

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:13A-3

(Solid waste
service charges--
allow per
container fee)

LAWS OF: 1989

CHAPTER: 244

Bill No: A1766

Sponsor(s): Martin

Date Introduced: May 2, 1988

Committee: Assembly: Solid Waste

Senate: Energy and Environment

Amended during passage: No Committee Substitute for A3074,
A669 & A1766 enacted

Date of Passage: Assembly: June 22, 1989

Senate: December 21, 1989

Date of Approval: January 2, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"Per bag trash fee..."1-3-90 Star Ledger

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1766, 3074 and 669

STATE OF NEW JERSEY

LAW LIBRARY COPY
DO NOT REMOVE

ADOPTED JANUARY 26, 1989

Sponsored by Assemblywoman OGDEN,
Assemblymen Martin and Smith

1 AN ACT concerning municipal solid waste charges, amending
2 R.S.40:66-1 through R.S.40:66-5 and P.L.1970, c.40,
3 supplementing chapter 66 of Title 40 of the Revised Statutes,
4 and repealing R.S.40:66-6 and R.S.40:66-7.

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

8 1. R.S.40:66-1 is amended to read as follows:

9 40:66-1. The governing body may provide for the cleaning of
10 the streets of the municipality, and for the collection[, removal
11 and] or disposal of [ashes, garbage, refuse and waste matter]
12 solid waste, and may establish and operate a system therefor;
13 purchase and operate the necessary equipment for the cleaning
14 of streets, and for the collection[, removal and] or disposal of
15 [ashes, garbage, refuse and waste matter] solid waste; make,
16 amend, repeal and enforce all such ordinances, resolutions, rules
17 and regulations as may be deemed necessary and proper for the
18 introduction, operation and management of such system, and for
19 the maintenance and operation of a [plant] solid waste facility,
20 subject to the provisions of the "Solid Waste Management Act,"
21 P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility
22 Control Act of 1970," P.L.1970, c.40 (C.48:13A-1 et seq.), for
23 the [cremation, destruction and] disposal of [garbage, refuse and
24 waste matter] solid waste, and for the government of employees
25 connected therewith.

(cf: R.S.40:66-1)

27 2. R.S.40:66-2 is amended to read as follows:

28 40:66-2. The governing body may, subject to the provisions of
29 P.L.1970, c.39 (C.13:1E-1 et seq.), erect the necessary buildings
30 and equip the same with all appliances proper for the
31 [cremation, destruction and other] disposal of [garbage, refuse
and waste matter] solid waste, and acquire the real estate

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 necessary therefor by purchase, gift or condemnation. Such
buildings may be erected on any real estate owned by the
3 municipality suitable for the purpose.

(cf: R.S.40:66-2)

5 3. R.S.40:66-3 is amended to read as follows:

40:66-3. Every municipality may acquire, by purchase, lease
7 or condemnation and subject to the provisions of P.L.1970, c.39
(C.13:1E-1 et seq), unimproved [lowlands] lands, within or
9 without the municipality, to be used for the [deposit of ashes or
other indestructable waste and refuse matter of the
11 municipality] disposal of solid waste, but no such lands shall be
acquired or used for such purpose outside the limits of the
13 municipality, without the consent of the governing body and of
the board of health of the municipality wherein such lands are
15 situated.

(cf: R.S.40:66-3)

17 4. R.S. 40:66-4 is amended to read as follows:

40:66-4. a. The governing body may, if it deem it more
19 advantageous, contract with any person for the cleaning of the
streets, or the collection[, removal and] or disposal of [ashes,
21 garbage, refuse and waste matter or any portion thereof] solid
waste. Before making any such contract or contracts the
23 governing body shall first adopt specifications for the doing of
the work in a sanitary and inoffensive manner, and any such
25 contract or contracts, the total amount of which exceeds
[\$2,500.00 in the fiscal year the amount set forth in, or the
27 amount calculated by the Governor pursuant to, section 3 of
P.L.1971, c.198 (C.40A:11-3), shall be entered into and made
29 only after bids shall have been advertised therefor, and awarded
in the manner provided in [chapter 50 of this Title (C.40:50-1 et
31 seq)] the "Local Public Contracts Law," P.L.1971, c.198
(C.40A:11-1 et seq). The bidder or bidders to whom the contract
33 or contracts shall be awarded shall give satisfactory bond or
other security for the faithful performance of the work. The
35 contract shall include and in all respects conform to the
specifications adopted for the doing of the work.

37 b. Whenever the governing body adopts an ordinance to
provide for the collection or disposal of solid waste within its
39 municipal boundaries by imposing solid waste charges based on

1 the number of solid waste containers processed per household
2 pursuant to subsection b. of R.S.40:66-5, on or after the first
3 day of the 13th month following the effective date of that
4 ordinance, the governing body may request the relevant solid
5 waste collector or solid waste transporter to whom a multi-year
6 contract has been awarded to renegotiate the contract to
7 reflect any reduction in the annual volume of solid waste
8 collected or transported achieved as a result of the ordinance.
9 (cf: P.L.1968, c.208, s.1)

5. R.S.40:66-5 is amended to read as follows:

11 40:66-5. a. The governing body may provide for the [doing of
12 said work] collection or disposal of solid waste at the general
13 expense, or if deemed by it more advisable, [fix the rate or
14 rates] impose rates or charges (hereinafter referred to as "solid
15 waste charges") to be charged by the municipality for the
16 collection [, removal and] or disposal of [ashes, garbage, refuse
17 and waste matter] solid waste, provide for the manner of
18 payment of the same, and maintain an action at law to recover
19 any moneys due therefor.

b. Where the governing body determines to provide for the
21 collection or disposal of solid waste by imposing solid waste
22 charges on a per container basis, the governing body shall adopt
23 an ordinance to:

24 (1) Establish a rate schedule of solid waste charges based on
25 the number of solid waste containers processed per household;
26 and

27 (2) Provide residents with the opportunity to purchase, on a
28 prepaid basis, one or more solid waste containers, or a voucher
29 or sticker therefor, to facilitate the payment of solid waste
30 charges on a per container basis.

31 (cf: R.S.40:66-5)

6. (New section) As used in this chapter:

33 "Solid waste" means garbage, refuse, and other discarded
34 materials resulting from industrial, commercial and agricultural
35 operations, and from domestic and community activities, and
36 shall include all other waste materials including liquids, except
37 for solid animal and vegetable wastes collected by swine
38 producers licensed by the State Department of Agriculture to
39 collect, prepare and feed such wastes to swine on their own

1 farms.

2 "Solid waste collection" means the activity related to pick-up
3 and transportation of solid waste from its source or location to a
solid waste facility or other destination.

5 "Solid waste container" means a receptacle, container or bag
suitable for the depositing of solid waste.

7 "Solid waste disposal" means the storage, treatment,
utilization, processing, or final disposal of solid waste.

9 "Solid waste facilities" mean and include the plants,
structures and other real and personal property acquired,
11 constructed or operated or to be acquired, constructed or
operated by any person pursuant to the provisions of this or any
13 other act, including transfer stations, incinerators, resource
recovery facilities, sanitary landfill facilities or other plants for
15 the disposal of solid waste, and all vehicles, equipment and other
real and personal property and rights therein and appurtenances
17 necessary or useful and convenient for the collection or disposal
of solid waste in a sanitary manner.

19 7. Section 3 of P.L.1970, c.40 (C.48:13A-3) is amended to read
as follows:

21 3. As used in this act[, the following words and terms shall
have the following meanings, unless the context indicates or
23 requires another or different meaning or intent]:

a. "Solid waste" means garbage, refuse, and other discarded
25 materials resulting from industrial, commercial and agricultural
operations, and from domestic and community activities, and
27 shall include all other waste materials including liquids disposed
of incident thereto, except it shall not include solid animal and
29 vegetable waste collected by swine producers licensed by the
State Department of Agriculture to collect, prepare and feed
31 such wastes to swine on their own farms.

b. "Solid waste collection" means the activity related to
33 pickup and transportation of solid waste from its source or
location to a disposal site, but does not include activity related
35 to the pickup, transportation or unloading of septic waste.

c. "Solid waste disposal" means the storage, treatment,
37 utilization, processing, or final disposal of solid waste.

d. "Septic waste" means pumpings from septic tanks and
39 cesspools, but shall not include wastes from a sewage treatment

1 plant.

2 e. "Solid waste container" means a receptacle, container or
3 bag suitable for the depositing of solid waste.

(cf: P.L.1983, c.123, s.1)

5 8. Section 8 of P.L.1970, c.40 (C.48:13A-7) is amended to
read as follows:

7 8. a. The board, upon complaint or its own initiative, after
hearing, may direct any person engaging in the solid waste
9 collection business or the solid waste disposal business to furnish
proof that the charges or rates to be received for such service
11 do not exceed just and reasonable rates or charges for such
service.

13 b. (1) Should the board find that the rates or charges are
excessive then it may order the person charging such excessive
15 rates or charges to make an adjustment in the contract to a sum
which shall result in just and reasonable rates or charges.

17 (2) Should the board find, subsequent to the issuance of any
order pursuant to subsection c. of this subsection, that the rates
19 or charges received for the collection of solid waste contained
within a contract entered into prior to the effective date of that
21 order require adjustment, then it may order the person charging
these rates or charges to make an adjustment in the contract to
23 a sum which shall result in just and reasonable rates or charges.
In issuing this order, the board shall be exempt from the
25 provisions of R.S.48:2-21.

27 c. (1) Whenever the governing body of a municipality adopts
an ordinance to provide for the collection or disposal of solid
29 waste within its municipal boundaries by imposing solid waste
charges based on the number of solid waste containers processed
31 per household pursuant to subsection b. of R.S.40:66-5, the
governing body shall transmit to the board, by certified mail and
33 within 90 days of the effective date of the ordinance, a copy of
the proposed rate schedule and the contract awarded pursuant to
35 subsection a. of R.S.40:66-4. The board, within 60 days of
receipt of the proposed rate schedule and contract and if
37 requested to do so by the municipality or the relevant solid
waste collector or solid waste transporter, as the case may be,
39 may review these documents to determine whether the solid
waste charges are equitable and to accept, reject or modify the

1 rate schedule.

2 (2) If the board finds the solid waste charges to be equitable,
3 the board shall accept the rate schedule and contract and issue
4 an appropriate order therefor. In issuing this order, the board
5 shall be exempt from the provisions of R.S.48:2-21.

6 d. (1) The board may issue an appropriate order establishing
7 an equitable rate schedule based on the number of solid waste
8 containers processed per household for the solid waste collection
9 tariffs of persons engaging in private solid waste collection or
10 transportation services in any municipality in which solid waste
11 collection or transportation services are contracted for and
12 provided on an individual household basis. In issuing this order,
13 the board shall be exempt from the provisions of R.S.48:2-21.

14 (2) Any person engaged in private solid waste collection or
15 transportation services in this State and utilizing a rate schedule
16 based on the number of solid waste containers processed per
17 household as provided in this subsection may provide customers
18 with the opportunity to purchase, on a prepaid basis, one or
19 more solid waste containers, or a voucher or sticker therefor, to
20 facilitate the provision of solid waste collection services on a
21 per container basis.

(cf: P.L.1970, c.40, s.8)

22 9. The following are repealed:

R.S.40:66-6 through R.S.40:66-7.

24 10. This act shall take effect immediately.

26

MUNICIPALITIES

28

Solid Waste

30 Authorizes municipalities to impose solid waste charges on a per
31 container basis.

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman OGDEN

1 AN ACT concerning municipal solid waste collection and
disposal, amending R.S. 40:66-1 through R.S. 40:66-5 and P.
3 L. 1970, c. 40, supplementing chapter 66 of Title 40 of the
Revised Statutes, and repealing R.S. 40:66-6 and R.S. 40:66-7.

5

BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

1. R.S. 40:66-1 is amended to read as follows:

9 40:66-1. The governing body may provide for the cleaning of
the streets of the municipality, and for the collection [,
11 removal] and disposal of [ashes, garbage, refuse and waste
matter] municipal solid waste, and may establish and operate a
13 system therefor; purchase and operate the necessary equipment
for the cleaning of streets, and for the collection [, removal] and
15 disposal of [ashes, garbage, refuse and waste matter] municipal
solid waste; make, amend, repeal and enforce all such
17 ordinances, resolutions, rules and regulations as may be deemed
necessary and proper for the introduction, operation and
19 management of such system, and for the maintenance and
operation of a [plant] solid waste facility, subject to the
21 provisions of the "Solid Waste Management Act," P.L. 1970, c.
39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act
23 of 1970," P.L. 1970, c. 40 (C.48:13A-1 et seq.), for the
[cremation, destruction and] disposal of [garbage, refuse and
25 waste matter] municipal solid waste, and for the government of
employees connected therewith.

27 2. R.S. 40:66-2 is amended to read as follows:

40:66-2. The governing body may, subject to the provisions of
29 P.L. 1970, c. 39 (C.13:1E-1 et seq.), erect the necessary
buildings and equip the same with all appliances proper for the
31 [cremation, destruction and other] disposal of [garbage, refuse

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 and waste matter] municipal solid waste, and acquire the real
 2 estate necessary therefor by purchase, gift or condemnation.
 3 Such buildings may be erected on any real estate owned by the
 4 municipality suitable for the purpose.

5 3. R.S. 40:66-3 is amended to read as follows:

6 40:66-3. Every municipality may acquire, by purchase, lease or
 7 condemnation and subject to the provisions of P.L. 1970, c. 39
 8 (C.13:1E-1 et seq.), unimproved [lowlands] lands, within or
 9 without the municipality, to be used for the [deposit of ashes or
 10 other indestructible waste and refuse matter of the municipality]
 11 disposal of municipal solid waste, but no such lands shall be
 12 acquired or used for such purpose outside the limits of the
 13 municipality, without the consent of the governing body and of
 14 the board of health of the municipality wherein such lands are
 15 situated.

16 4. R.S. 40:66-4 is amended to read as follows:

17 40:66-4. The governing body may, if it deem it more
 18 advantageous, contract with any person for the cleaning of the
 19 streets, or the collection [, removal] and disposal of [ashes,
 20 garbage, refuse and waste matter or any portion thereof]
 21 municipal solid waste. Before making any such contract or
 22 contracts the governing body shall first adopt specifications for
 23 the doing of the work in a sanitary and inoffensive manner, and
 24 any such contract or contracts the total amount of which exceeds
 25 [\$2,500.00] \$7,500.00 in the fiscal year shall be entered into and
 26 made only after bids shall have been advertised therefor, and
 27 awarded in the manner provided in [chapter 50 of this Title
 28 (C.40:50-1 et seq.)] the "Local Public Contracts Law," P.L. 1971,
 29 c. 198 (C.40A:11-1 et seq.). The bidder or bidders to whom the
 30 contract or contracts shall be awarded shall give satisfactory
 31 bond or other security for the faithful performance of the work.
 32 The contract shall include and in all respects conform to the
 33 specifications adopted for the doing of the work.

34 5. R.S. 40:66-5 is amended to read as follows:

35 40:66-5. a. The governing body may provide for the [doing of
 36 said work] collection and disposal of municipal solid waste at the
 37 general expense, or if deemed by it more advisable and subject to
 38 the provisions of P.L. 1970, c. 40 (C.48:13A-1 et seq.), fix the
 39 [rate or] rates , fees and charges (hereinafter referred to as
"solid waste service charges") to be charged by the municipality

1 for the collection [, removal] and disposal of [ashes, garbage,
2 refuse and waste matter] municipal solid waste, provide for the
3 manner of payment of the same, and maintain an action at law to
recover any moneys due therefor.

5 b. Where the governing body determines to provide for the
collection and disposal of municipal solid waste by imposing solid
7 waste service charges for these services, the governing body shall
adopt an ordinance to:

9 (1) Establish a schedule of solid waste service charges based on
the number of solid waste receptacles processed per household;
11 and

13 (2) Provide residents with the opportunity to purchase, on a
prepaid basis, one or more solid waste receptacles to facilitate
the payment of solid waste service charges on a per receptacle
15 basis.

6. (New section) As used in this chapter:

17 "Municipal solid waste" means all residential, commercial and
institutional solid waste generated within the boundaries of any
19 municipality.

21 "Solid waste" means garbage, refuse, and other discarded
materials resulting from industrial, commercial and agricultural
operations, and from domestic and community activities, and
23 shall include all other waste materials including liquids, except
for solid animal and vegetable wastes collected by swine
25 producers licensed by the State Department of Agriculture to
collect, prepare and feed such wastes to swine on their own farms.

27 "Solid waste collection" means the activity related to pick-up
and transportation of solid waste from its source or location to a
29 solid waste facility or other destination.

31 "Solid waste disposal" means the storage, treatment,
utilization, processing, or final disposal of solid waste.

33 "Solid waste facilities" mean and include the plants, structures
and other real and personal property acquired, constructed or
operated or to be acquired, constructed or operated by any person
35 pursuant to the provisions of this or any other act, including
transfer stations, incinerators, resource recovery facilities,
37 sanitary landfill facilities or other plants for the disposal of solid
waste, and all vehicles, equipment and other real and personal
39 property and rights therein and appurtenances necessary or useful
and convenient for the collection or disposal of solid waste in a
41 sanitary manner.

1 "Solid waste receptacle" means a container suitable for the
depositing of solid waste, which has a capacity of no more than
3 30 United States gallons or 132.12 liters or an appropriate
measure set by the Board of Public Utilities and which is used
5 exclusively for the disposal of municipal solid waste.

7 7. Section 3 of P.L. 1970, c. 40 (C.48:13A-3) is amended to
read as follows:

9 3. As used in this act [, the following words and terms shall
have the following meanings, unless the context indicates or
requires another or different meaning or intent]:

11 a. "Solid waste" means garbage, refuse, and other discarded
materials resulting from industrial, commercial and agricultural
13 operations, and from domestic and community activities, and
shall include all other waste materials including liquids disposed
15 of incident thereto, except it shall not include solid animal and
vegetable waste collected by swine producers licensed by the
17 State Department of Agriculture to collect, prepare and feed
such wastes to swine on their own farms.

19 b. "Solid waste collection" means the activity related to
pickup and transportation of solid waste from its source or
21 location to a disposal site, but does not include activity related to
the pickup, transportation or unloading of septic waste.

23 c. "Solid waste disposal" means the storage, treatment,
utilization, processing, or final disposal of solid waste.

25 d. "Septic waste" means pumpings from septic tanks and
cesspools, but shall not include wastes from a sewage treatment
27 plant.

29 e. "Solid waste receptacle" means a container suitable for the
depositing of solid waste, which has a capacity of no more than
30 United States gallons or 132.12 liters or an appropriate
31 measure set by the Board of Public Utilities and which is used
exclusively for the disposal of household solid waste.

33 8. Section 8 of P.L. 1970, c. 40 (C.48:13A-7) is amended to
read as follows:

35 8. a. The board, upon complaint or its own initiative, after
hearing, may direct any person engaging in the solid waste
37 collection business or the solid waste disposal business to furnish
proof that the charges or rates to be received for such service do
39 not exceed just and reasonable rates or charges for such service.

1 b. Should the board find that the rates or charges are excessive
then it may order the person charging such excessive rates or
3 charges to make an adjustment in the contract to a sum which
shall result in just and reasonable rates or charges.

5 c. The board shall, within 90 days of the effective date of this
1987 amendatory and supplementary act, issue an appropriate
7 order establishing an equitable rate schedule based on the number
of solid waste receptacles processed per household for the solid
9 waste collection tariffs of persons engaged in the solid waste
collection business in this State. In issuing this order, the board
11 shall be exempt from the provisions of R.S. 48:2-21.

13 d. All rates or charges for solid waste collection services shall
be based on the rate schedule established pursuant to subsection
c. of this section in instances where these services are contracted
15 for on an individual household basis.

17 e. Any person engaged in the solid waste collection business in
this State utilizing a rate schedule based on the number of solid
waste receptacles processed per household as provided in
19 subsections c. and d. of this section may provide customers with
the opportunity to purchase, on a prepaid basis, one or more solid
21 waste receptacles to facilitate the provision of solid waste
collection services on a per receptacle basis.

23 9. The following are repealed:

R.S. 40:66-6 through R.S. 40:66-7.

25 10. This act shall take effect immediately.

27
29
STATEMENT

31 This bill would permit any municipality to provide for the
collection and disposal of municipal solid waste by imposing solid
waste service charges for these services. In so doing, the
33 governing body of the municipality must: (1) adopt an ordinance
establishing a schedule of solid waste collection rates based on
35 the number of receptacles processed per household; and (2)
provide residents with the opportunity to purchase, on a prepaid
37 basis, one or more solid waste receptacles to facilitate the
payment of solid waste service charges on a "per container"

1 basis. In addition, the bill would require the Board of Public
Utilities to issue an order regulating the rates charged for the
3 collection of solid waste on a per container basis. These measures
are intended to facilitate recycling, educate the public as to the
5 "true costs" of solid waste collection and disposal services, and
assist municipalities in curbing illegal waste disposal practices.

7

9

MUNICIPALITIES

Solid Waste

11

Authorizes municipalities to impose solid waste service charges
13 on a per container basis.

13

ASSEMBLY, No. 3074
STATE OF NEW JERSEY

LEWIS & CLARK
500 N. 2ND ST.
PHILADELPHIA, PA. 19106

INTRODUCED MAY 2, 1988

By Assemblyman MARTIN

1 AN ACT concerning volume-based rate structures for solid waste
collection, and amending P.L. 1970, c. 40 (C. 48:13A-1 et seq.).

3

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

1. Section 3 of P.L. 1970, c. 40 (C. 48:13A-3) is amended to
7 read as follows:

3. As used in this act[, the following words and terms shall
9 have the following meanings, unless the context indicates or
requires another or different meaning or intent]:

11 a. "Solid waste" means garbage, refuse, and other discarded
materials resulting from industrial, commercial and agricultural
13 operations, and from domestic and community activities, and
shall include all other waste materials including liquids disposed
15 of incident thereto, except it shall not include solid animal and
vegetable waste collected by swine producers licensed by the
17 State Department of Agriculture to collect, prepare and feed
such wastes to swine on their own farms.

19 b. "Solid waste collection" means the activity related to
pickup and transportation of solid waste from its source or
21 location to a disposal site, but does not include activity related to
the pickup, transportation or unloading of septic waste.

23 c. "Solid waste disposal" means the storage, treatment,
utilization, processing, or final disposal of solid waste.

25 d. "Septic waste" means pumpings from septic tanks and
cesspools, but shall not include wastes from a sewage treatment
27 plant.

e. "Solid waste receptacle" means a container suitable for the
29 depositing of solid waste, which has a capacity of no more than
30 United States gallons or 132.12 liters or an appropriate
31 measure set by the Board of Public Utilities and which is used
exclusively for the disposal of household solid waste.

33 (cf: P.L. 1983, c. 123, s. 1)

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 2. Section 8 of P.L. 1970, c. 40 (C. 48:13A-7) is amended to
read as follows:

3 8. a. The board, upon complaint or its own initiative, after
hearing, may direct any person engaging in the solid waste
5 collection business or the solid waste disposal business to furnish
proof that the charges or rates to be received for such service do
7 not exceed just and reasonable rates or charges for such service.

b. Should the board find that the rates or charges are
9 excessive then it may order the person charging such excessive
rates or charges to make an adjustment in the contract to a sum
11 which shall result in just and reasonable rates or charges.

c. The board shall, within 90 days of the effective date of this
13 act, issue an appropriate order establishing an equitable rate
schedule based on the number of solid waste receptacles
15 processed per household for the solid waste collection tariffs of
persons engaged in the solid waste collection business in this
17 State. In issuing this order, the board shall be exempt from the
provisions of R.S. 48:2-21.

d. All rates or charges for solid waste collection services shall
19 be based on the rate schedule established pursuant to subsection
c. of this section in instances where these services are contracted
21 for on an individual household basis.

e. Any person engaged in the solid waste collection business in
23 this State utilizing a rate schedule based on the number of solid
waste receptacles processed per household as provided in
25 subsections c. and d. of this section may provide customers with
the opportunity to purchase, on a prepaid basis, one or more solid
27 waste receptacles to facilitate the provision of solid waste
collection services on a per receptacle basis.

(cf: P.L. 1970, c. 40, s. 8)

31 3. This act shall take effect immediately.

33

STATEMENT

35

This bill would require the Board of Public Utilities to issue an
37 order providing for the collection of solid waste on a "per
container" basis.

ENVIRONMENT

Solid Waste

1

3

Requires BPU to establish per container rates for solid waste collection.

5

LAW LIBRARY COPY
DO NOT REMOVE

ASSEMBLY, No. 669
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman SMITH

1 AN ACT concerning solid waste collection, amending R.S.
2 40:66-5 and P.L. 1970, c. 40, and supplementing chapter 66 of
3 Title 40 of the Revised Statutes.

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

7 1. R.S. 40:66-5 is amended to read as follows:

8 40:66-5. a. The governing body may provide for the [doing of
9 said work] collection and disposal of municipal solid waste at the
general expense, or if deemed by it more advisable and subject
11 to the provisions of P.L. 1970, c. 40 (C.48:13A-1 et seq.), fix the
[rate or] rates , fees and charges (hereinafter referred to as
13 "solid waste service charges") to be charged by the municipality
for the collection [, removal] and disposal of [ashes, garbage,
15 refuse and waste matter] municipal solid waste, provide for the
manner of payment of the same, and maintain an action at law
17 to recover any moneys due therefor.

b. Where the governing body determines to provide for the
19 collection and disposal of municipal solid waste by imposing
solid waste service charges for these services, the governing
21 body shall adopt an ordinance to:

(1) Establish a schedule of solid waste service charges based
23 on the number of solid waste receptacles processed per
household; and

25 (2) Provide residents with the opportunity to purchase, on a
prepaid basis, one or more solid waste receptacles to facilitate
27 the payment of solid waste service charges on a per receptacle
basis.

29 (cf: R.S. 40:66-5)

2. (New section) As used in this chapter:

31 "Municipal solid waste" means all residential, commercial and
institutional solid waste generated within the boundaries of any
33 municipality.

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 "Solid waste" means garbage, refuse, and other discarded
materials resulting from industrial, commercial and agricultural
3 operations, and from domestic and community activities, and
shall include all other waste materials including liquids, except
5 for solid animal and vegetable wastes collected by swine
producers licensed by the State Department of Agriculture to
7 collect, prepare and feed such wastes to swine on their own
farms.

9 "Solid waste collection" means the activity related to pick-up
and transportation of solid waste from its source or location to a
11 solid waste facility or other destination.

"Solid waste disposal" means the storage, treatment,
13 utilization, processing, or final disposal of solid waste.

"Solid waste receptacle" means a container suitable for the
15 depositing of solid waste, which has a capacity of no more than
30 United States gallons or 132.12 liters or an appropriate
17 measure set by the Board of Public Utilities and which is used
exclusively for the disposal of municipal solid waste.

19 3. Section 3 of P.L. 1970, c. 40 (C.48:13A-3) is amended to
read as follows:

21 3. As used in this act [, the following words and terms shall
have the following meanings, unless the context indicates or
23 requires another or different meaning or intent]:

a. "Solid waste" means garbage, refuse, and other discarded
25 materials resulting from industrial, commercial and agricultural
operations, and from domestic and community activities, and
27 shall include all other waste materials including liquids disposed
of incident thereto, except it shall not include solid animal and
29 vegetable waste collected by swine producers licensed by the
State Department of Agriculture to collect, prepare and feed
31 such wastes to swine on their own farms.

b. "Solid waste collection" means the activity related to
33 pickup and transportation of solid waste from its source or
location to a disposal site, but does not include activity related
35 to the pickup, transportation or unloading of septic waste.

c. "Solid waste disposal" means the storage, treatment,
37 utilization, processing, or final disposal of solid waste.

1 d. "Septic waste" means pumpings from septic tanks and
cesspools, but shall not include wastes from a sewage treatment
3 plant.

e. "Solid waste receptacle" means a container suitable for
5 the depositing of solid waste, which has a capacity of no more
than 30 United States gallons or 132.12 liters or an appropriate
7 measure set by the Board of Public Utilities and which is used
exclusively for the disposal of household solid waste.

9 (cf: P.L. 1983, c. 123, s.1)

4. Section 8 of P.L. 1970, c. 40 (C.48:13A-7) is amended to
11 read as follows:

8. a. The board, upon complaint or its own initiative, after
13 hearing, may direct any person engaging in the solid waste
collection business or the solid waste disposal business to furnish
15 proof that the charges or rates to be received for such service
do not exceed just and reasonable rates or charges for such
17 service.

b. Should the board find that the rates or charges are
19 excessive then it may order the person charging such excessive
rates or charges to make an adjustment in the contract to a sum
21 which shall result in just and reasonable rates or charges.

c. The board shall, within 90 days of the effective date of
23 this 1988 amendatory and supplementary act, issue an
appropriate order establishing an equitable rate schedule based
25 on the number of solid waste receptacles processed per
household for the solid waste collection tariffs of persons
27 engaged in the solid waste collection business in this State. In
issuing this order, the board shall be exempt from the
29 requirements of R.S. 48:2-21.

d. All rates or charges for solid waste collection services
31 shall be based on the rate schedule established pursuant to
subsection c. of this section.

e. Any person engaged in the solid waste collection business
33 in this State utilizing a rate schedule based on the number of
solid waste receptacles processed per household as provided in
35 subsections c. and d. of this section shall provide customers with

1 the opportunity to purchase, on a prepaid basis, one or more
 2 solid waste receptacles to facilitate the provision of solid waste
 3 collection services on a per receptacle basis.

(cf: P.L. 1970, c. 40, s.8)

5 5. This act shall take effect immediately.

7

STATEMENT

9

This bill would require the Board of Public Utilities to issue an
 11 order regulating the rates charged for the collection of solid
 waste on a per container basis. Any solid waste collector in this
 13 State utilizing a rate schedule based on the number of solid
 waste receptacles processed per household must provide
 15 customers with the opportunity to purchase, on a prepaid basis,
 one or more solid waste receptacles to facilitate the provision
 17 of solid waste collection services on a per receptacle basis.

In addition, the bill would permit any municipality to provide
 19 for the collection and disposal of municipal solid waste by
 imposing solid waste service charges for these services. In so
 21 doing, the governing body of the municipality must: (1) adopt an
 ordinance establishing a schedule of solid waste collection rates
 23 based on the number of receptacles processed per household;
 and (2) provide residents with the opportunity to purchase, on a
 25 prepaid basis, one or more solid waste receptacles to facilitate
 the payment of solid waste service charges on a "per container"
 27 basis.

29

ENVIRONMENT

31

Solid Waste

33 Requires BPU to structure solid waste collection rates on a per
 container basis.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1766 and 3074

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1989

The Senate Energy and Environment Committee favorably reports A-1766 and A-3074 ACS.

This bill would permit any municipality contracting for solid waste collection services to implement solid waste charges on a per container basis. In so doing, the governing body of the municipality must: (1) adopt an ordinance establishing a rate schedule of solid waste charges based on the number of containers processed per household; and (2) provide residents with the opportunity to purchase, on a prepaid basis, one or more solid waste containers, or a voucher or stickers therefor, to facilitate the payment of solid waste charges on a per container basis.

Whenever a municipality adopts an ordinance to provide for the payment of solid waste charges on a per container basis, the governing body must transmit to the Board of Public Utilities, by certified mail and within 90 days of the effective date of the ordinance, a copy of the proposed rate schedule and the contract entered into with a licensed solid waste collector-hauler for the collection of solid waste within the municipality. Within 60 days of receipt of the proposed rate schedule and contract, the BPU would review the rate schedule if requested to do so by the municipality or the solid waste collector-hauler, as the case may be, to determine whether the solid waste charges are equitable and to accept, reject or modify the rate schedule.

If the BPU finds the solid waste charges to be equitable, the board would accept the rate schedule and contract and issue an appropriate order therefor.

This bill would also provide that 13 months following the effective date of a "per container" ordinance, the municipality may request any solid waste collector or transporter to whom a multi-year contract has been awarded to renegotiate the contract to reflect any reduction in the annual volume of solid waste collected or transported achieved as result of the per container rate schedule.

In addition, should the BPU find, subsequent to the issuance of any order accepting a per container rate schedule, that the rates or charges received for the collection of solid waste contained within a contract entered into prior to the effective date of that order require adjustment, then it may order the person charging those rates or charges to make an adjustment in the contract to a sum which shall result in just and reasonable rates or charges.

This bill would also authorize the BPU to issue an appropriate order establishing an equitable per container rate schedule for the solid waste collection tariffs of private solid waste collectors or transporters operating in any municipality in which solid waste collection or transportation services are contracted for and provided by so-called "scavengers" on an individual household basis.

In addition this bill would allow private solid waste collectors or transporters utilizing a rate schedule based on the number of solid waste containers processed per household to provide customers with the opportunity to purchase, on a prepaid basis, one or more solid waste containers, or a voucher or stickers therefor, to facilitate the provision of solid waste collection services on a per container basis.