.13:1E-28.3) is amended to read
8 as follows:

9 2. a. Any municipality with a population density of more than
10 1,500 persons per square mile, according to the latest federal decennial
11 census, that shares a common boundary with a municipality within
12 which is located, pursuant to an adopted and approved district solid
13 waste management plan, a sanitary landfill facility:

14 (1) any part of which lies within 1,300 feet of the common
15 boundary between the municipalities, as determined by the Department
16 of Environmental Protection;

17 (2) that received more than 700,000 tons of solid waste in the 1992
18 calendar year or in any calendar year thereafter; and

19 (3) that is owned or operated by a county or by a county utilities
20 authority created pursuant to the "municipal and county utilities
21 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), shall be
22 entitled to an annual economic benefit in consideration for the
23 proximity of the sanitary landfill facility. The annual economic benefit
24 shall be not less than the equivalent of \$0.50 per ton, and not more
25 than \$1.50 per ton, of all solid waste accepted for disposal at the
26 sanitary landfill facility, as determined by the department, during the
27 1993 calendar year and each year thereafter.

28 b. A municipality that qualifies for an economic benefit pursuant to
29 subsection a. of this section may negotiate with the owner or operator
30 of the sanitary landfill facility to determine the actual dollar amount of
31 the annual economic benefit to be paid to that municipality.

32 ~~[The] Except as provided in subsection d. of this section, the~~
33 owner or operator of the sanitary landfill facility shall annually pay to

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 every municipality qualifying under subsection a. of this section the full
2 amount due under this subsection, except that the owner or operator
3 shall pay the 1993 economic benefit by the last day of the first quarter
4 of the 1994 calendar year. Each municipality qualifying under
5 subsection a. of this section may anticipate the annual economic
6 benefit for the purposes of preparing its 1994 budget and each annual
7 budget thereafter. For the purposes of calculating the method of
8 payment, the owner or operator of the sanitary landfill facility may,
9 subject to the prior agreement of a municipality qualifying under
10 subsection a. of this section and to the approval of the Department of
11 Environmental Protection, provide that municipality with any of the
12 following benefits in consideration for the proximity of the sanitary
13 landfill facility:

14 (1) The exemption from all fees and charges for the disposal of
15 solid waste generated within the boundaries of the municipality;

16 (2) The receipt of a lump sum cash payment; or

17 (3) Any combination thereof.

18 c. Every owner or operator of a sanitary landfill facility required to
19 make annual payments to a municipality qualifying pursuant to
20 subsection a. of this section may petition the Department of
21 Environmental Protection for an increase in its tariff which reflects
22 these payments. The department, within 60 days of the receipt of the
23 petition, shall issue an appropriate order that these payments shall be
24 passed along to the users of the sanitary landfill facility as an
25 automatic surcharge on any tariff filed with, and recorded by, the
26 department for the solid waste disposal operations of the facility.

27 d. A portion of the annual economic benefit paid to each
28 municipality pursuant to subsection a. of this section shall be passed
29 directly to each property taxpayer or tenant, as the case may be, who
30 permanently resides within a geographical area designated by the
31 department as the area most affected by the sanitary landfill facility.
32 The area most affected shall be designated by the department after
33 conducting an analysis based upon identified objective criteria
34 established by the department. The designation by the department
35 shall be subject to the approval of the owner or operator of the
36 sanitary landfill facility.

37 The annual economic benefit shall be conferred upon the property
38 taxpayers or tenants, as the case may be, permanently occupying
39 residentially assessed housing units in the form of property tax credits
40 or tenant property tax rebates. The amount of the benefit to be
41 credited shall be set forth in an agreement between the qualifying
42 municipality and the owner or operator of the sanitary landfill facility.
43 The total amount of the benefits passed directly to residential property
44 owners or tenants as credits pursuant to this subsection shall not be
45 less than five percent nor greater than 25 percent of the total payment
46 made by the owner or operator of the sanitary landfill facility to the

1 municipality. The amount of the credit shall at no time exceed the
2 equivalent amount funded for the average economic benefit for each
3 residential property owner in the municipality for which benefits are
4 authorized pursuant to subsection a. of this section.

5 e. In issuing any order required by this section, the Department of
6 Environmental Protection shall be exempt from the provisions of
7 R.S.48:2-21.

8 (cf: P.L.1994, c.27, s.2)

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10 2. This act shall take effect immediately.

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13 STATEMENT

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15 Pursuant to P.L.1994, c.27, every municipality with a population
16 density greater than 1,500 persons per square mile that shares a
17 common boundary with a municipality within which a sanitary landfill
18 facility is located, if that common boundary lies within 1,300 feet of
19 the sanitary landfill facility and the landfill received more than 700,000
20 tons of solid waste in 1992 or in any calendar year thereafter, is
21 entitled to an economic benefit of not less than \$0.50 per ton and not
22 more than \$1.50 per ton from the owner or operator of the sanitary
23 landfill facility. This bill would require a portion of that total
24 economic benefit to be paid directly to property taxpayers or tenants,
25 as the case may be, who reside in the area most affected by the
26 sanitary landfill facility. The area most affected shall be designated by
27 the department after conducting an analysis based upon identified
28 objective criteria established by the department. The designation by
29 the department shall be subject to the approval of the owner or
30 operator of the sanitary landfill facility.

31 The annual economic benefit shall be conferred upon the property
32 taxpayers or tenants, as the case may be, permanently occupying
33 residentially assessed housing units in the form of property tax credits
34 or tenant property tax rebates. The amount of the benefit to be
35 credited shall be set forth in an agreement between the municipality
36 and the owner or operator of the sanitary landfill facility. The total
37 amount of the benefits passed directly to residential property owners
38 or tenants as credits pursuant to this subsection shall not be less than
39 five percent nor greater than 25 percent of the total payment made by
40 the owner or operator of the sanitary landfill facility to the
41 municipality. The amount of the credit shall at no time exceed the
42 equivalent amount funded for the average economic benefit for each
43 residential property owner in the municipality for which benefits are
44 authorized pursuant to P.L.1994, c.27.

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3 Provides economic benefit to certain residential property owners or
4 tenants living near a sanitary landfill facility.