

13:1E-34.1

LEGISLATIVE HISTORY CHECKLIST
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(Landfill mining)

NJSA: 13:1E-34.1
LAWS OF: 1994 CHAPTER: 99
BILL NO: A318
SPONSOR(S): Shinn and others
DATE INTRODUCED: Pre-filed
COMMITTEE: ASSEMBLY: Appropriations; Solid Waste
SENATE: Natural Resources
AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers
DATE OF PASSAGE: ASSEMBLY: April 25, 1994
SENATE: June 20, 1994
DATE OF APPROVAL: August 11, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: ASSEMBLY: Yes 3-15-94 2-10-94
SENATE: Yes
FISCAL NOTE: No
VETO MESSAGE: No
MESSAGE ON SIGNING: No
FOLLOWING WERE PRINTED:
REPORTS: No
HEARINGS: No

Report mentioned in statements not available as of 3-1-95

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[SECOND REPRINT]

ASSEMBLY, No. 318

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen SHINN, McENROE and Corodemus

1 **AN ACT** concerning landfill mining, amending and supplementing
2 P.L.1975, c.326 and amending P.L.1981, c.306.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. (New section) a. The department shall authorize the
7 development of a landfill mining demonstration project to provide
8 information and experience concerning landfill mining. As used
9 in this act, "landfill mining" means the excavation and removal
10 of materials from a closed sanitary landfill facility for the
11 purposes of recycling, use, reuse, sale, or composting.

12 b. Any local government unit that owns or operates a sanitary
13 landfill facility proposing to undertake a landfill mining
14 demonstration project shall submit to the department an
15 application package that shall contain a mining plan and any
16 other information as may be prescribed by the department.

17 c. The department shall allocate \$250,000 from the Sanitary
18 Landfill Contingency Fund, established pursuant to section 6 of
19 P.L.1981, c.306 (C.13:1E-105), to the Solid Waste Management
20 Research and Development Fund, established pursuant to section
21 25 of P.L.1975, c.326 (C.13:1E-34), for grants to local
22 government units that own or operate sanitary landfill facilities
23 to undertake landfill mining demonstration projects.

24 d. An owner or operator of a sanitary landfill facility who
25 undertakes a landfill mining demonstration project shall prepare a
26 written report concerning the project every six months during the
27 implementation of the project and a final report within 6 months
28 of its completion, which shall be submitted to the department, to
29 the Legislature, and to the Chairmen of the Senate Environment
30 Committee, the Assembly Solid ¹and Hazardous¹ Waste
31 Committee and the Assembly Environment ¹and Energy¹
32 Committee or their successor committees. The final report shall
33 include but shall not be limited to an explanation of the
34 procedures used in the project, the number of tons of recyclable
35 materials recovered, the types of materials recovered, the
36 number of tons of materials sold, the buyers of any materials
37 recovered, the materials composted, the number of tons of
38 materials composted, additional disposal capacity created, cost
39 effectiveness, the environmental problems revealed, the
40 measures taken for closure, the materials remaining in the
41 landfill, if any, the equipment purchased, an accounting of the
42 costs of the projects, and any other information the department
43 deems appropriate.

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:

¹ Assembly ASH committee amendments adopted February 10, 1994.

² Senate SNT committee amendments adopted May 19, 1994.

1 e. The department may ²charge reasonable fees², not to
2 exceed 10% of the amount of the grant, ²[charge reasonable
3 fees]² for any of the services to be performed or rendered in
4 connection with this section, and for the costs of compliance
5 monitoring and administration. The fee schedule shall reasonably
6 reflect the duration or complexity of the specific service
7 performed or rendered, information reviewed, or inspection
8 conducted.

9 f. As used in this section, "local government unit" means any
10 county or municipality, or any agency, instrumentality, authority
11 or corporation of any county or municipality, including, but not
12 limited to, sewerage, utility and improvement authorities, or any
13 public body having local or regional jurisdiction over solid waste
14 disposal, including, but not limited to, solid waste management
15 districts, or any political subdivision of the State, authority or
16 agency authorized pursuant to law to own or operate sanitary
17 landfill facilities or to provide for the environmentally sound
18 disposal of solid waste.

19 2. Section 9 of P.L.1981, c.306 (C.13:1E-108) is amended to
20 read as follows:

21 9. Moneys in the fund shall be disbursed by the department for
22 the following purposes and no others:

23 a. Administrative costs incurred by the department pursuant
24 to section 6 of P.L.1981, c.306 (C.13:1E-105);

25 b. Damages as provided in section 7 of P.L.1981, c.306
26 (C.13:1E-106); [and]

27 c. Grants for landfill mining demonstration projects as
28 provided in section 1 of P.L. , c. (C.) (now before the
29 Legislature as this bill); and

30 d. Administrative costs incurred by the Attorney General, the
31 department or any other State agency to implement the
32 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), as amended
33 and supplemented by P.L.1991, c.269 (C.13:1E-128.1 et al.), on a
34 timely basis, except that the amounts used for this purpose shall
35 not exceed \$5,000,000.00. Any moneys disbursed by the
36 department from the fund for this purpose shall be repaid to the
37 fund in equal amounts from the fees collected by the department
38 pursuant to section 3 of P.L.1971, c.461 (C.13:1E-18), in annual
39 installments beginning July 1, 1990 and annually thereafter until
40 the full amount is repaid according to a schedule of repayments
41 determined by the State Treasurer. For the purposes of this
42 subsection, "State agency" means any State department, division,
43 agency, commission or authority.

44 (cf: P.L.1991, c.269, s.19)

45 3. Section 21 of P.L.1975, c.326 (C.13:1E-30) is amended to
46 read as follows:

47 21. a. The commissioner may make, or contract to make, a
48 State grant to any person engaged in solid waste collection,
49 disposal or utilization activities, to assist ¹[said] that¹ person in
50 experimenting with new methods of solid waste collection,
51 disposal or utilization, including but not limited to, source
52 reduction, material recycling ²[landfill mining]² and energy
53 recovery demonstration projects, intermunicipal waste collection
54 and disposal systems projects, and coordinated multiusage of

1 terminated sanitary landfill disposal sites projects. ²The
 2 commissioner may also make, or contract to make, a State grant
 3 to a local government unit, as defined pursuant to subsection f. of
 4 section 1 of P.L. ,c. (C.)(now before the Legislature as this
 5 bill) that owns or operates a sanitary landfill facility to undertake
 6 a landfill mining project, as defined pursuant to subsection a. of
 7 section 1 of P.L. ,c. (C.)(now before the Legislature as this
 8 bill).²

9 Any person engaged in solid waste collection, disposal or
 10 utilization activities ², or a local government unit as provided by
 11 section 1 of P.L. ,c. (C.)(now before the Legislature as this
 12 bill)² may apply to the commissioner for a State grant; provided,
 13 however, that the application has been approved by the board of
 14 chosen freeholders, or the Hackensack Commission, as the case
 15 may be, as in conformity with the adopted and approved solid
 16 waste management plan of the solid waste management district
 17 within which the experimental project is to be undertaken. The
 18 applicant shall submit a copy of the plan for any solid waste
 19 collection, disposal or utilization experimental project for which
 20 a State grant is sought and such other detailed information
 21 concerning the project, including maps, data, plans, estimated
 22 costs, and method of financing, as the commissioner may require
 23 by rules and regulations promulgated hereunder. ¹[At the request
 24 of the commissioner, the Board of Public [Utility Commissioners]
 25 Utilities may exempt any demonstration project from the
 26 provisions of P.L.1970, c.40 [(C.4:13A-1 et seq.)] (C.48:13A-1 et
 27 seq.).]¹ The commissioner may exempt any demonstration
 28 project from the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.)
 29 ¹or P.L.1970, c.40 (C.48:13A-1 et seq.)¹.

30 b. The commissioner shall review and evaluate all applications
 31 submitted to him pursuant to subsection a. of this section, and
 32 shall establish such priorities for making grants pursuant to this
 33 amendatory and supplementary act as shall give due regard to the
 34 degree to which the experimental project for which a State grant
 35 is sought will have a beneficial and long term effect on solid
 36 waste collection, disposal and utilization methods in this State.
 37 (cf: P.L.1975, c.326, s.21)

38 4. Section 25 of P.L.1975, c.326 (C.13:1E-34) is amended to
 39 read:

40 25. a. There is hereby created in the Department of [the
 41 Treasury] Environmental Protection a special fund which shall be
 42 known as the Solid Waste Management Research and
 43 Development Fund. There shall be included in ²[said] the² fund
 44 all moneys appropriated by the Legislature for inclusion therein.
 45 The [State Treasurer, with the advice of the] commissioner[,] may
 46 invest and reinvest any moneys in ²[said] the² fund, or any
 47 portion thereof, in legal obligations, of this State or any political
 48 subdivision thereof or the United States. Any income or interest
 49 on, or increment to, moneys so invested or reinvested shall be
 50 included in ²[said] the² fund.

51 b. Upon the approval by the commissioner of any application
 52 for a State grant pursuant to this amendatory and supplementary
 53 act, the commissioner [may requisition and warrant, and the
 54 State Treasurer] shall pay over ²[,]² the moneys in ²[said] the²

1 fund, or any portion thereof, to the contracting person in
2 accordance with commitments made and contracts entered into
3 pursuant to this amendatory and supplementary act.

4 c. Nothing herein shall be construed as requiring the
5 commissioner to approve any application for any State grant or to
6 expend the moneys in the aforesaid Solid Waste Management
7 Research and Development Fund solely for the purposes of
8 making such State grants, and the commissioner is hereby
9 authorized and empowered, in his discretion, to [requisition and
10 warrant] allocate the moneys in ²[said] the² fund, or any portion
11 thereof, [and the State Treasurer shall pay such moneys over to
12 the department,] for any experimentation with, or demonstration
13 of, new methods and techniques for the collection, disposal and
14 utilization of solid waste, including the acquisition of real
15 property ²[,] and² the purchase of any facility, site, laboratory,
16 equipment or machinery as authorized pursuant to section 6 of
17 [the act to which this act is amendatory and supplementary]
18 P.L.1970, c.39 (C.13:1E-6).

19 (cf: P.L.1975, c.326, s.25)

20 5. (New section) Nothing in sections 1 through 4 of P.L. ,
21 c. (C.) (now pending before the Legislature as this bill),
22 shall be construed to modify the provisions of the "Pinelands
23 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) ²or any
24 rule or regulation² promulgated pursuant to that act and section
25 502 of the "National Parks and Recreation Act of 1978"
26 (Pub.L.95-625).

27 6. This act shall take effect immediately.

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32 Provides for local government landfill mining demonstration
33 projects.

1 [and the State Treasurer shall pay such moneys over to the
2 department,] for any experimentation with, or demonstration of,
3 new methods and techniques for the collection, disposal and
4 utilization of solid waste, including the acquisition of real
5 property, the purchase of any facility, site, laboratory, equipment
6 or machinery as authorized pursuant to section 6 of [the act to
7 which this act is amendatory and supplementary] P.L.1970, c.39
8 (C.13:1E-6).

9 (cf: P.L.1975, c.326, s.25)

10 5. (New section) Nothing in sections 1 through 4 of P.L. ,
11 c. (C.)(now pending before the Legislature as this bill),
12 shall be construed to modify the provisions of the "Pinelands
13 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.)
14 promulgated pursuant to that act and section 502 of the
15 "National Parks and Recreation Act of 1978" (Pub.L.95-625).

16 6. This act shall take effect immediately.

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STATEMENT

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21 This bill authorizes the development of landfill mining
22 demonstration projects for local government units that own or
23 operate sanitary landfill facilities, funded by grants to the local
24 government units. A local government unit would apply for a
25 grant by submitting a mining plan and any other information
26 deemed necessary by the Department of Environmental
27 Protection. A local government unit undertaking a demonstration
28 project would report each six months during implementation, and
29 within six months after the completion of the project. The final
30 report shall include the number of tons of recyclable materials
31 recovered, the types of materials recovered, the number of tons
32 of materials sold, the buyers of any materials recovered, the
33 materials composted, the number of tons of materials composted,
34 additional disposal capacity created, cost effectiveness, the
35 environmental problems revealed, the measures taken for closure,
36 the materials remaining in the landfill, if any, the equipment
37 purchased, an accounting of the costs of the projects, and any
38 other information the department deems appropriate.

39 Department fees for departmental services and compliance
40 costs may not exceed 10% of the grant amount.

41 The bill directs the department to allocate \$250,000 from the
42 Sanitary Landfill Facility Contingency Fund, established pursuant
43 to P.L.1981, c.306 (C.13:1E-105), to the Solid Waste Management
44 Research and Development fund in the Department of
45 Environmental Protection for grants to local government units
46 who own or operate sanitary landfill facilities to undertake
47 landfill mining demonstration projects. As drafted, the use of the
48 fund for this purpose is limited to this \$250,000 appropriation.

49 The bill also amends the provisions concerning grants for
50 experimental projects to add landfill mining and source reduction
51 as permissible experimental projects.

52 The bill further provides that any landfill mining project
53 approved by the department, if it is located in the Pinelands
54 National Reserve, be consistent with the "Pinelands Protection

1 Act," P.L.1979, c.111 (C.13:18A-1 et seq.) and any rules or
2 regulations adopted pursuant thereto, and with section 502 of the
3 "National Parks and Recreation Act of 1978," Pub.L.95-625
4 (16 U.S.C.§471i).

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9 Provides for local government landfill mining demonstration
10 projects.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 318

STATE OF NEW JERSEY

DATED: MARCH 15, 1994

The Assembly Appropriations Committee reports favorably Assembly Bill No. 318 [1R].

Assembly Bill No. 318 [1R] authorizes the development of landfill mining demonstration projects for local government units that own or operate sanitary landfill facilities, funded by grants to the local government units. A local government unit would apply for a grant by submitting a mining plan and any other information deemed necessary by the Department of Environmental Protection (DEP). A local government unit undertaking a demonstration project would report each six months during implementation, and within six months after the completion of the project. The final report shall include but not be limited to the number of tons of recyclable materials recovered, the types of materials recovered, the number of tons of materials sold, the buyers of any materials recovered, the materials composted, an accounting of the costs of the projects, and any other information the DEP deems appropriate. Department fees for departmental services and compliance costs may not exceed 10% of the grant amount.

FISCAL IMPACT:

The bill directs the DEP to allocate \$250,000 from the Sanitary Landfill Facility Contingency Fund, established pursuant to P.L.1981, c.306 (C.13:1E-105), to the Solid Waste Management Research and Development Fund in the DEP for grants to local government units who own or operate sanitary landfill facilities to undertake landfill mining demonstration projects. Use of the fund for this purpose is limited to this \$250,000.

ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 318

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1994

The Assembly Solid and Hazardous Waste Committee favorably reports Assembly Bill No. 318 with committee amendments.

This bill authorizes the development of landfill mining demonstration projects for local government units that own or operate sanitary landfill facilities, funded by grants to the local government units. A local government unit would apply for a grant by submitting a mining plan and any other information deemed necessary by the Department of Environmental Protection. A local government unit undertaking a demonstration project would report each six months during implementation, and within six months after the completion of the project. The final report shall include the number of tons of recyclable materials recovered, the types of materials recovered, the number of tons of materials sold, the buyers of any materials recovered, the materials composted, the number of tons of materials composted, additional disposal capacity created, cost effectiveness, the environmental problems revealed, the measures taken for closure, the materials remaining in the landfill, if any, the equipment purchased, an accounting of the costs of the projects, and any other information the department deems appropriate.

Department fees for departmental services and compliance costs may not exceed 10% of the grant amount.

The bill directs the department to allocate \$250,000 from the Sanitary Landfill Facility Contingency Fund, established pursuant to P.L.1981, c.306 (C.13:1E-105), to the Solid Waste Management Research and Development fund in the Department of Environmental Protection for grants to local government units who own or operate sanitary landfill facilities to undertake landfill mining demonstration projects. As drafted, the use of the fund for this purpose is limited to this \$250,000 appropriation.

The bill also amends the provisions concerning grants for experimental projects to add landfill mining and source reduction as permissible experimental projects.

The bill further provides that any landfill mining project approved by the department, if it is located in the Pinelands National Reserve, be consistent with the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) and any rules or regulations adopted pursuant thereto, and with section 502 of the "National Parks and Recreation Act of 1978," Pub.L.95-625 (16 U.S.C. §471i).

The committee amended the bill to update certain references.

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

SENATE NATURAL RESOURCES, TRADE AND
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 318

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1994

The Senate Natural Resources, Trade and Economic Development Committee favorably reports Assembly Bill No. 318 (1R) with committee amendments.

This bill authorizes the development of landfill mining demonstration projects for local government units that own or operate sanitary landfill facilities, funded by grants to the local government units. A local government unit would apply for a grant by submitting a mining plan and any other information deemed necessary by the Department of Environmental Protection (DEP). A local government unit undertaking a demonstration project would report every six months during implementation, and within six months after the completion of the project.

The final report shall include but not be limited to the number of tons of recyclable materials recovered, the types of materials recovered, the number of tons of materials sold, the buyers of any materials recovered, the materials composted, an accounting of the costs of the projects, and any other information the DEP deems appropriate. Department fees for departmental services and compliance costs may not exceed 10% of the grant amount.

The bill also directs the DEP to allocate \$250,000 from the Sanitary Landfill Facility Contingency Fund, established pursuant to P.L.1981, c.306 (C.13:1E-105), to the Solid Waste Management Research and Development Fund in the DEP for grants to local government units which own or operate sanitary landfill facilities to undertake landfill mining demonstration projects. Use of the fund for this purpose is limited to \$250,000.

The committee amendments are technical in nature and clarify the intent of the sponsor. As amended by the committee, Assembly Bill No. 318 (1R) is identical to Senate Bill No. 1067, as amended by the committee.