

[Third Reprint]

SENATE, No. 3153

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

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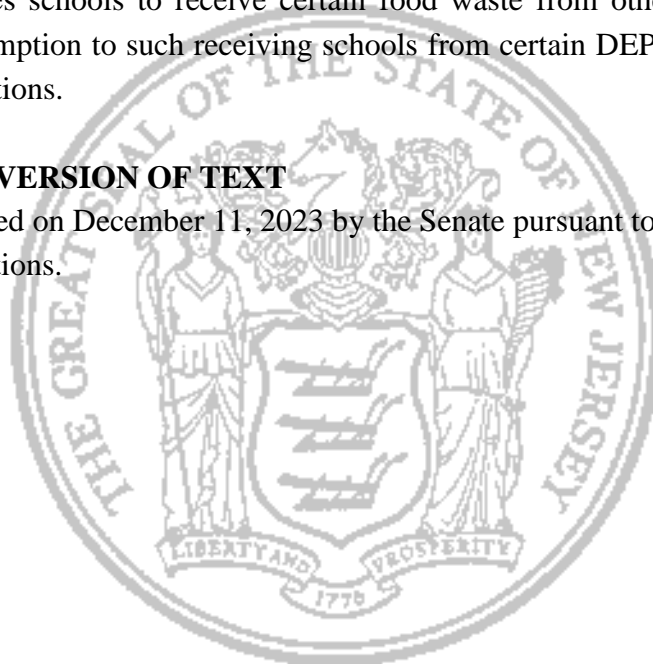
Assemblywomen Lampitt, McKnight, Senators Pou and Durr

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 on December 11, 2023 by the Senate pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 12/14/2023)

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.]** ³**[c.1]** d.³ of this
 8 section, notwithstanding the provisions of ³**[any State law]** the
 9 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.),
 10 the "New Jersey Statewide Mandatory Source Separation and
 11 Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et seq.)³, or rule
 12 or regulation adopted pursuant thereto, or a district solid waste
 13 management plan adopted pursuant to P.L.1970, c.39 (C.13:1E-1 et
 14 seq.) to the contrary, a school may deliver, or provide for the
 15 delivery of, compostable ²or anaerobically digestible² food waste
 16 generated by the school to another school in the State, ³and a school
 17 in the State may accept and process compostable or anaerobically
 18 digestible food waste,³ provided that the receiving school:

19 (1) accepts the food waste;

20 (2) composts the food waste using an on-site, in-vessel
 21 composting system ²or digests the food waste using an on-site
 22 anaerobic digestion system²; ³**[and]**³

23 (3) does not accept food waste in excess of the capacity of its in-
 24 vessel composting system ²or anaerobic digestion system² ³**[.]** ;
 25 and

26 (4) notifies the Department of Environmental Protection and
 27 applicable local government entities of its intent to begin accepting
 28 food waste from another school via a form provided by the
 29 department.³

30 b. ¹A school that receives food waste pursuant to subsection a.
 31 of this section shall not be required by the Department of
 32 Environmental Protection to obtain a permit, approval, or other
 33 authorization issued by the department pursuant to the "Solid Waste
 34 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) ³**[.]** or³ the
 35 "New Jersey Statewide Mandatory Source Separation and Recycling
 36 Act," P.L.1987, c.102 (C.13:1E-99.11 et al.), ³**[the "Air Pollution**
 37 Control Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.), or the
 38 "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et
 39 seq.)]³ or any rules or regulations adopted pursuant thereto, in
 40 connection with the receipt of the food waste or the processing of
 41 food waste generated on-site.

42 c.¹ ³Notwithstanding the provisions of any State law or rule or
 43 regulation adopted pursuant thereto, a school that composts food

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.

³Senate amendments adopted in accordance with Governor's recommendations December 11, 2023.

1 waste generated on-site or received pursuant to subsection a. of this
2 section using an on-site, in-vessel composting system, or digests
3 such food waste using an on-site anaerobic digestion system, shall
4 not be subject to any fees to obtain any permits required for such an
5 on-site, in-vessel composting system or anaerobic digestion system
6 pursuant to the "Air Pollution Control Act (1954)," P.L.1954, c.212
7 (C.26:2C-1 et seq.), the "Water Pollution Control Act," P.L.1977,
8 c.74 (C.58:10A-1 et seq.), any other State law, or any rule or
9 regulation adopted pursuant thereto.

10 d.³ The provisions of this section shall not apply to a school that
11 is subject to the provisions of P.L.2020, c.24 (C.13:1E-99.122 et
12 al.). A school that is subject to the provisions of P.L.2020, c.24
13 (C.13:1E-99.122 et al.) shall dispose of its food waste in accordance
14 with that law.

15 ¹[c.] ³[d.¹] e. In order to ensure that a school's composting or
16 anaerobic digestion of food waste is conducted in a manner that
17 avoids public health and environmental impacts, the Department of
18 Environmental Protection shall issue guidance for school
19 composting and anaerobic digestion systems addressing odor
20 control, vessel siting, operational standards, and record keeping.
21 The Department of Environmental Protection may promulgate such
22 rules and regulations as are necessary to implement the
23 requirements of P.L. , c. (C.) (pending before the
24 Legislature as this bill).

25 f.³ As used in this section:

26 ²"Anaerobically digestible" means capable of undergoing
27 anaerobic biological decomposition such that the material breaks
28 down into a slurry fraction of digestate and a gaseous fraction of
29 biogas.

30 "Anaerobic digestion system" means a system of anaerobically
31 digesting anaerobically digestible waste in which the waste is
32 entirely enclosed, except for ventilation ducts or other means of
33 ventilation, such that the material breaks down into, or otherwise
34 becomes part of, liquid and solid digestate in addition to biogas.²

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

38 "In-vessel composting system" means a system of composting
39 compostable waste in which the waste is entirely enclosed, except
40 for ventilation ducts or other means of ventilation, within a
41 building, container, or other vessel.

42 "School" means a public or nonpublic elementary or secondary
43 school offering education in grades K through 12, or any
44 combination thereof, at which a child may legally fulfill
45 compulsory school attendance requirements.

46

47 2. This act shall take effect immediately.