

[Second Reprint]

SENATE, No. 3153

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

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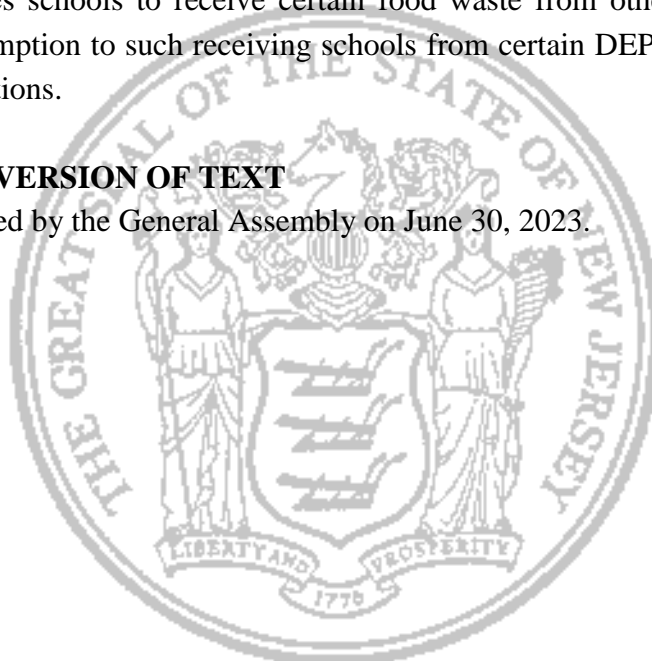
Assemblywomen Lampitt, McKnight and Senator Pou

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 amended by the General Assembly on June 30, 2023.



(Sponsorship Updated As Of: 12/11/2023)

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 ¹**[b.]** c.¹ 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 ²or anaerobically digestible² 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 ²or digests the food waste using an on-site
 18 anaerobic digestion system²; and

19 (3) does not accept food waste in excess of the capacity of its in-
 20 vessel composting system ²or anaerobic digestion system².

21 b. ¹A 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.¹ 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 ¹**[c.]** d.¹ As used in this section:

39 ²"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.

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:

¹Senate SEN committee amendments adopted December 15, 2022.

²Assembly floor amendments adopted June 30, 2023.

1 “Anaerobic digestion system” means a system of anaerobically
2 digesting anaerobically digestible waste in which the waste is
3 entirely enclosed, except for ventilation ducts or other means of
4 ventilation, such that the material breaks down into, or otherwise
5 becomes part of, liquid and solid digestate in addition to biogas.²

6 "Compostable" means capable of undergoing aerobic biological
7 decomposition such that the material breaks down into, or otherwise
8 become part of, usable compost in a safe and timely manner.

9 "In-vessel composting system" means a system of composting
10 compostable waste in which the waste is entirely enclosed, except
11 for ventilation ducts or other means of ventilation, within a
12 building, container, or other vessel.

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

17

18 2. This act shall take effect immediately.