

13:1E-99.12

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13: 1E-99.12; 4:24-22

(Leaf composting-
-agricultural
lands--permit
development of
facilities)

LAWS OF: 1989

CHAPTER: 151

Bill No: A3050

Sponsor(s): Shinn

Date Introduced: May 2, 1988

Committee: Assembly: Solid Waste Management

Senate: Natural Resources

Amended during passage: No Assembly Committee Substitute enacted.

Date of Passage: Assembly: May 18, 1989

Senate: June 19, 1989

Date of Approval: August 9, 1989

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

(over)

See newspaper clipping--attached:

"Gov. Kean signs bill regulating leaf options," 8-10-89 Star Ledger

"It's official--no more leaves," 8-10-89 Trentonian

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3050

STATE OF NEW JERSEY

ADOPTED APRIL 24, 1989

Sponsored by Assemblyman SHINN

2 AN ACT concerning leaf composting facilities, amending and
supplementing P.L.1987, c.102, amending R.S.4:24-22, and
supplementing chapter 24 of Title 4 of the Revised Statutes.

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

8 1. Section 2 of P.L.1987, c.102 (C.13:1E-99.12) is amended to
read as follows:

10 2. As used in sections 1 through 24 of [this 1987 amendatory
and supplementary act] P.L.1987, c.102 (C.13:1E-99.11 et seq.):

12 "Agricultural or horticultural land" means land deemed
actively devoted to agricultural or horticultural use pursuant to
the "Farmland Assessment Act of 1964," P.L.1964, c.48
14 (C.54:4-23.1 et seq.);

16 "Beverage" means milk, alcoholic beverages, including beer or
other malt beverages, liquor, wine, vermouth and sparkling wine,
and nonalcoholic beverages, including fruit juice, mineral water
18 and soda water and similar nonalcoholic carbonated and
noncarbonated drinks intended for human consumption.

20 "Beverage container" means an individual, separate,
hermetically sealed, or made airtight with a metal or plastic cap,
22 bottle or can composed of glass, metal, plastic or any
combination thereof, containing a beverage;

24 "Commingled" means a combining of exclusively
nonputrescible recyclable materials solely with other
26 nonputrescible recyclable materials;

"County" means any county of this State of whatever class.

28 "Department" means the Department of Environmental
Protection;

30 "Designated recyclable materials" means those recyclable
materials, including metal, glass, paper, or plastic containers.

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.

2 food waste, corrugated and other cardboard, newspaper,
3 magazines, or high-grade office paper designated in a district
4 recycling plan to be source separated in a municipality pursuant
5 to section 3 of [this amendatory and supplementary act] P.L.1987,
6 c.102 (C.13:1E-99.13);

7 "Disposition" or "disposition of designated recyclable
8 materials" means the transportation, placement, reuse, sale,
9 donation, transfer or temporary storage for a period not
10 exceeding six months of designated recyclable materials for all
11 possible uses except for disposal as solid waste;

12 "District" means a solid waste management district as
13 designated by section 10 of P.L.1975, c. 326 (C.13:1E-19), except
14 that, as used in the provisions of [this amendatory and
15 supplementary act] P.L.1987, c.102 (C.13:1E-99.11 et seq.),
16 "district" shall not include the Hackensack Meadowlands District;

17 "District recycling plan" means the plan prepared and adopted
18 by the governing body of a county and approved by the
19 department to implement the State Recycling Plan goals pursuant
20 to section 3 of [this amendatory and supplementary act] P.L.1987,
21 c.102 (C.13:1E-99.13);

22 "Leaf composting facility" means a solid waste facility which
23 is designed and operated solely for the purpose of composting
24 leaves and shall also include leaf mulching operations on land
25 deemed actively devoted to agricultural or horticultural use as
26 defined in section 5 of P.L.1964, c.48 (C.54:4-23.5);

27 "Market" or "markets" means the disposition of designated
28 recyclable materials source separated in a municipality which
29 entails a disposition cost less than the cost of transporting the
30 recyclable materials to solid waste facilities and disposing of
31 them as municipal solid waste at the facility utilized by the
32 municipality;

33 "Municipality" means any city, borough, town, township or
34 village situated within the boundaries of this State;

35 "Municipal solid waste stream" means all residential,
36 commercial and institutional solid waste generated within the
37 boundaries of any municipality;

38 "Paper" means and includes all newspaper, high-grade office
39 paper, fine paper, bond paper, offset paper, xerographic paper,
40 mimeo paper, duplicator paper, and related types of cellulosic

2 material containing not more than 10% by weight or volume of
non-cellulosic material such as laminates, binders, coatings, or
saturants;

4 "Paper product" means any paper items or commodities,
including but not limited to, paper napkins, towels, corrugated
6 and other cardboard, construction material, toilet tissue, paper
and related types of cellulosic products containing not more than
8 10% by weight or volume of non-cellulosic material such as
laminates, binders, coatings, or saturants;

10 "Plastic container" means any hermetically sealed, or made
airtight with a metal or plastic cap, container with a minimum
12 wall thickness of not less than 0.010 inches, and composed of
thermoplastic synthetic polymeric material;

14 "Post-consumer waste material" means any product generated
by a business or consumer which has served its intended end use,
16 and which has been separated from solid waste for the purposes
of collection, recycling and disposition and which does not include
18 secondary waste material or demolition waste;

"Recognized academic institution" means any of the following
20 educational or research institutions located in this State: a duly
authorized institution of higher education licensed by the Board
22 of Higher Education; a public school operated by a local school
district; a private vocational school; or a nonpublic school
24 satisfying the State's compulsory attendance requirements;

"Recyclable material" means those materials which would
26 otherwise become municipal solid waste, and which may be
collected, separated or processed and returned to the economic
28 mainstream in the form of raw materials or products;

"Recycled paper" means any paper having a total weight
30 consisting of not less than 50% secondary waste paper material;

"Recycled paper product" means any paper product consisting
32 of not less than 50% secondary waste paper material;

"Recycling" means any process by which materials which would
34 otherwise become solid waste are collected, separated or
processed and returned to the economic mainstream in the form
36 of raw materials or products;

"Recycling center" means any facility designed and operated
38 solely for receiving, storing, processing and transferring source
separated, nonputrescible or source separated commingled

2 nonputrescible metal, glass, paper, plastic containers, and
corrugated and other cardboard, or other recyclable materials
approved by the department;

4 "Recycling services" means the services provided by persons
engaging in the business of recycling, including the collection,
6 transportation, processing, storage, purchase, sale or disposition,
or any combination thereof, of recyclable materials;

8 "Secondary waste material" means waste material generated
after the completion of a manufacturing process;

10 "Secondary waste paper material" means paper waste
generated after the completion of a paper making process, such
12 as post-consumer waste material, envelope cuttings, bindery
trimmings, printing waste, cutting and other converting waste,
14 butt rolls and mill wrappers; except that secondary waste paper
material shall not include fibrous waste generated during the
16 manufacturing process, such as fibers recovered from waste
water or trimmings of paper machine rolls, fibrous byproducts of
18 harvesting, extractive or woodcutting processes, or forest residue
such as bark;

20 "Source separated recyclable materials" means recyclable
materials, including but not limited to, paper, metal, glass,
22 noncommingled food waste, office paper and plastic which are
kept separate and apart from residential, commercial and
24 institutional solid waste by the generator thereof for the purposes
of collection, disposition and recycling;

26 "Vegetative waste composting facility" means a solid waste
facility which is designed and operated for the purpose of
28 composting leaves, either exclusively or in combination with
other vegetative wastes authorized by the department.

30 (cf: P.L.1987, c.102, s.2)

2. Section 13 of P.L.1987, c.102 (C.13:1E-99.21) is amended to
32 read as follows:

13. a. [Within 12 months of the effective date of this
34 amendatory and supplementary act] After April 20, 1989, all
leaves collected by a municipality pursuant to the provisions of
36 section 14 of [this amendatory and supplementary act] P.L.1987,
c.102 (C.13:1E-99.22) shall be transported to a leaf composting
38 facility, vegetative waste composting facility or recycling center

2 authorized or approved by the department. Each district
recycling plan shall identify the leaf composting facility [or
4 facilities] , vegetative waste composting facility or recycling
center to be utilized by each municipality within the county. Any
two or more counties may negotiate an interdistrict agreement
6 for the development or use of a regional leaf composting facility,
vegetative waste composting facility or recycling center.
8 Notwithstanding the provisions of section 18 of P.L.1975, c.326
(C.13:1E-27) or any other law, rule or regulation to the contrary,
10 the Board of Public Utilities shall not have jurisdiction over, or
otherwise regulate the tariffs or return of, a leaf composting
12 facility, vegetative waste composting facility or recycling center
authorized or approved by the department.

14 b. No [sanitary landfill] solid waste facility in this State, other
than a leaf composting facility, vegetative waste composting
16 facility or recycling center, shall accept for final disposal
truckloads [composed primarily of] containing leaves at any time,
18 except that leaves source separated from solid waste may be
accepted by a sanitary landfill facility in those instances where
20 the facility has provided and maintains for that purpose separate
leaf composting facilities, and the composted leaves are utilized
22 as part of the final vegetative cover for the landfill, or for other
uses as a soil conditioning material.

24 c. No person shall transport leaves to an out-of-state facility
except in those instances where the out-of-state facility is
26 designed and operated for the purpose of accepting leaves for
recycling and the facility is designated in the district recycling
28 plan required pursuant to section 3 of P.L.1987, c.102
(C.13:1E-99.13).

30 (cf: P.L.1987, c.102, s.13)

32 3. Section 14 of P.L.1987, c.102 (C.13:1E-99.22) is amended to
read as follows:

34 14. [Within 12 months of the effective date of this amendatory
and supplementary act] a. No later than April 20, 1989, each
municipality in this State shall, by a duly adopted ordinance of its
36 governing body, provide for a collection system for leaves
generated from residential premises, prohibit the placement of
38 leaves for collection or disposal as solid waste, and require that
persons occupying residential premises within its municipal

2 boundaries shall [, for the period from September 1 to December
31 of each year,] source separate leaves from solid waste
4 generated at those premises and, unless leaves are stored or
recycled for composting or mulching by the generator, place the
leaves for collection in the manner provided by the ordinance.

6 b. As an alternative to the provisions of subsection a. of this
7 section, a municipality may, by a duly adopted ordinance of its
8 governing body, prohibit the placement of leaves for collection or
9 disposal as solid waste, and specify that all persons occupying
10 residential premises within its municipal boundaries shall mulch
11 or compost the leaves generated at those premises.

12 (cf: P.L.1987, c.102, s.14)

4. R.S.4:24-22 is amended to read as follows:

14 4:24-22. A soil conservation district organized under the
provisions of this chapter shall constitute a governmental
16 subdivision of this State, and a public body corporate and politic,
exercising public powers, and such district, and the supervisors
18 thereof, shall have the following powers, in addition to others
granted in other sections of this chapter:

20 a. To conduct surveys, investigations, and research relating to
the character of soil erosion and the preventive and control
22 measures needed, to publish the results of such surveys,
investigations, or research, and to disseminate information
24 concerning such preventive and control measures; provided,
however, that in order to avoid duplication of research activities,
26 no district shall initiate any research program except in
co-operation with the agricultural experiment stations or any
28 other agency of this State, as may be dealing with allied problems:

b. To conduct in co-operation with existing State agencies.
30 projects within the district on lands owned or controlled by this
State or any of its agencies, with the co-operation of the agency
32 administering and having jurisdiction thereof, and on any other
lands within the district upon obtaining the consent of the owner
34 thereof, or those who have rights or interests in such lands, in
order to demonstrate methods of soil erosion control,

36 c. To carry out preventive and control measures within the
district including but not limited to. engineering operations.
38 methods of cultivation, the growing of vegetation, changes in use
of land, on lands owned or controlled by this State or any of its

2 agencies, with the co-operation of the agency administering and
3 having jurisdiction thereof, and on any other lands within the
4 district;

5 d. To co-operate, or enter into agreements with, and within
6 the limits of appropriations duly made available to it by law, to
7 furnish financial or other aid to, any agency, governmental or
8 otherwise, or any owner of lands within the district, in the
9 carrying on of erosion control and prevention operations within
10 the district, subject to such conditions as the supervisors may
11 deem necessary to advance the purposes of this chapter;

12 e. To acquire machinery and other necessary personal
13 property, to make provision for its safekeeping and to dispose of
14 said property when no longer needed;

15 f. To make available, on such terms as it shall prescribe, to
16 landowners within the district, agricultural and engineering
17 machinery and equipment, as will assist such landowners to carry
18 on operations upon their lands for the conservation of soil
19 resources and for the prevention and control of soil erosion;

20 g. To construct, improve, and maintain such structures as may
21 be necessary or convenient for the performance of any of the
22 operations authorized in this chapter;

23 h. To develop comprehensive plans for the conservation of soil
24 resources and for the control and prevention of soil erosion within
25 the district, which plans shall specify in such detail as may be
26 possible, the acts, procedures, performances, and avoidances
27 which are necessary or desirable for the effectuation of such
28 plans, including the specifications of engineering operations,
29 methods of cultivation, the growing of vegetation, cropping
30 programs, tillage practices, and changes in use of land; and to
31 publish such plans and information and bring them to the
32 attention of owners of lands within the district;

33 i. To develop site plans for the construction, operation and
34 maintenance of proposed leaf composting facilities located on
35 agricultural or horticultural land, or on lands owned or operated
36 by a recognized academic institution, as required pursuant to
37 section 7 of P.L. , c. (C.) (now before the Legislature as
38 this bill); and to conduct an annual inspection of each operational
39 facility within the district authorized by the Department of
40 Environmental Protection in order to certify to the department

2 that the facility is in compliance with the rules and regulations
3 adopted by the department therefor and is operating in
4 conformance with recommended agricultural management
5 practices;

6 [i.] j. To act as agent for the United States, or any of its
7 agencies, or for this State or any of its agencies, in connection
8 with any soil-conservation, erosion-control, or
9 erosion-prevention project within its boundaries; to accept
10 payments, donations, gifts, and contributions in money, services,
11 materials, or otherwise, from the United States or any of its
12 agencies, or from this State or any of its agencies, or from any
13 governmental subdivision or its agencies, or from any
14 corporation, association, group or individual, and to use or expend
15 such moneys, services, materials, or other contributions in
16 carrying on its operations;

17 [j.] k. To sue and be sued in the name of the district; to have a
18 seal, which seal shall be judicially noticed; to have perpetual
19 succession unless terminated as hereinafter provided; to make
20 and execute contracts and other instruments, necessary or
21 convenient to the exercise of its powers; to make, and from time
22 to time amend and repeal, rules and regulations, not inconsistent
23 with this chapter, to carry into effect its purposes and powers;

24 [k.] l. To acquire, by gift, devise, purchase or condemnation,
25 any real property located within the district, or any interest or
26 estate therein, which is required for the proper exercise by the
27 district of its powers; provided, however, that the district shall
28 not acquire any real property, or interest or estate therein, by
29 condemnation without first obtaining the approval of the
30 Secretary of Agriculture and the Commissioner of [Conservation
31 and Economic Development.] Environmental Protection;

32 [l.] m. As a condition to the extending of any benefits under
33 this chapter, to, or the performance of work upon, any lands not
34 owned or controlled by this State or any of its agencies, the
35 supervisors may require contributions in money, services,
36 materials, or otherwise to any operations conferring such
37 benefits, and may require landowners to enter into and perform
38 such agreements or covenants as to the permanent use of such
39 lands as will tend to prevent or control erosion thereon;

40 [m.] n. To borrow money for the purchase of equipment, either
with or without security;

[n.] o. No provisions with respect to the acquisition,
2 operations, or disposition of property by other public bodies shall
be applicable to a district organized hereunder unless the
4 Legislature shall specifically so state.

(cf: P.L.1966, c.77, s.6)

6 5. (New section) a. No person shall own or operate a leaf
composting facility located on agricultural or horticultural land,
8 or on lands owned or operated by a recognized academic
institution, unless that person shall have obtained authorization
10 or approval thereof from the Department of Environmental
Protection.

12 b. To be eligible for authorization pursuant to this act, the
proposed leaf composting facility shall be located on land which
14 qualifies for differential property tax assessment pursuant to the
"Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1
16 et seq.), or on lands owned or operated by a recognized academic
institution as defined in section 2 of P.L.1987, c.102
18 (C.13:1E-99.12).

20 6. (New section) a. Every person proposing to own or operate
a leaf composting facility located on agricultural or horticultural
land, or on lands owned or operated by a recognized academic
22 institution, shall submit to the department for authorization a
filing package which shall contain a site plan and any other
24 information as may be prescribed by the department.

26 b. No owner or operator of a leaf composting facility located
on agricultural or horticultural land, or on lands owned or
operated by a recognized academic institution, which facility is
28 authorized by the department pursuant to this act shall be subject
to the registration requirements of section 5 of P.L.1970, c.39
30 (C.13:1E-5) or the licensing requirements of P.L.1983, c.392
(C.13:1E-126 et seq.).

32 7. (New section) a. Every Soil Conservation District shall
develop a site plan for each proposed leaf composting facility to
34 be located on agricultural or horticultural land, or on lands owned
or operated by a recognized academic institution, within the
36 district. The site plan shall include such information as may be
prescribed by the Department of Environmental Protection and
38 shall be certified in a manner as may be prescribed by the
department.

2 b. Every Soil Conservation District shall conduct an annual
inspection of each operational leaf composting facility located on
4 agricultural or horticultural land, or on lands owned or operated
by a recognized academic institution, within the district and
6 authorized by the department in order to certify to the
department that the facility is operated and maintained in
8 compliance with the rules and regulations adopted by the
department therefor and the site plan developed by the district,
10 and in conformance with recommended agricultural management
practices.

12 8. (New section) Each leaf composting facility located on
agricultural or horticultural land, or on lands owned or operated
14 by a recognized academic institution, shall operate in accordance
with the conditions specified in the program of agricultural
16 management practices developed by the New Jersey Cooperative
Extension Service of Rutgers, The State University, and approved
by the department.

18 9. (New section) a. The department may authorize the
development of leaf composting demonstration projects for
20 educational purposes on lands owned or operated by a recognized
academic institution.

22 b. A recognized academic institution proposing to undertake a
leaf composting demonstration project, in conjunction with the
24 relevant Soil Conservation District, shall submit to the
department for authorization a filing package which shall contain
26 a site plan and any other information as may be prescribed by the
department.

28 c. No leaf composting demonstration project authorized by the
department pursuant to this section shall accept leaves for
30 composting in excess of 500 cubic yards per year.

32 10. (New section) Notwithstanding the provisions of P.L.1970,
c.39 (C.13:1E-1 et seq.) or any other law, rule or regulation to
34 the contrary, vehicles used exclusively for the transportation of
leaves to a leaf composting facility, vegetative waste composting
36 facility, recycling center or lands owned or operated by a
recognized academic institution authorized or approved by the
department shall not be required to be registered with, or
38 approved by, the department.

11. (New section) Notwithstanding the provisions of P.L.1970,

2 c.40 (C.48:13A-1 et seq.) or any other law, rule or regulation to
the contrary, the Board of Public Utilities shall not have
4 jurisdiction over charges or rates for services provided by persons
engaging in the transportation of leaves to a leaf composting
6 facility, vegetative waste composting facility, recycling center
or lands owned or operated by a recognized academic institution
8 authorized or approved by the Department of Environmental
Protection pursuant to P.L. , c. (C.) (now before the
Legislature as this bill). The revenues generated by persons
10 engaging in the transportation of leaves shall not be included
within the computation of current or adjusted tariffs established
12 pursuant to law for solid waste collection.

12. (New section) The Department of Agriculture shall, by
14 rule or regulation and pursuant to the "Administrative Procedure
Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establish criteria and
16 standards for the composting and handling of animal wastes.

13. (New section) The Department of Environmental
18 Protection shall, pursuant to the "Administrative Procedure
Act," adopt rules and regulations necessary to implement this act.

20 14. This act shall take effect immediately.

22

ENVIRONMENT

24

Solid Waste

26 Provides for the development of leaf composting facilities.

ASSEMBLY, No. 3050

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1988

By Assemblyman SHINN

1 AN ACT concerning leaf mulching on agricultural lands, and
amending P.L. 1987, c. 102.

3

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

1. Section 13 of P.L. 1987, c. 102 (C.13:1E-99.21) is amended
7 to read as follows:

13. a. [Within 12 months of the effective date of this
9 amendatory and supplementary act] Except as otherwise provided
in subsection b. of this section, after April 20, 1988, all leaves
11 collected by a municipality pursuant to the provisions of section
14 of [this amendatory and supplementary act] P.L. 1987, c. 102
13 (C.13:1E-99.22) shall be transported to a leaf composting facility
approved by the department. Each district recycling plan shall
15 identify the leaf composting facility or facilities to be utilized by
each municipality within the county. Any two or more counties
17 may negotiate an interdistrict agreement for the development or
use of a regional leaf composting facility. Notwithstanding the
19 provisions of section 18 of P.L. 1975, c. 326 (C. 13:1E-27) or any
other law, rule or regulation to the contrary, the Board of Public
21 Utilities shall not have jurisdiction over, or otherwise regulate
the tariffs or return of, a leaf composting facility approved by
23 the department.

b. No [sanitary landfill] solid waste facility in this State shall
25 accept for final disposal or transfer, as the case may be,
truckloads composed primarily of leaves at any time, except that
27 leaves source separated from solid waste may be accepted by:

(1) a sanitary landfill facility in those instances where the
29 facility has provided and maintains for that purpose separate leaf
composting facilities, and the composted leaves are utilized as
31 part of the final vegetative cover for the landfill, or for other

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 uses as a soil conditioning material; or
2 (2) the landowner or farm operator of agricultural land for
3 mulching in those instances where the leaves are utilized as a soil
4 conditioning material, and the leaves are mulched into the soil as
5 part of the routine productive agricultural activities of the farm.

(cf: P.L. 1987, c. 102, s.13)

7 2. Section 14 of P.L. 1987, c. 102 (C.13:1E-99.22) is amended
8 to read as follows:

9 14. [Within 12 months of the effective date of this amendatory
10 and supplementary act] a. No later than April 20, 1988, each
11 municipality in this State shall, by a duly adopted ordinance of its
12 governing body, provide for a collection system for leaves
13 generated from residential premises, and require that persons
14 occupying residential premises within its municipal boundaries
15 shall, for the period from September 1 to December 31 of each
16 year, source separate leaves from solid waste generated at those
17 premises and, unless leaves are stored or recycled for composting
18 or mulching by the generator, place the leaves for collection in
19 the manner provided by the ordinance.

20 b. Any municipality in this State may, by a duly adopted
21 ordinance of its governing body, authorize its residents to
22 transport the leaves collected pursuant to the provisions of
23 subsection a. of this section to agricultural land for mulching as
24 provided by the provisions of section 13 of P.L. 1987, c. 102
25 (C.13:1E-99.21) in the manner provided by the ordinance.

(cf: P.L. 1987, c. 102, s.14)

27 3. This act shall take effect immediately.

29

STATEMENT

31

33 Under the provisions of the "New Jersey Statewide Mandatory
34 Source Separation and Recycling Act," P.L. 1987, c. 102
35 (C.13:1E-99.11 et al.), every municipality in this State must
36 provide for the source separate and recycling of leaves generated
37 from residential premises within its jurisdiction.

38 At present, all leaves collected by a municipality must be
39 transported to a leaf composting facility approved by the
Department of Environmental Protection. Each county is

1 responsible for identifying the leaf composting facility to be
utilized by each of its constituent municipalities. No sanitary
3 landfill facility in this State may accept for final disposal
truckloads composed primarily of leaves at any time, except that
5 leaves source separated from solid waste may be accepted by a
landfill in those instances where the facility has provided and
7 maintains for that purpose separate leaf composting facilities,
and the composted leaves are utilized as part of the final
9 vegetative cover for the landfill, or for other uses as a soil
conditioning material.

11 This bill would permit a municipality to authorize its residents
to transport source separated leaves to agricultural land for soil
13 conditioning purposes, rather than to a leaf composting facility or
landfill, provided that the leaves are to be used for mulching of
15 the soil as part of the routine productive agricultural activities of
the farm.

17

19

ENVIRONMENT

Solid Waste

21

23 Authorize municipalities to permit mulching of leaves on
agricultural lands.

ASSEMBLY SOLID WASTE MANAGEMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 3050

STATE OF NEW JERSEY

DATED: APRIL 17, 1989

The Assembly Solid Waste Management Committee favorably reports Assembly Bill No. 3050 by Committee Substitute.

The Assembly Committee Substitute for Assembly Bill No. 3050 provides for the development and operation of leaf composting facilities to be located on agricultural or horticultural lands, or on lands owned or operated by recognized academic institutions, subject to the authorization or approval of the Department of Environmental Protection.

Under the provisions of the "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et al.), every municipality in this State must provide for the source separation and recycling of leaves generated from residential premises within its jurisdiction. A3050 ACS would modify and revise this requirement and provide a statutory mechanism for the composting of leaves on agricultural lands.

Under the provisions of A3050 ACS, all leaves collected by a municipality pursuant to a source separation ordinance must be transported to a leaf composting facility, vegetative waste composting facility or recycling center authorized or approved by the department. A leaf composting facility is a solid waste facility subject to the registration statement and engineering design requirements of the Department of Environmental Protection under the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.). However, leaf composting activities undertaken on lands deemed actively devoted to agricultural or horticultural use are subject to the authorization of the DEP but exempt from the registration requirements of the "Solid Waste Management Act." A vegetative waste composting facility is a solid waste facility which is designed and operated for the purpose of composting leaves, either exclusively or in combination with other vegetative wastes authorized by the department.

Alternatively, a municipality may adopt an ordinance requiring all residents to mulch or compost the leaves generated at their residential premises themselves. In any case, every ordinance must prohibit the placement of leaves for collection or disposal as solid waste.

Further, each county is responsible for identifying the leaf composting facility, vegetative waste composting facility or recycling center to be utilized by each of its constituent municipalities. No solid waste facility in this State (other than a leaf composting facility, vegetative waste composting facility or recycling center) may accept for final disposal truckloads containing leaves at any time, except that leaves source separated from solid waste may be accepted by a sanitary landfill facility in those instances where the facility has provided and maintains for that purpose separate leaf composting facilities, and the composted leaves are utilized as part of the final vegetative cover for the landfill, or for other uses as a soil conditioning material. The transportation of leaves to an out-of-state facility is prohibited except in those instances where the out-of-state facility is designed and operated for the purpose of accepting leaves for recycling and the facility is designated in the leaf exporting county's district recycling plan.

A3050 ACS provides for the development and operation of leaf composting facilities on agricultural or horticultural lands and sets forth procedures for their authorization and approval by the DEP. A proposed leaf composting facility to be developed on agricultural or horticultural land must be located on land which is deemed actively devoted to agricultural or horticultural use as defined in the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or on lands owned or operated by a recognized academic institution in this State.

Specifically, any person seeking to own or operate a leaf composting facility must obtain the authorization or approval of the DEP. Every applicant must submit a filing package containing a site plan and any other information as may be prescribed by the department.

The local Soil Conservation District must conduct an annual inspection of each operational leaf composting facility located on agricultural or horticultural land, or on lands owned or operated

by a recognized academic institution, within that district in order to certify to the department that the facility is operated and maintained: (1) in accordance with the rules and regulations adopted by the DEP therefor; (2) in conformance with the site plan developed by the district therefor; and (3) in conformance with recommended agricultural management practices developed by the New Jersey Cooperative Extension Service of Rutgers University.

The DEP may authorize the development of leaf composting demonstration projects for educational purposes on lands owned or operated by a recognized academic institution. Any such institution proposing to undertake a leaf composting demonstration project, in conjunction with the relevant Soil Conservation District, must submit to the DEP for authorization a filing package containing a site plan and any other information as may be prescribed by the department. No leaf composting demonstration project may accept leaves for composting in excess of 500 cubic yards per year.

The provisions of A3050 ACS would also provide that: (1) vehicles transporting truckloads of leaves to a leaf composting facility, vegetative waste composting facility, recycling center or lands owned or operated by a recognized academic institution authorized or approved by the DEP would be exempt from the registration requirements of P.L.1970, c.39; (2) the fees or charges imposed by persons engaging in the transportation of leaves to a facility authorized or approved by the DEP would be exempt from the rate regulation of the Board of Public Utilities; and (3) the Department of Agriculture must adopt rules or regulations establishing criteria and standards for the composting and handling of animal wastes.

SENATE NATURAL RESOURCES
AND AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 3050

STATE OF NEW JERSEY

DATED: MAY 22, 1989

The Senate Natural Resources and Agriculture Committee favorably reports Assembly Committee Substitute for Assembly Bill No. 3050.

The Assembly Committee Substitute for Assembly Bill No. 3050 provides for the development and operation of leaf composting facilities to be located on agricultural or horticultural lands, or on lands owned or operated by recognized academic institutions, subject to the authorization or approval of the Department of Environmental Protection.

Under the provisions of the "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.12:1E-95.11 et al.), every municipality in this State must provide for the source separation and recycling of leaves generated from residential premises within its jurisdiction. Assembly Committee Substitute for Assembly Bill No. 3050 would modify and revise this requirement and provide a statutory mechanism for the composting of leaves on agricultural lands.

Under the provisions of Assembly Committee Substitute for Assembly Bill No. 3050, all leaves collected by a municipality pursuant to a source separation ordinance must be transported to a leaf composting facility, vegetative waste composting facility or recycling center authorized or approved by the department. A leaf composting facility is a solid waste facility subject to the registration statement and engineering design requirements of the Department of Environmental Protection under the "Solid Waste Management Act," P.L.1970, c.39 (C.12:1E-1 et seq.). However, leaf composting activities undertaken on lands deemed actively devoted to agricultural or horticultural use are subject to the authorization of the DEP but exempt from the registration requirements of the "Solid Waste Management Act." A vegetative waste composting facility is a solid waste facility which is designed and operated for the purpose of composting leaves, either exclusively or in

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Assembly Committee Substitute for Assembly Bill No. 3050 provides for the development and operation of leaf composting facilities on agricultural or horticultural lands and sets forth procedures for their authorization and approval by the DEP. A proposed leaf composting facility to be developed on agricultural or horticultural land must be located on land which is deemed actively devoted to agricultural or horticultural use as defined in the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or on lands owned or operated by a recognized academic institution in this State.

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As released by the committee, Assembly Committee Substitute for Assembly Bill No. 3050 is identical to Senate Committee Substitute for Senate Bill No. 2883.