

[First Reprint]

## **ASSEMBLY, No. 4548**

# **STATE OF NEW JERSEY**

## **220th LEGISLATURE**

INTRODUCED SEPTEMBER 22, 2022

**Sponsored by:**

**Assemblyman JAMES J. KENNEDY**

**District 22 (Middlesex, Somerset and Union)**

**Assemblywoman SHAMA A. HAIDER**

**District 37 (Bergen)**

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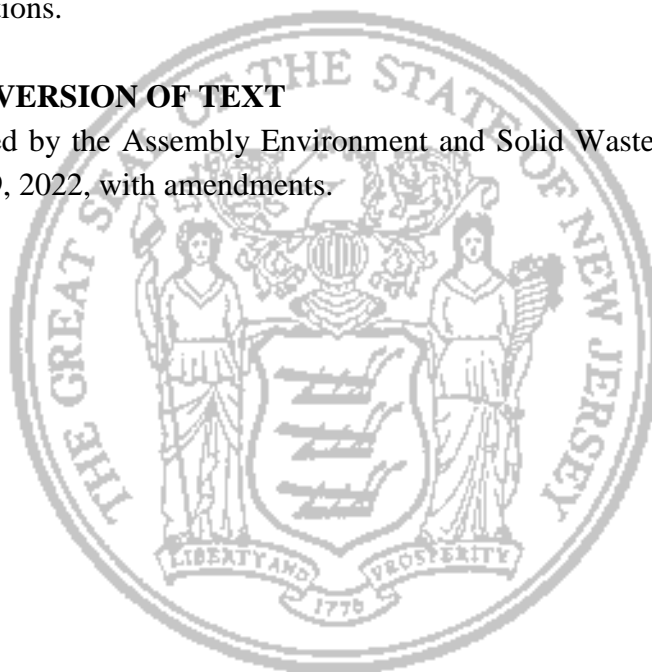
**Assemblywomen Lampitt and McKnight**

### **SYNOPSIS**

Authorizes schools to receive certain food waste from other schools, and provides exemption to such receiving schools from certain DEP permits, under certain conditions.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Environment and Solid Waste Committee on September 29, 2022, with amendments.



**(Sponsorship Updated As Of: 6/30/2023)**

1 AN ACT concerning food waste generated by schools 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. Except as provided in subsection <sup>1</sup>**[b.] c.**<sup>1</sup> of this section,  
 8 notwithstanding the provisions of any State law, or rule or  
 9 regulation adopted pursuant thereto, or a district solid waste  
 10 management plan adopted pursuant to P.L.1970, c.39 (C.13:1E-1 et  
 11 seq.) to the contrary, a school may deliver, or provide for the  
 12 delivery of, compostable <sup>1</sup>or anaerobically digestible<sup>1</sup> food waste  
 13 generated by the school to another school in the State, provided that  
 14 the receiving school:

15 (1) accepts the food waste;

16 (2) composts the food waste using an on-site, in-vessel  
 17 composting system <sup>1</sup>or digests the food waste using an on-site  
 18 anaerobic digestion system<sup>1</sup> ; and

19 (3) does not accept food waste in excess of the capacity of its in-  
 20 vessel composting system <sup>1</sup>or anaerobic digestion system<sup>1</sup> .

21 b. <sup>1</sup>A school that receives food waste pursuant to subsection a.  
 22 of this section shall not be required by the Department of  
 23 Environmental Protection to obtain a permit, approval, or other  
 24 authorization issued by the department pursuant to the "Solid Waste  
 25 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), the "New  
 26 Jersey Statewide Mandatory Source Separation and Recycling Act,"  
 27 P.L.1987, c.102 (C.13:1E-99.11 et al.), the "Air Pollution Control  
 28 Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.), or the "Water  
 29 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), or any  
 30 rules or regulations adopted pursuant thereto, in connection with the  
 31 receipt of the food waste or the processing of food waste generated  
 32 on-site.

33 c.<sup>1</sup> The provisions of this section shall not apply to a school that  
 34 is subject to the provisions of P.L.2020, c.24 (C.13:1E-99.122 et  
 35 al.). A school that is subject to the provisions of P.L.2020, c.24  
 36 (C.13:1E-99.122 et al.) shall dispose of its food waste in accordance  
 37 with that law.

38 <sup>1</sup>**[c.] d.**<sup>1</sup> As used in this section:

39 <sup>1</sup>"Anaerobically digestible" means capable of undergoing  
 40 anaerobic biological decomposition such that the material breaks  
 41 down into a slurry fraction of digestate and a gaseous fraction of  
 42 biogas.

43 "Anaerobic digestion system" means a system of anaerobically  
 44 digesting anaerobically digestible waste in which the waste is  
 45 entirely enclosed, except for ventilation ducts or other means of

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AEN committee amendments adopted September 29, 2022.

1 ventilation, such that the material breaks down into, or otherwise  
2 becomes part of, liquid and solid digestate in addition to biogas.<sup>1</sup>

3 “Compostable” means capable of undergoing aerobic biological  
4 decomposition such that the material breaks down into, or otherwise  
5 become part of, usable compost in a safe and timely manner.

6 “In-vessel composting system” means a system of composting  
7 compostable waste in which the waste is entirely enclosed, except  
8 for ventilation ducts or other means of ventilation, within a  
9 building, container, or other vessel.

10 “School” means a public or nonpublic elementary or secondary  
11 school offering education in grades K through 12, or any  
12 combination thereof, at which a child may legally fulfill  
13 compulsory school attendance requirements..  
14

15 2. This act shall take effect immediately.