

**ASSEMBLY, No. 1475**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Assemblyman MICHAEL INGANAMORT**

**District 24 (Morris, Sussex and Warren)**

**SYNOPSIS**

Authorizes certain large food waste generators to send food waste to sanitary landfill facilities for purpose of generating Class I renewable energy.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/22/2024)**

1 AN ACT concerning the delivery of food waste to sanitary landfill  
2 facilities and amending P.L.2020, c.24.

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.2020, c.24 (C.13:1E-99.123) is amended to  
8 read as follows:

9 2. a. Beginning 18 months after the effective date of P.L.2020,  
10 c.24 (C.13:1E-99.122 et al.), each large food waste generator, for  
11 each individual establishment or location owned or operated by the  
12 large food waste generator that is located within 25 road miles of an  
13 authorized food waste recycling facility and generates an average  
14 projected volume of 52 or more tons per year of food waste within  
15 25 road miles of an authorized food waste recycling facility, shall:

16 (1) source separate its food waste from other solid waste; and

17 (2) send the source separated food waste to an authorized food  
18 waste recycling facility that has available capacity and will accept  
19 it.

20 b. Notwithstanding the provisions of subsection a. of this  
21 section:

22 (1) If a large food waste generator is not located within 25 road  
23 miles of an authorized food waste recycling facility, or the  
24 authorized food waste recycling facility will not accept the  
25 generator's food waste, the large food waste generator may send the  
26 food waste for final disposal at a solid waste facility as provided in  
27 the approved district solid waste management plan for the solid  
28 waste management district in which the generator is located;

29 (2) Any large food waste generator that is obligated to source  
30 separate and recycle its food waste pursuant to subsection a. of this  
31 section shall be deemed to be in compliance with the provisions of  
32 this section if the large food waste generator:

33 (a) performs enclosed on-site composting, or anaerobic or  
34 aerobic digestion of its source separated food waste in accordance  
35 with standards adopted by the department pursuant to subsection d.  
36 of this section, **[or]**

37 (b) recycles food waste using an alternative authorized food  
38 waste recycling method , or

39 (c) as of the effective date of P.L.2020, c.24 (C.13:1E-99.122 et  
40 al.), sends its food waste for final disposal to a sanitary landfill  
41 facility that collects and delivers landfill gas to a gas-to-energy  
42 facility as fuel for the generation of Class I renewable energy, and  
43 only so long as the large food waste generator continues to dispose  
44 of its food waste in this manner; and

45 (3) A large food waste generator may petition the Department of  
46 Environmental Protection for a waiver of the requirements in

**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 subsection a. of this section if the cost of transporting the food  
2 waste plus the fee charged by an authorized food waste recycling  
3 facility located within 25 road miles of the large food waste  
4 generator is at least 10 percent more than the cost of transporting  
5 the food waste for disposal as solid waste plus the disposal fee  
6 charged for solid waste disposal in the State for noncontract  
7 commercial waste by a properly licensed transfer station, sanitary  
8 landfill facility, incinerator, or resource recovery facility located  
9 within 25 road miles of the large food waste generator provided that  
10 any authorized food waste recycling facility located within 25 road  
11 miles of the large food waste generator seeking the waiver must be  
12 given notice of the petition and an opportunity to participate in the  
13 proceeding before the department.

14 c. Any person who violates P.L.2020, c.24 (C.13:1E-99.122 et  
15 al.), or any rule or regulation adopted pursuant thereto, shall be  
16 subject to a civil penalty of \$250 for the first offense, \$500 for the  
17 second offense, and \$1,000 for the third and each subsequent  
18 offense, to be collected in a civil action by a summary proceeding  
19 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
20 (C.2A:58-10 et seq.). If the violation is of a continuing nature, each  
21 day during which it continues shall constitute an additional,  
22 separate, and distinct offense. The Superior Court and the  
23 municipal court shall have jurisdiction to enforce the provisions of  
24 the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
25 (C.2A:58-10 et seq.) in connection with this subsection.

26 d. The Department of Environmental Protection shall adopt,  
27 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
28 (C.52:14B-1 et seq.), rules and regulations necessary to implement  
29 this section, including, but not limited to:

30 (1) record keeping and reporting requirements for large food  
31 waste generators and authorized food waste recycling facilities, as  
32 determined necessary by the department;

33 (2) guidelines and procedures for businesses to follow to  
34 determine whether they are subject to the requirements of this  
35 section, including food waste generation estimates and food waste  
36 audits or assessments;

37 (3) a list of food waste products that must be source separated  
38 and recycled pursuant to this section;

39 (4) standards for the enclosed on-site composting, or anaerobic  
40 or aerobic digestion of source separated food waste, including  
41 requirements for energy production and other sustainable uses of  
42 the byproducts of recycled food waste;

43 (5) a list of actions businesses may take to reduce the amount of  
44 food waste they generate to a level below the threshold amount  
45 established in subsection a. of this section; and

46 (6) procedures for a large food waste generator to follow when  
47 petitioning the department for a waiver pursuant to paragraph (3) of  
48 subsection b. of this section.

1 e. The department shall publish on its Internet website the  
2 name, location, and contact information for each authorized food  
3 waste recycling facility in the State.

4 (cf: P.L.2020, c.24, s.2)

5  
6 2. This act shall take effect immediately.

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8  
9 STATEMENT

10  
11 This bill would authorize certain large food waste generators to  
12 send their food waste to sanitary landfill facilities for the purpose of  
13 generating Class I renewable energy.

14 Under current law, beginning in October 2021, large food waste  
15 generators were required to source separate their food waste and  
16 send the food waste to an authorized food waste recycling facility,  
17 with certain exceptions. This bill provides that a large food waste  
18 generator is deemed to be in compliance with the provisions of  
19 P.L.2020, c.24 if, as of the effective date of that law, April 14,  
20 2020, the large food waste generator sent its food waste for final  
21 disposal to a sanitary landfill facility that collects and delivers  
22 landfill gas to a gas-to-energy facility as fuel for the generation of  
23 Class I renewable energy. The exemption would apply only so long  
24 as the large food waste generator continues to dispose of its food  
25 waste in this manner. Under section 3 of P.L.1999, c.23  
26 (C.48:3-51), "Class I renewable energy" is defined to include  
27 electric energy produced from methane gas from landfills.