

13:1E-117 to 13:1E-122

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1E-117 to 13:1E-122

(Solid waste disposal facilities--  
install scales)

LAWS OF: 1983

CHAPTER: 93

Bill No: A384

Sponsor(s): McEnroe

Date Introduced: Pre-filed

Committee: Assembly: Energy and Natural Resources

Senate: Energy and Environment

Amended during passage: Yes

// Assembly Committee  
Substitute (OCR) enacted.  
Amendments during passage  
denoted by asterisks.

Date of Passage:

Assembly: May 20, 1982

Senate: Dec. 20, 1982

Date of Approval: March 11, 1983

Following statements are attached if available:

Sponsor statement:

Yes

// Also attached:  
Senate amendments  
adopted 12-13-82  
(with statement).

Committee statement:

Assembly

Yes

//

Senate

Yes

//

Fiscal Note:

Yes

//

Veto Message:

///

No

Message on Signing:

///

No

Following were printed:

Reports:

///

No

Hearings:

///

No

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[OFFICIAL COPY REPRINT]  
 ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 384**

**STATE OF NEW JERSEY**

ADOPTED MAY 13, 1982

By Assemblyman McENROE

A SUPPLEMENT to the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39, C. 13:1E-1 et seq.), as said short title was amended by P. L. 1975, c. 326.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
 2 *of New Jersey:*

1 1. **\*[The Department of Environmental Protection shall require**  
 2 **all]\*** *\*All\** new **\*[sanitary landfills and resource recovery]\*** *\*solid*  
 3 *waste\** facilities, other than privately-owned, noncommercial, on-  
 4 site industrial solid waste **\*[disposal]\*** facilities which do not  
 5 accept solid waste generated from any other source and **\*[sanitary**  
 6 **landfills]\*** *\*solid waste facilities\** used exclusively for the land  
 6A disposal of sludge, **\*[to]\*** *\*shall\** install and use scales to deter-  
 7 mine the gross and net tare weight of all vehicles disposing of solid  
 8 waste at these facilities. The registered operator of each new  
 9 **\*[sanitary landfill or resource recovery]\*** facility shall maintain a  
 10 monthly record of the weight and vehicle information for the solid  
 11 waste disposed of at the facility. This information shall be for-  
 12 warded to the department on a monthly basis and shall be made  
 13 available by the department for public inspection. For the purposes  
 14 of this act, a "new **\*[sanitary landfill or resource recovery]\*** *\*solid*  
 15 *waste\** facility" means any **\*[sanitary landfill or resource recov-**  
 16 **ery]\*** *\*solid waste\** facility for which a registration statement and  
 17 engineering design has been filed with the department subsequent  
 18 to the effective date of this act. *\*The department may adopt regu-*  
 19 *lations or guidelines exempting any class of new solid waste*  
 20 *facility from this requirement, except that in no case shall the*  
 21 *department exempt any facility the total disposal design capacity*  
 22 *of which exceeds 100,000 tons of non-liquid solid waste as computed*

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted November 8, 1982.

\*\*—Senate amendment adopted December 13, 1982.

23 *by the department. All existing solid waste facilities that are*  
 24 *identified in an approved district solid waste management plan*  
 25 *for operation after January 1, 1985 and which accept in excess of*  
 26 *31,200 tons of non-liquid solid waste annually as computed by the*  
 27 *department shall install scales within six months of the effective*  
 28 *date of this act. Any existing solid waste transfer station, or any*  
 29 *solid waste transfer station for which a registration statement and*  
 30 *engineering designs are filed after the effective date of this act,*  
 31 *which accepts **\*\*[in excess of]\*\*** **\*\*less than\*\*** 31,200 tons of non-*  
 32 *liquid solid waste annually as computed by the department, shall be*  
 33 *exempt from the provisions of this act.\**

1 2. *\*a.\* The Board of Public Utilities shall, in accordance with the*  
 2 *provisions of the "Solid Waste Utility Control Act of 1970," (P. L.*  
 3 *1970, c. 40; C. 48:13A-1 et seq.), establish an equitable rate schedule*  
 4 *based upon weight for the solid waste disposed of at all **\*[new***  
 5 *sanitary landfills or resource recovery]**\*** *solid waste*  
 6 *facilities*  
 6 *\*required to install scales pursuant to this act\*.**

7 *\*b. In instances where solid waste to be disposed is of sub-*  
 8 *stantially higher or lower density than normal, the solid waste*  
 9 *facility shall weigh the waste, but the board, at its discretion, or*  
 10 *upon petition, may require the amendment of any tariff to provide*  
 11 *for rates based on factors in addition to weight.\**

1 3. *\*[a. The Board of Public Utilities shall, prior to the installa-*  
 2 *tion and use of any scales required by this act, determine the extent*  
 3 *to which the incremental costs necessarily and reasonably incurred*  
 4 *in the implementation of this act by any commercial solid waste*  
 5 *facility shall be passed on to the user of each new sanitary landfill*  
 6 *or resource recovery facility as an automatic surcharge on any*  
 7 *tariff rate filed with and recorded by the Board of Public Utilities*  
 8 *for the solid waste disposal operations of the facility.*

9 *b. The Board of Public Utilities shall, within 60 days of the*  
 10 *effective date of this act, issue an appropriate order increasing*  
 11 *current tariffs established pursuant to law for solid waste collection*  
 12 *operations by an amount equal to the total increase in the relevant*  
 13 *solid waste disposal tariff pursuant to subsection a. of this section.*  
 14 *In issuing this order, the board shall be exempt from the provisions*  
 15 *of section 31 of P. L. 1962, c. 198 (C. 48:2-21.2).]**\****

16 *\*a. Any solid waste facility required to install scales pursuant*  
 17 *to this act may petition the Board of Public Utilities for an increase*  
 18 *in its tariff which reflects the costs reasonably incurred by the*  
 19 *facility in complying with this act. The board, within 60 days of*  
 20 *the receipt of such a petition, shall determine the extent to which*  
 21 *these costs shall be passed along to the users of the solid waste*

22 *facility as an automatic surcharge on any tariff filed with, and*  
 23 *recorded by, the board for the operation of the solid waste facility.*

24 *b. The board, within 60 days of the computation of any increase*  
 25 *in a solid waste disposal tariff pursuant to subsection a. of this*  
 26 *section, shall issue an appropriate order increasing current tariffs*  
 27 *established pursuant to law for solid waste collection by an amount*  
 28 *equal to the total amount of the increase in the relevant solid waste*  
 29 *disposal tariff calculated pursuant to subsection a. of this section.*  
 30 *In issuing this order, the board shall be exempt from the provisions*  
 31 *of section 31 of P. L. 1962, c. 198 (C. 48:2-21.2).*

32 *c. For the purposes of this act, all municipal, county, and State*  
 33 *contracts for solid waste collection and disposal shall be deemed*  
 34 *to be tariffs for solid waste collection, and shall be subject to*  
 35 *adjustment pursuant to the terms of this act.\**

1 4. The **\*[Department of Environmental Protection]\*** *\*depart-*  
 2 *ment\** shall, **\*[prior to the installation and use of any scale re-**  
 3 *quired by]\** *\*within 90 days of the effective date of\** this act, adopt  
 4 regulations **\*[which determine]\*** *\*or guidelines for determining\**  
 5 the weighing **\*[capability]\*** *\*requirements\** and number of scales  
 6 necessary for the timely, efficient and reliable *\*operation of\** solid  
 7 waste **\*[disposal operations of the facility]\*** *\*facilities\**.

1 5. Any additional expenditures or incremental costs necessary  
 2 and reasonably incurred by any municipality for the disposal of  
 3 solid waste as a *\*direct\** result of the implementation of this act  
 4 requiring the installation and use of scales to determine the weight  
 5 of all vehicles disposing of solid waste at **\*[a new sanitary landfill**  
 6 *or resource recovery facility]\** *\*solid waste facilities required to*  
 7 *install sales pursuant to this act\** shall, for the purposes of P. L.  
 8 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered expenditures  
 9 mandated by State law.

1 *\*6. The tariffs established pursuant to this act shall not be levied*  
 2 *upon the collectors or haulers of solid waste for that portion of the*  
 3 *solid waste generated by the Federal Government or agencies*  
 4 *thereof. The exemption from tariffs shall apply only to solid waste*  
 5 *disposed of pursuant to contracts in effect prior to the effective*  
 6 *date of this act. In order to qualify for an exemption from the new*  
 7 *tariff schedule, a hauler shall certify to the board that the contract*  
 8 *in question involves solid waste generated by the Federal Govern-*  
 9 *ment or agencies thereof and was in effect prior to the effective*  
 10 *date of this act. All solid waste to be disposed of pursuant to*  
 11 *contracts which are entered into, or renewed, on or after the*  
 12 *effective date of this act shall be subject to the provisions thereof.\**

1 **\*[6.]\*** *\*7.\** This act shall take effect **\*[January 1, next]\*** *\*60*  
 2 *days\** following enactment.

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ASSEMBLY, No. 384

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblyman McENROE

A SUPPLEMENT to the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39, C. 13:1E-1 et seq.), as said short title was amended by P. L. 1975, c. 326.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. The Department of Environmental Protection shall require  
2 all new solid waste disposal facilities to install and use scales to  
3 determine the gross and net tare weight of all vehicles disposing  
4 of solid waste at these facilities. The registered operator of each  
5 new solid waste disposal facility shall maintain a monthly record  
6 of the weight and vehicle information for the solid waste disposed  
7 of at the facility. This information shall be forwarded to the  
8 department on a monthly basis and shall be made available by the  
9 department, upon written request therefor, to any county or muni-  
10 cipality. For the purposes of this act, a "new solid waste disposal  
11 facility" means any solid waste facility for which a registration  
12 statement and engineering design has been filed with the depart-  
13 ment subsequent to the effective date of this act.

1 2. The Board of Public Utilities shall, in accordance with the  
2 provisions of the "Solid Waste Utility Control Act of 1970," (P. L.  
3 1970, c. 40; C. 48:13A-1 et seq.), establish an equitable rate schedule  
4 based upon weight for the solid waste disposed of at all new solid  
5 waste facilities.

1 3. a. Any commercial solid waste facility may pass the incre-  
2 mental costs necessarily and reasonably incurred in the implemen-  
3 tation of this act as an automatic surcharge on any tariff rate filed  
4 with and recorded by the Board of Public Utilities for the solid  
5 waste disposal operations of the facility.

6 b. The Board of Public Utilities shall, within 60 days of the  
7 effective date of this supplementary act, issue an appropriate order  
8 increasing current tariffs established pursuant to law for solid

9 waste collection operations by an amount equal to the total increase  
10 in the relevant solid waste disposal tariff pursuant to subsection  
11 a. of this section. In issuing this order, the board shall be exempt  
12 from the provisions of section 31 of P. L. 1962, c. 198 (C. 48:2-21.2).

1 4. Any additional expenditures or incremental costs necessary  
2 and reasonably incurred by any municipality for the disposal of  
3 solid waste as a result of the implementation of this act requiring  
4 the installation and use of scales to determine the weight of all  
5 vehicles disposing of solid waste at a new solid waste disposal  
6 facility shall, for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1  
7 et seq.), be considered expenditures mandated by State law.

1 5. This act shall take effect January 1, next following enactment.

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#### STATEMENT

This bill directs the Department of Environmental Protection to require all new solid waste disposal facilities to install and utilize scales to determine the weight of all vehicles disposing of solid waste at these facilities. The operator of a new solid waste disposal facility would submit monthly reports to the department regarding this weight information which would be made available to counties and municipalities upon written request.

This bill further directs the Board of Public Utilities to establish a rate schedule for the disposal of solid waste based on weight. Commercial solid waste disposal facilities and solid waste collection operations would be allowed to pass through the incremental costs of these new rates as an automatic surcharge. Municipalities would be exempted from the "caps" limitation imposed by law whenever they incur any additional expenditures or incremental costs as a result of such rates.

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ASSEMBLY ENERGY AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 384**

**STATE OF NEW JERSEY**

DATED: MAY 13, 1982

As revised by the committee, this bill would direct the Department of Environmental Protection to require all new sanitary landfills and resource recovery facilities, other than privately-owned, noncommercial, on-site industrial solid waste disposal facilities which do not accept solid waste generated from any other source and sanitary landfills used exclusively for the land disposal of sludge, to install and utilize scales to determine the weight of all vehicles disposing of solid waste at these facilities. The operator of a new sanitary landfill or resource recovery facility would submit monthly reports to the department regarding this weight information which would be made available for public inspection.

The bill further directs the department to adopt regulations which determine the weighing capability and number of scales necessary for the timely, efficient and reliable solid waste disposal operations of each new facility effected by this legislation prior to the installation and use of such scales.

The bill further directs the Board of Public Utilities to establish a rate schedule for the disposal of solid waste based on weight. Commercial solid waste disposal facilities and solid waste collection operations would be allowed to pass through the incremental costs of these new rates as an automatic surcharge. Municipalities would be exempted from the "caps" limitation imposed by law whenever they incur any additional expenditures or incremental costs as a result of such rates.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

Assembly Committee Substitute for

**ASSEMBLY, No. 384**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 8, 1982

Assembly Bill No. 384 ACS directs the Department of Environmental Protection to require all new sanitary landfills and resource recovery facilities, other than privately-owned, noncommercial, on-site industrial solid waste disposal facilities which do not accept solid waste generated from any other source and sanitary landfills used exclusively for the land disposal of sludge, to install and utilize scales to determine the weight of all vehicles disposing of solid waste at these facilities. The operator of a new sanitary landfill or resource recovery facility would submit monthly reports to the department regarding this weight information which would be made available for public inspection.

Assembly Bill No. 384 ACS further directs the department to adopt regulations which determine the weighing capability and number of scales necessary for the timely, efficient and reliable solid waste disposal operations of each new facility affected by this legislation prior to the installation and use of such scales.

Assembly Bill No. 384 ACS also directs the Board of Public Utilities to establish a rate schedule for the disposal of solid waste based on weight. Commercial solid waste disposal facilities and solid waste collection operations would be allowed to pass through the incremental costs of these new rates as an automatic surcharge. Municipalities would be exempted from the "caps" limitation imposed by law whenever they incur any additional expenditures or incremental costs as a result of such rates.

The Senate Energy and Environment Committee made the following substantive amendments to Assembly Bill No. 384 ACS.

1. The requirement to install scales would apply to all new solid waste facilities, which includes landfills, resource recovery facilities, transfer stations, and incinerators.

2. Existing solid waste facilities which are identified on a district solid waste management plan as being in operation after January 1, 1985 and which accepts more than 31,200 tons of nonliquid solid waste

annually, are required to install scales within six months of the effective date of this act.

3. Any existing solid waste transfer station, or any solid waste transfer station for which a registration statement and engineering design is filed after the effective date of this act and which accepts less than 31,200 tons of nonliquid solid waste annually does not have to install scales.

4. The department is authorized to exempt any new solid waste facility with a total design capacity of less than 100,000 tons from the requirement to install scales.

5. The Board of Public Utilities is authorized in instances where solid waste to be disposed is of substantially higher or lower density than normal to amend existing tariffs to provide for rates based on factors in addition to weight.

6. Collectors of solid waste from federal agencies shall not be subject to increased tariffs resulting from costs incurred in installing scales.

7. Municipal, county, and state contracts for solid waste collection can be adjusted to reflect costs incurred in installing scales.

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12/13/82-P-47

SENATE Amendments

Proposed by  
Senator Daniel Dalton  
December 13, 1982

to

SENATE REPRINT  
To

ASSEMBLY

Bill No. 384ACS ~~Sca~~

Amend:

Page	Sec.	Line
2	1	31

Omit "in excess of" insert "less than"

STATEMENT

This amendment corrects a technical error in the Senate Committee Amendments to A-384 ACS.

As A-384 ACS Sca presently reads, existing and new solid waste transfer stations which accept in excess of 31,200 tons of solid waste are exempt from installing scales. The Committee, however, intended to exempt small transfer stations from the scales requirement. Thus "in excess of" should have been "less than."

FISCAL NOTE TO  
**ASSEMBLY, No. 384**

**STATE OF NEW JERSEY**

DATED: MAY 4, 1982

Assembly Bill No. 384, of 1982, would direct the Department of Environmental Protection (DEP) to require all new solid waste disposal facilities to install and utilize scales to determine the weight of all vehicles disposing of solid waste at these facilities. Operators of these facilities would submit monthly reports to the DEP. The bill would further direct the Board of Public Utilities (BPU) to establish a rate schedule for the disposal of solid waste based on weight. Municipalities would be exempted from the "caps" limitation whenever they would incur additional costs as a result of such rates.

The DEP indicates that no additional State expenditures will be required. Since only new facilities will install scales and report monthly, this would be offset by the phase out of existing facilities.

The BPU indicates that costs to process tariff revisions for collectors should not exceed \$10,000.00, which is recoverable through assessments.

The Office of Legislative Services concurs with the DEP and the BPU.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.