

48:13A-3

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NJSA: 48:13A-3

(Solid Waste  
transfer stations-  
-define role)

LAWS OF: 1990

CHAPTER: 113

Bill No: A1802/A284

Sponsor(s): McEnroe and others

Date Introduced: Pre-filed

Committee: Assembly: Waste Management

Senate: Land Use Management

Amended during passage: Yes Assembly Committee Substitute  
(1st reprint) enacted

Date of Passage: Assembly: April 23, 1990

Senate: June 11, 1990

Date of Approval: November 16, 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: Yes

(over)

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New Jersey. Legislature. Assembly. Solid Waste Management  
Committee  
Public hearing on A.R. 111, directs... Committee to conduct  
transfer stations, held 5-8-89 & 4-17-89. Trenton, 1989.

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KBG/SLJ

P.L.1990, CHAPTER 113, approved November 16, 1990  
Assembly Committee Substitute (First Reprint) for  
1990 Assembly Nos. 1802 and 284

1 AN ACT concerning transfer stations, amending and  
2 supplementing P.L.1970, c.40, amending P.L.1970, c.39, and  
3 supplementing P.L.1987, c.449.  
4

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

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

9 3. As used in this act:

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

18 b. "Solid waste collection" means the activity related to  
19 pickup and transportation of solid waste from its source or  
20 location to a [disposal site] transfer station or other authorized  
21 solid waste facility, but does not include activity related to the  
22 pickup, transportation or unloading of septic waste.

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

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

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

30 f. "Solid waste facilities" mean and include the plants,  
31 structures and other real and personal property acquired,  
32 constructed or operated or to be acquired, constructed or  
33 operated by any person pursuant to the provisions of P.L.1970  
34 c.39 (C.13:1E-1 et seq.) and P.L.1970, c.40 (C.48:13A-1 et seq.)  
35 or any other act, including transfer stations, incinerators,  
36 resource recovery facilities, sanitary landfill facilities or other  
37 plants for the disposal of solid waste, and all vehicles, equipment

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:  
Senate SLM committee amendments adopted May 21, 1990.

1 and other real and personal property and rights therein and  
2 appurtenances necessary or useful and convenient for the  
3 collection or disposal of solid waste in a sanitary manner.

4 g. "Solid waste transfer operations" mean the activity related  
5 to the transfer of solid waste from solid waste collection vehicles  
6 to solid waste haulage vehicles, including rail cars, for  
7 transportation to an offsite sanitary landfill facility, resource  
8 recovery facility, or other destination for disposal.

9 h. "Transfer station" means a solid waste facility at which  
10 solid waste is transferred from a solid waste collection vehicle to  
11 a licensed solid waste haulage vehicle, including a rail car, for  
12 transportation to an offsite sanitary landfill facility, resource  
13 recovery facility, or other destination for disposal, except that a  
14 "transfer station" shall not include any solid waste facility at  
15 which solid waste is received for onsite transfer, and processing  
16 or disposal utilizing facility-owned or operated equipment and  
17 vehicles operated therefor.

18 (cf: P.L.1989, c.244, s.7)

19 2. (New section) <sup>1</sup>a.<sup>1</sup> The provisions of P.L.1957, c.183  
20 (C.40:14B-1 et seq.), P.L.1985, c.38 (C.13:1E-136 et al.) or any  
21 other law, or any rules and regulations adopted pursuant thereto  
22 to the contrary notwithstanding, <sup>1</sup>[no] any transfer station  
23 constructed or operated in this State shall be deemed a public  
24 utility and shall be subject to the rate regulation and continuing  
25 jurisdiction of the Board of Public Utilities. No<sup>1</sup> transfer station  
26 shall commence or continue solid waste transfer operations and  
27 no person may own or operate a transfer station in this State  
28 unless the person has:

29 <sup>1</sup>[a.] (1)<sup>1</sup> filed a registration statement and engineering design  
30 application and obtained approval thereof from the Department  
31 of Environmental Protection as required by section 5 of P.L.1970,  
32 c.39 (C.13:1E-5);

33 <sup>1</sup>[b.] (2)<sup>1</sup> obtained a certificate of public convenience and  
34 necessity from the Board of Public Utilities as required by  
35 section 7 of P.L.1970, c.40 (C.48:13A-6); and

36 <sup>1</sup>[c.] (3)<sup>1</sup> filed an initial tariff or lawfully negotiated contract  
37 for solid waste transfer operations and obtained approval thereof  
38 from the Board of Public Utilities, which tariff or contract shall  
39 include the formulas to be used to determine the charges, rates,  
40 or fees to be charged for the utilization of the transfer station,  
41 and the methodology or methodologies used to develop these  
42 formulas.

43 <sup>1</sup>b. It shall remain the continuing responsibility of the owner or  
44 operator of every transfer station to file a revised tariff, or any  
45 proposed revisions to a lawfully negotiated contract for solid  
46 waste transfer operations, and obtain approval thereof from the  
47 Board of Public Utilities, whenever the owner or operator of a  
48 transfer station seeks to adjust the charges, rates, or fees  
49 charged for the utilization of the transfer station.

1 c. No adjustment to the charges, rates, or fees charged for the  
2 utilization of any transfer station operated in this State shall  
3 take effect prior to the approval thereof by the Board of Public  
4 Utilities.<sup>1</sup>

5 3. Section 6 of P.L.1970, c.40 (C.48:13A-5) is amended to read  
6 as follows:

7 6. a. The Board of Public Utilities [shall] may, by order in  
8 writing, when it finds that the public interest requires, award a  
9 franchise to any person or persons engaged in solid waste disposal  
10 at rates and charges published in tariffs or contracts accepted or  
11 to be accepted for filing by the board; provided, however, that  
12 the proposed franchise for solid waste disposal conforms to the  
13 district solid waste management plan of the [solid waste  
14 management] district or districts in which such service is to be  
15 located, as such plan shall have been approved by the Department  
16 of Environmental Protection.

17 b. Franchises awarded pursuant to this section shall be of  
18 sufficient area and duration to support the estimated technical  
19 and economic needs of the [disposal] solid waste facility which is  
20 to serve the district or districts.

21 c. For the purposes of this section, "franchise" shall mean the  
22 exclusive right to receive, control and provide for the disposal of  
23 solid waste, except for recyclable material whenever markets for  
24 those materials are available, within a district or districts as  
25 awarded by the Board of Public Utilities.

26 d. Nothing in section 11 of [this act] P.L.1970, c.40  
27 (C.48:13A-10) shall be interpreted to prevent the implementation  
28 of this section by the Board of Public Utilities.  
29 (cf: P.L.1985, c.38, s.36)

30 4. Section 3 of P.L.1970, c.39 (C.13:1E-3) is amended to read  
31 as follows:

32 3. For purposes of this act, unless the context clearly requires  
33 a different meaning:

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

41 b. "Solid waste collection" means the activity related to  
42 pick-up and transportation of solid waste from its source or  
43 location to a [disposal site or to a resource recovery] transfer  
44 station or other authorized solid waste facility.

45 c. "Disposal" means the storage, treatment, utilization,  
46 processing, resource recovery of, or the discharge, deposit,  
47 injection, dumping, spilling, leaking or placing of any solid or  
48 hazardous waste into or on any land or water, so that the solid or  
49 hazardous waste or any constituent thereof may enter the

1 environment or be emitted into the air or discharged into any  
2 waters, including groundwaters.

3 d. "Solid waste management" includes all activities related to  
4 the collection and disposal of solid waste by any person engaging  
5 in such process.

6 e. "Council" means the Advisory Council on Solid Waste  
7 Management.

8 f. "Department" means the State Department of  
9 Environmental Protection.

10 g. "Commissioner" means the Commissioner of Environmental  
11 Protection in the State Department of Environmental Protection.

12 h. "Solid waste facilities" mean and include the plants,  
13 structures and other real and personal property acquired,  
14 constructed or operated or to be acquired, constructed or  
15 operated by any person pursuant to the provisions of [this]  
16 P.L.1970 c.39 (C.13:1E-1 et seq.), P.L.1970, c.40 (C.48:13A-1 et  
17 seq.) or any other act, including transfer stations, incinerators,  
18 resource recovery facilities, sanitary landfill facilities or other  
19 plants for the disposal of solid waste, and all vehicles, equipment  
20 and other real and personal property and rights therein and  
21 appurtenances necessary or useful and convenient for the  
22 collection or disposal of solid waste in a sanitary manner.

23 i. "Public authority" means any solid waste management  
24 authority created pursuant to the "solid waste management  
25 authorities law," P.L.1968, c.249 (C.40:66A-32 et seq.); municipal  
26 [utility] or county utilities authority created pursuant to the  
27 "municipal and county utilities authorities law," P.L.1957, c.183  
28 (C.40:14B-1 et seq.); incinerator authority created pursuant to  
29 the "incinerator authorities law," P.L.1948, c.348 (C.40:66A-1 et  
30 seq.); county improvement authority created pursuant to the  
31 "county improvement authorities law," P.L.1960, c.183  
32 (C.40:37A-44 et seq.), or any other public body corporate and  
33 politic created for solid waste management purposes in any  
34 county or municipality, pursuant to the provisions of any law.

35 j. "Hackensack Meadowlands District" means the area within  
36 the jurisdiction of the Hackensack Meadowlands Development  
37 Commission created pursuant to the provisions of the  
38 "Hackensack Meadowlands Reclamation and Development Act,"  
39 P.L.1968, c.404 (C.13:17-1 et seq.).

40 k. "Hackensack Commission" means the Hackensack  
41 Meadowlands Development Commission created pursuant to the  
42 provisions of the "Hackensack Meadowlands Reclamation and  
43 Development Act," P.L.1968, c.404 (C.13:17-1 et seq.).

44 l. ["Existing solid waste facility" means that portion of an  
45 active solid waste facility which, on the effective date of this  
46 act, possesses a valid approved registration from the  
47 department.] (Deleted by amendment, P.L. , c. )

48 m. ["New solid waste facility" means any solid waste facility  
49 or portion thereof which does not qualify as an existing solid

1 waste facility.] (~~Deleted by amendment, P.L. , c.~~ )  
2 n. "Public sewage treatment plant" means any structure or  
3 structures required to be approved by the department pursuant to  
4 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74  
5 (C.58:10A-1 et seq.), by means of which domestic wastes are  
6 subjected to any artificial process in order to remove or so alter  
7 constituents as to render the waste less offensive or dangerous to  
8 the public health, comfort or property of any of the inhabitants  
9 of this State, before the discharge of the plant effluent into any  
10 of the waters of this State; this definition includes plants for the  
11 treatment of industrial wastes, as well as a combination of  
12 domestic and industrial wastes.

13 o. "Resource recovery" means the collection, separation,  
14 recycling and recovery of metals, glass, paper and other  
15 materials for reuse; or the incineration of solid waste for energy  
16 production and the recovery of metals and other materials for  
17 reuse.

18 p. ["Recycling facility" means any solid waste facility utilized  
19 to separate or process solid waste into marketable materials.]  
20 (~~Deleted by amendment, P.L. , c.~~ )

21 q. "Sanitary landfill facility" means a solid waste facility at  
22 which solid waste is deposited on or in the land as fill for the  
23 purpose of permanent disposal or storage for a period exceeding  
24 six months, except that it shall not include any waste facility  
25 approved for disposal of hazardous waste.

26 r. "Transfer station" means a solid waste facility at which  
27 solid waste is transferred from a solid waste collection vehicle to  
28 a licensed solid waste haulage vehicle, including a rail car, for  
29 transportation to [a] an offsite sanitary landfill facility, resource  
30 recovery facility, or other destination for disposal, except that a  
31 "transfer station" shall not include any solid waste facility at  
32 which solid waste is received for onsite transfer, and processing  
33 or disposal utilizing facility-owned or operated equipment and  
34 vehicles operated therefor.

35 (cf: P.L.1987, c.449, s.1)

36 5. (New section) The provisions of section 2 of P.L.1987, c.449  
37 (C.13:1E-28.1) shall not apply to a solid waste facility at which  
38 solid waste is received from outside sources for the purpose of  
39 onsite transfer utilizing equipment or vehicles belonging to the  
40 facility and operated therefor, and the transfer activities are  
41 incidental to the processing or disposal operations of the facility.

42 6. This act shall take effect immediately.

43  
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45 WASTE MANAGEMENT

46  
47 Defines role of Board of Public Utilities concerning transfer  
48 stations.

ASSEMBLY, No. 1802  
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen McENROE and MATTISON

1    **AN ACT** concerning transfer stations, and amending and  
2       supplementing P.L.1970, c.40 (C.48:13A-1 et seq.).

3

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

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

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

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

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

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

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

29      e. "Solid waste facility" means any system, site, equipment or  
30      building acquired, constructed or operated or to be acquired,  
31      constructed or operated by any person pursuant to the provisions  
32      of P.L.1970 c.39 (C.13:1E-1 et seq.) and P.L.1970, c.40  
33      (C.48:13A-1 et seq.), and licensed under the provisions of  
34      P.L.1983, c.392 (C.13:1E-126 et seq.), including transfer stations,  
35      incinerators, resource recovery facilities, sanitary landfill  
36      facilities or other plants for the disposal of solid waste.

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        f. "Transfer station" means a solid waste facility at which solid  
2 waste is transferred from a solid waste collection vehicle to a  
3 licensed solid waste haulage vehicle for transportation to an  
4 offsite sanitary landfill facility, resource recovery facility, or  
5 other destination, except that a "transfer station" shall not  
6 include any solid waste facility at which solid waste is received  
7 for onsite transfer, and processing or disposal utilizing  
8 facility-owned or operated equipment and vehicles operated  
9 therefor.

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

11        2. (New section) The provisions of P.L.1957, c.183 (C.40:14B-1  
12 et seq.), P.L.1985, c.38 (C.13:1E-136 et al.) or any other law, or  
13 any rules and regulations adopted pursuant thereto to the  
14 contrary notwithstanding, no transfer station shall commence or  
15 continue operations and no person may own or operate a transfer  
16 station in this State unless the person has:

17        a. filed a registration statement and engineering design  
18 application and obtained approval thereof from the Department  
19 of Environmental Protection as required by section 5 of P.L.1970,  
20 c.39 (C.13:1E-5);

21        b. obtained a certificate of public convenience and necessity  
22 from the Board of Public Utilities as required by section 7 of  
23 P.L.1970, c.40 (C.48:13A-6); and

24        c. filed an initial tariff or lawfully negotiated contract for  
25 solid waste transfer operations and obtained approval thereof  
26 from the Board of Public Utilities, which tariff or contract shall  
27 include the formulas to be used to determine the charges, rates,  
28 or fees to be charged for the utilization of the transfer station,  
29 and the methodology or methodologies used to develop these  
30 formulas.

31        3. Section 6 of P.L.1970, c.40 (C.48:13A-5) is amended to read  
32 as follows:

33        6. a. The Board of Public Utilities shall, by order in writing,  
34 when it finds that the public interest requires, award a franchise  
35 to any person or persons engaged in solid waste transfer or  
36 disposal at rates and charges published in tariffs or contracts  
37 accepted or to be accepted for filing by the board; provided,  
38 however, that the proposed franchise for solid waste transfer or  
39 disposal conforms to the solid waste management plan of the  
40 solid waste management district or districts in which such service  
41 is to be located, as such plan shall have been approved by the  
42 Department of Environmental Protection.

43        b. Franchises awarded pursuant to this section shall be of  
44 sufficient area and duration to support the estimated technical  
45 and economic needs of the [disposal] solid waste facility which is  
46 to serve the district or districts.

1 c. For the purposes of this section, "franchise" shall mean the  
2 exclusive right to receive, control and provide for the disposal of  
3 solid waste, except for recyclable material whenever markets for  
4 those materials are available, within a district or districts as  
5 awarded by the Board of Public Utilities.

6 d. Nothing in section 11 of [this act] P.L.1970, c.40  
7 (C.48:13A-10) shall be interpreted to prevent the implementation  
8 of this section by the Board of Public Utilities.

9 (cf: P.L.1985, c.38, s.36)

10 4. This act shall take effect immediately.

11

12

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STATEMENT

14

15 This bill would reaffirm the role of the Board of Public  
16 Utilities in the regulation of transfer stations.

17 Specifically, this bill provides that no transfer station shall  
18 commence or continue operations and no person may own or  
19 operate a transfer station in this State unless the person has: (1)  
20 filed a registration statement and engineering design application  
21 and obtained approval thereof from the Department of  
22 Environmental Protection as required by P.L.1970, c.39  
23 (C.13:1E-1 et seq.); (2) obtained a certificate of public  
24 convenience and necessity from the Board of Public Utilities as  
25 required by P.L.1970, c.40 (C.48:13A-6); and (3) filed an initial  
26 tariff or lawfully negotiated contract for the solid waste transfer  
27 operations of the facility and obtained approval thereof from the  
28 Board of Public Utilities. Every such tariff or contract submitted  
29 to the BPU must include the formulas to be used to determine the  
30 charges, rates, or fees to be charged for the utilization of the  
31 transfer station, and the methodology or methodologies used to  
32 develop these formulas.

33 The bill is intended to clarify that the Board of Public Utilities  
34 must approve any contract entered into by any county, municipal  
35 or county utilities authority, county improvement authority, or  
36 any other public body or private sector firm for the ownership or  
37 operation of a transfer station in this State.

38

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40

WASTE MANAGEMENT

41

42

43 Defines role of Board of Public Utilities concerning transfer  
44 stations.

ASSEMBLY WASTE MANAGEMENT, PLANNING  
AND RECYCLING COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1802 and 284

STATE OF NEW JERSEY

DATED: MARCH 1, 1990

The Assembly Waste Management, Planning and Recycling Committee favorably reports an Assembly Committee Substitute for Assembly Bill Nos. 1802 and 284.

The Assembly Committee Substitute for Assembly Bill Nos. 1802 and 284 would reaffirm the role of the Board of Public Utilities in the regulation of transfer stations.

Specifically, the bill provides that no transfer station shall commence or continue operations and no person may own or operate a transfer station in this State unless the person has: (1) filed a registration statement and engineering design application and obtained approval thereof from the Department of Environmental Protection as required by P.L.1970, c.39 (C.13:1E-1 et seq.); (2) obtained a certificate of public convenience and necessity from the Board of Public Utilities as required by P.L.1970, c.40 (C.48:13A-6); and (3) filed an initial tariff or lawfully negotiated contract for the solid waste transfer operations of the facility and obtained approval thereof from the Board of Public Utilities. Every such tariff or contract submitted to the BPU must include the formulas to be used to determine the charges, rates, or fees to be charged for the utilization of the transfer station, and the methodology or methodologies used to develop these formulas.

The Committee finds that these provisions are intended to clarify that the Board of Public Utilities must approve any contract entered into by any county, municipal or county utilities authority, county improvement authority, or any other public body or private sector firm for the ownership or operation of a transfer station in this State.

The Assembly Committee Substitute would also clarify that the annual economic benefit afforded municipalities in which transfer stations are located would not apply to solid waste facilities wherein the onsite transfer of solid waste for the purposes of processing or disposal is incidental to the overall operations of the facility. Rather, a municipality within which this type of solid waste facility is located would be entitled to the annual economic benefit provided to municipalities hosting resource recovery or sanitary landfill facilities.

SENATE LAND USE MANAGEMENT  
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, Nos. 1802 and 284**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 21, 1990

The Senate Land Use Management and Regional Affairs Committee favorably reports the Assembly Committee Substitute for Assembly Bill Nos. 1802 and 284 with committee amendments.

The Assembly Committee Substitute for Assembly Bill Nos. 1802 and 284 would reaffirm the role of the Board of Public Utilities in the regulation of transfer stations.

Specifically, the bill provides that no transfer station shall commence or continue operations and no person may own or operate a transfer station in this State unless the person has: (1) filed a registration statement and engineering design application and obtained approval thereof from the Department of Environmental Protection as required by P.L.1970, c.39 (C.13:1E-1 et seq.); (2) obtained a certificate of public convenience and necessity from the Board of Public Utilities as required by P.L.1970, c.40 (C.48:13A-6); and (3) filed an initial tariff or lawfully negotiated contract for the solid waste transfer operations of the facility and obtained approval thereof from the Board of Public Utilities. Every such tariff or contract submitted to the BPU must include the formulas to be used to determine the charges, rates, or fees to be charged for the utilization of the transfer station, and the methodology or methodologies used to develop these formulas.

The Committee finds that these provisions are intended to clarify that the Board of Public Utilities must approve any contract entered into by any county, municipal or county utilities authority, county improvement authority, or any other public body or private sector firm for the ownership or operation of a transfer station in this State.

A-1802/A-284 ACS would also clarify that the annual economic benefit afforded municipalities in which transfer stations are located would not apply to solid waste facilities wherein the onsite transfer of solid waste for the purposes of processing or disposal is incidental to the overall operations of the facility. Rather, a municipality within which this type of solid waste facility is located would be entitled to the annual economic benefit provided to municipalities hosting resource recovery or sanitary landfill facilities.

Senate committee amendments would clarify that: (1) every transfer station constructed or operated in this State would be deemed a public utility and subject to the rate regulation and

continuing jurisdiction of the Board of Public Utilities; (2) every owner or operator of a transfer station seeking to adjust the rates charged at the facility must file a revised tariff, or any proposed revisions to a lawfully negotiated contract, with the BPU, and obtain approval thereof; and (3) no adjustment to the rates charged for the utilization of any transfer station operated in this State may take effect prior to the approval thereof by the Board of Public Utilities.

ASSEMBLY, No. 284  
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman SHINN

1 AN ACT concerning certain solid waste facilities, amending  
2 P.L.1970, c.39 and supplementing P.L.1987, c.449.

3

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

6 1. Section 3 of P.L.1970, c.39 (C.13:1E-3) is amended to read  
7 as follows:

8 3. For purposes of this act, unless the context clearly requires  
9 a different meaning:

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

17 b. "Solid waste collection" means the activity related to  
18 pick-up and transportation of solid waste from its source or  
19 location to a disposal site or to a resource recovery facility.

20 c. "Disposal" means the storage, treatment, utilization,  
21 processing, resource recovery of, or the discharge, deposit,  
22 injection, dumping, spilling, leaking or placing of any solid or  
23 hazardous waste into or on any land or water, so that the solid or  
24 hazardous waste or any constituent thereof may enter the  
25 environment or be emitted into the air or discharged into any  
26 waters, including groundwaters.

27 d. "Solid waste management" includes all activities related to  
28 the collection and disposal of solid waste by any person engaging  
29 in such process.

30 e. "Council" means the Advisory Council on Solid Waste  
31 Management.

32 f. "Department" means the State Department of  
33 Environmental Protection.

34 g. "Commissioner" means the Commissioner of Environmental  
35 Protection in the State Department of Environmental Protection.

36 h. "Solid waste facilities" mean and include the plants,  
37 structures and other real and personal property acquired,  
38 constructed or operated or to be acquired, constructed or

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 operated by any person pursuant to the provisions of this or any  
2 other act, including transfer stations, incinerators, resource  
3 recovery facilities, sanitary landfill facilities or other plants for  
4 the disposal of solid waste, and all vehicles, equipment and other  
5 real and personal property and rights therein and appurtenances  
6 necessary or useful and convenient for the collection or disposal  
7 of solid waste in a sanitary manner.

8 i. "Public authority" means any solid waste management  
9 authority created pursuant to the "solid waste management  
10 authorities law," P.L.1968, c.249 (C.40:66A-32 et seq.); municipal  
11 utility authority created pursuant to the "municipal and county  
12 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.);  
13 incinerator authority created pursuant to the "incinerator  
14 authorities law," P.L.1948, c.348 (C.40:66A-1 et seq.); county  
15 improvement authority created pursuant to the "county  
16 improvement authorities law," P.L.1960, c.183 (C.40:37A-44 et  
17 seq.), or any other public body corporate and politic created for  
18 solid waste management purposes in any county or municipality,  
19 pursuant to the provisions of any law.

20 j. "Hackensack Meadowlands District" means the area within  
21 the jurisdiction of the Hackensack Meadowlands Development  
22 Commission created pursuant to the provisions of the  
23 "Hackensack Meadowlands Reclamation and Development Act,"  
24 P.L.1968, c.404 (C.13:17-1 et seq.).

25 k. "Hackensack Commission" means the Hackensack  
26 Meadowlands Development Commission created pursuant to the  
27 provisions of the "Hackensack Meadowlands Reclamation and  
28 Development Act," P.L.1968, c.404 (C.13:17-1 et seq.).

29 l. "Existing solid waste facility" means that portion of an  
30 active solid waste facility which, on the effective date of this  
31 act, possesses a valid approved registration from the department.

32 m. "New solid waste facility" means any solid waste facility  
33 or portion thereof which does not qualify as an existing solid  
34 waste facility.

35 n. "Public sewage treatment plant" means any structure or  
36 structures required to be approved by the department pursuant to  
37 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74  
38 (C.58:10A-1 et seq.), by means of which domestic wastes are  
39 subjected to any artificial process in order to remove or so alter  
40 constituents as to render the waste less offensive or dangerous to  
41 the public health, comfort or property of any of the inhabitants  
42 of this State, before the discharge of the plant effluent into any  
43 of the waters of this State; this definition includes plants for the  
44 treatment of industrial wastes, as well as a combination of  
45 domestic and industrial wastes.

46 o. "Resource recovery" means the collection, separation,  
47 recycling and recovery of metals, glass, paper and other  
48 materials for reuse or for energy production.

1 p. "Recycling facility" means any solid waste facility utilized  
2 to separate or process solid waste into marketable materials.

3 q. "Sanitary landfill facility" means a solid waste facility at  
4 which solid waste is deposited on or in the land as fill for the  
5 purpose of permanent disposal or storage for a period exceeding  
6 six months, except that it shall not include any waste facility  
7 approved for disposal of hazardous waste.

8 r. "Transfer station" means a solid waste facility at which  
9 solid waste is transferred from a solid waste collection vehicle to  
10 a licensed solid waste haulage vehicle for transportation to [a] an  
11 offsite sanitary landfill facility, resource recovery facility, or  
12 other destination, except that a "transfer station" shall not  
13 include any solid waste facility at which solid waste is received  
14 for onsite transfer, and processing or disposal utilizing  
15 facility-owned or operated equipment and vehicles operated  
16 therefor.

17 (cf: P.L.1987, c.449, s.1)

18 2. (New section) The provisions of section 2 of P.L.1987, c.449  
19 (C.13:1E-28.1) shall not apply to a solid waste facility at which  
20 solid waste is received from outside sources for the purpose of  
21 onsite transfer utilizing equipment or vehicles belonging to the  
22 facility and operated therefor, and the transfer activities are  
23 incidental to the processing or disposal operations of the facility.

24 3. This act shall take effect immediately.

## 25 26 27 STATEMENT

28  
29 This bill would clarify that the annual economic benefit  
30 afforded municipalities in which transfer station facilities are  
31 located would not apply to solid waste facilities wherein the  
32 onsite transfer of solid waste for the purposes of processing or  
33 disposal is incidental to the overall operations of the facility.  
34 Rather, a municipality within which this type of solid waste  
35 facility is located would be entitled to the annual economic  
36 benefit provided to municipalities hosting resource recovery or  
37 sanitary landfill facilities.

## 38 39 40 WASTE MANAGEMENT

41  
42 Clarifies law pertaining to economic benefits for municipality  
43 hosting a transfer station.





# OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**  
**Contact:**

Emma Byrne  
Nancy Kearney  
609/292-8956

**TRENTON, N.J. 08625**

**Release:**

Friday  
Nov. 16, 1990

## ADVISORY

Governor Jim Florio today signed the following bills:

**A 660A, 1020Acs/S 963: Sponsored by Assemblymen Mazur and Kronick/Senator Cowan**

This bill would include certain disabled veterans within the definition of "disabled tenant" under the Senior Citizens and Disabled Protected Tenancy Act.

**A 528/S 2383: Sponsored by Assemblymen Cimino and Patero/Senator Paterniti**

Extends eligibility under the "Senior Citizens and Disabled Protected Tenancy Act" to senior citizens and disabled tenants who occupy an apartment for at least one year or who have a lease which runs for more than one year.

**S 1196: Sponsored by Senator McManimon**

Allows municipalities to impose a service charge for checks or other written instruments used to tender payment to the municipality, that are returned due to insufficient funds.

**S 1552/A 3563 Aca: Sponsored by Senator Cardinale/Assemblyman Duch**

This bill increases the number of public members on the New Jersey Historical Commission from six to ten.

**S 2043/A 2194: Senator Laskin**

Validates the proceedings of the Voorhees Fire District No. 3 Bond Issue

**S 2461: Senator Jackman**

Provides that no person may advertise the business of electrical contracting unless that person has a business permit issued by the Board of Examiners of Electrical Contractors.

**A 211/S 295 Sca: Assemblymen Schwartz and R. Smith**

Authorizes municipalities to acquire property by eminent domain for low and moderate-income housing.

**A 1678/S 2050: Assemblymen Albohn/Senator Dorsey**

Permits the extended use of bond anticipation notes by municipalities.

**A 1802 Acs for A 1802 and A 284: Sponsored by Assemblymen McEnroe and Mattison**

This bill defines the role of the Board of Public Utilities concerning the regulation of transfer stations.

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