

13:1E-28.3

LEGISLATIVE HISTORY CHECKLIST  
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(Sanitary landfills-host neighbors)

NJSA: 13:1E-28.3

LAWS OF: 1994 CHAPTER: 27

BILL NO: A923

SPONSOR(S): Warsh & Derman

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Environment  
SENATE: Budget & Appropriations;  
Community Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: January 27, 1994  
SENATE: March 31, 1994

DATE OF APPROVAL: May 5, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes 3-21-94 & 2-10-94

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:  
"Landfill benefits bill enacted for 3 towns," 5-6-94, Star Ledger.  
"Landfill benefits to cut local taxes," 5-6-94, Home News.

KBG:pp

P.L.1994, CHAPTER 27, approved May 5, 1994  
1994 Assembly No. 923

1 AN ACT concerning certain sanitary landfill facilities, amending  
2 P.L.1975, c.326, and supplementing P.L.1970, c.39 (C.13:1E-1  
3 et seq.).  
4

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

7 1. Section 19 of P.L.1975, c.326 (C.13:1E-28) is amended to  
8 read as follows:

9 19. a. Any municipality within which a sanitary landfill facility  
10 is located pursuant to an adopted and approved district solid  
11 waste management plan shall be entitled to an annual economic  
12 benefit not less than the equivalent of \$1.00 per ton of solids on  
13 all solid waste accepted for disposal at the sanitary landfill  
14 facility during the previous calendar year as determined by the  
15 department.

16 The owner or operator of the sanitary landfill facility shall  
17 annually pay to the relevant municipality the full amount due  
18 under this subsection and each relevant municipality is  
19 empowered to anticipate this amount for the purposes of  
20 preparing its annual budget. For the purposes of calculating the  
21 payments, the owner or operator of the sanitary landfill facility  
22 may, subject to the prior agreement of the relevant municipality  
23 and the approval of the Department of Environmental Protection,  
24 provide the municipality with any of the following benefits in  
25 consideration for the use of land within its municipal boundaries  
26 as the location of a sanitary landfill facility:

27 (1) The receipt of annual sums of money in lieu of taxes on the  
28 land used for the sanitary landfill facility;

29 (2) The exemption from all fees and charges for the disposal of  
30 solid waste generated within its boundaries;

31 (3) The receipt of a lump sum cash payment; or

32 (4) Any combination thereof.

33 b. [Any municipality that:

34 (1) Has a population density of more than 1,500 persons per  
35 square mile, according to the latest federal decennial census; and

36 (2) Shares a common boundary with a municipality within which  
37 is located, pursuant to an adopted and approved district solid  
38 waste management plan, an operating sanitary landfill facility  
39 that is operated by a county and received more than 600,000 tons  
40 of solid waste in 1988, part of which common boundary is  
41 comprised of the boundary of the sanitary landfill facility, shall  
42 be entitled to an annual economic benefit in consideration for the  
43 proximity of the sanitary landfill facility. The annual economic  
44 benefit shall be not less than the equivalent of \$0.50 per ton, and

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 not more than \$1.50 per ton, of all solid waste accepted for  
2 disposal at the sanitary landfill facility during the previous  
3 calendar year as determined by the department.

4 The owner or operator of the sanitary landfill facility shall  
5 annually pay to every municipality qualifying under this  
6 subsection the full amount due under this subsection and each  
7 municipality qualifying under this subsection is empowered to  
8 anticipate this amount for the purposes of preparing its annual  
9 budget. For the purposes of calculating the payments, the owner  
10 or operator of the sanitary landfill facility may, subject to the  
11 prior agreement of a municipality qualifying under this subsection  
12 and the approval of the Department of Environmental Protection,  
13 provide each municipality qualifying under this subsection with  
14 any of the following benefits in consideration for the proximity of  
15 the sanitary landfill facility:

16 (1) The exemption from all fees and charges for the disposal of  
17 solid waste generated within its boundaries;

18 (2) The receipt of a lump sum cash payment; or

19 (3) any combination thereof.] deleted by amendment, P.L. ,  
20 c. ]

21 c. Every owner or operator of a sanitary landfill facility  
22 required to make annual payments to a municipality pursuant to  
23 subsection a. of this section[, or to a municipality qualifying  
24 pursuant to subsection b. of this section,] may petition the  
25 Department of Environmental Protection for an increase in its  
26 tariff which reflects these payments. The department, within 60  
27 days of the receipt of the petition, shall issue an appropriate  
28 order that these payments shall be passed along to the users of  
29 the sanitary landfill facility as an automatic surcharge on any  
30 tariff filed with, and recorded by, the department for the solid  
31 waste disposal operations of the facility.

32 d. In issuing any order required by this section, the Department  
33 of Environmental Protection shall be exempt from the provisions  
34 of R.S.48:2-21.

35 (cf: P.L.1993, c.152, s.1)

36 2. (New section) a. Any municipality with a population density  
37 of more than 1,500 persons per square mile, according to the  
38 latest federal decennial census, that shares a common boundary  
39 with a municipality within which is located, pursuant to an  
40 adopted and approved district solid waste management plan, a  
41 sanitary landfill facility:

42 (1) any part of which lies within 1,300 feet of the common  
43 boundary between the municipalities, as determined by the  
44 Department of Environmental Protection;

45 (2) that received more than 700,000 tons of solid waste in the  
46 1992 calendar year or in any calendar year thereafter; and

47 (3) that is owned or operated by a county or by a county  
48 utilities authority created pursuant to the "municipal and county  
49 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.),  
50 shall be entitled to an annual economic benefit in consideration  
51 for the proximity of the sanitary landfill facility. The annual  
52 economic benefit shall be not less than the equivalent of \$0.50  
53 per ton, and not more than \$1.50 per ton, of all solid waste  
54 accepted for disposal at the sanitary landfill facility, as

1 determined by the department, during the 1993 calendar year and  
2 each year thereafter.

3 b. A municipality that qualifies for an economic benefit  
4 pursuant to subsection a. of this section may negotiate with the  
5 owner or operator of the sanitary landfill facility to determine  
6 the actual dollar amount of the annual economic benefit to be  
7 paid to that municipality.

8 The owner or operator of the sanitary landfill facility shall  
9 annually pay to every municipality qualifying under subsection a.  
10 of this section the full amount due under this subsection, except  
11 that the owner or operator shall pay the 1993 economic benefit  
12 by the last day of the first quarter of the 1994 calendar year.  
13 Each municipality qualifying under subsection a. of this section  
14 may anticipate the annual economic benefit for the purposes of  
15 preparing its 1994 budget and each annual budget thereafter. For  
16 the purposes of calculating the method of payment, the owner or  
17 operator of the sanitary landfill facility may, subject to the prior  
18 agreement of a municipality qualifying under subsection a. of this  
19 section and to the approval of the Department of Environmental  
20 Protection, provide that municipality with any of the following  
21 benefits in consideration for the proximity of the sanitary landfill  
22 facility:

23 (1) The exemption from all fees and charges for the disposal of  
24 solid waste generated within the boundaries of the municipality;

25 (2) The receipt of a lump sum cash payment; or

26 (3) Any combination thereof.

27 c. Every owner or operator of a sanitary landfill facility  
28 required to make annual payments to a municipality qualifying  
29 pursuant to subsection a. of this section may petition the  
30 Department of Environmental Protection for an increase in its  
31 tariff which reflects these payments. The department, within 60  
32 days of the receipt of the petition, shall issue an appropriate  
33 order that these payments shall be passed along to the users of  
34 the sanitary landfill facility as an automatic surcharge on any  
35 tariff filed with, and recorded by, the department for the solid  
36 waste disposal operations of the facility.

37 d. In issuing any order required by this section, the Department  
38 of Environmental Protection shall be exempt from the provisions  
39 of R.S.48:2-21.

40 3. This act shall take effect immediately.

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45 Clarifies eligibility and payment provisions for sanitary landfill  
46 facility economic benefit.

1 per ton, and not more than \$1.50 per ton, of all solid waste  
2 accepted for disposal at the sanitary landfill facility, as  
3 determined by the department, during the 1993 calendar year and  
4 each year thereafter.

5 b. A municipality that qualifies for an economic benefit  
6 pursuant to subsection a. of this section may negotiate with the  
7 owner or operator of the sanitary landfill facility to determine  
8 the actual dollar amount of the annual economic benefit to be  
9 paid to that municipality.

10 The owner or operator of the sanitary landfill facility shall  
11 annually pay to every municipality qualifying under subsection a.  
12 of this section the full amount due under this subsection, except  
13 that the owner or operator shall pay the 1993 economic benefit  
14 by the last day of the first quarter of the 1994 calendar year.  
15 Each municipality qualifying under subsection a. of this section  
16 may anticipate the annual economic benefit for the purposes of  
17 preparing its 1994 budget and each annual budget thereafter. For  
18 the purposes of calculating the method of payment, the owner or  
19 operator of the sanitary landfill facility may, subject to the prior  
20 agreement of a municipality qualifying under subsection a. of this  
21 section and to the approval of the Department of Environmental  
22 Protection, provide that municipality with any of the following  
23 benefits in consideration for the proximity of the sanitary landfill  
24 facility:

25 (1) The exemption from all fees and charges for the disposal of  
26 solid waste generated within the boundaries of the municipality;

27 (2) The receipt of a lump sum cash payment; or

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30 required to make annual payments to a municipality qualifying  
31 pursuant to subsection a. of this section may petition the  
32 Department of Environmental Protection for an increase in its  
33 tariff which reflects these payments. The department, within 60  
34 days of the receipt of the petition, shall issue an appropriate  
35 order that these payments shall be passed along to the users of  
36 the sanitary landfill facility as an automatic surcharge on any  
37 tariff filed with, and recorded by, the department for the solid  
38 waste disposal operations of the facility.

39 d. In issuing any order required by this section, the Department  
40 of Environmental Protection shall be exempt from the provisions  
41 of R.S.48:2-21.

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#### STATEMENT

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47 This bill would clarify the economic benefit provision in  
48 P.L.1993, c.152 by requiring that the owner or operator of certain  
49 very large sanitary landfill facilities must pay an economic  
50 benefit of not less than \$0.50 per ton and not more than \$1.50 per  
51 ton to every municipality with a population density greater than  
52 1,500 persons per square mile that shares a common boundary  
53 with the municipality within which the sanitary landfill facility is  
54 located, if that common boundary lies within 1,300 feet of the

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 923

STATE OF NEW JERSEY

DATED: JANUARY 20, 1994

The Assembly Environment and Energy Committee favorably reports Assembly Bill No. 923.

This bill would clarify the economic benefit provision in P.L.1993, c.152 by requiring that the owner or operator of certain very large sanitary landfill facilities pay an economic benefit of not less than \$0.50 per ton and not more than \$1.50 per ton to every municipality with a population density greater than 1,500 persons per square mile that shares a common boundary with the municipality within which the sanitary landfill facility is located, if that common boundary lies within 1,300 feet of the sanitary landfill facility.

The current economic benefit provision, which is deleted by section 1 of this bill, requires that an eligible municipality must share a boundary with the sanitary landfill facility as well as with the municipality within which the facility is located. Because a sanitary landfill facility is defined in the "Solid Waste Management Act" in broad functional terms for regulatory purposes, it is difficult to determine the actual boundary of a sanitary landfill facility for the purpose of determining which municipalities qualify for an economic benefit under this law. Section 2 of the bill would eliminate this difficulty by basing eligibility on proximity to any part of the sanitary landfill facility. The bill would achieve the purpose of P.L.1993, c.152 by conveying an economic benefit to municipalities that suffer the adverse effects of close proximity to such landfills.

The bill also makes several other modifications to the current economic benefit provision:

(1) It clarifies that a landfill operated by a county utilities authority created pursuant to the "municipal and county utilities authorities law," may be subject to the payment of the economic benefit.

(2) The disposal criteria for the facility are based on the more recent 1992 statistics, with a 700,000 ton threshold. The owner or operator of any landfill that reaches that threshold in the future may also be subject to the economic benefit.

(3) The owner or operator is permitted to pay a 1993 economic benefit in 1994, but it must be paid in the first quarter of 1994.

(4) Subsection b. of section 2 of the bill clarifies that a municipality may negotiate with the owner or operator of the facility to determine the actual amount of the economic benefit.

At the current time, this bill would make Edison, Sayreville and South River eligible for an economic benefit, because each of these municipalities has a population density greater than 1,500 persons per square mile and each lies within 1,300 feet of the Edgeboro sanitary landfill facility, which is operated by a county utilities authority and which received more than 700,000 tons of solid waste in 1992.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 923

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1994

The Senate Community Affairs Committee reports without recommendation Assembly Bill No. 923.

This bill clarifies the economic benefit provision established under P.L.1993, c.152 by requiring the owner or operator of certain very large sanitary landfill facilities to pay an economic benefit of not less than \$0.50 per ton and not more than \$1.50 per ton to every municipality with a population density greater than 1,500 persons per square mile that shares a common boundary with the municipality within which the sanitary landfill facility is located, if that common boundary lies within 1,300 feet of the sanitary landfill facility.

The current economic benefit provision, which is deleted by section 1 of this bill, requires that an eligible municipality must share a boundary with the sanitary landfill facility as well as with the municipality within which the facility is located. Because a sanitary landfill facility is defined in the "Solid Waste Management Act" in broad functional terms for regulatory purposes, it is difficult to determine the actual boundary of a sanitary landfill facility for the purpose of determining which municipalities qualify for an economic benefit under this law. Section 2 of the bill would eliminate this difficulty by basing eligibility on proximity to any part of the sanitary landfill facility. The bill would achieve the purpose of P.L.1993, c.152 by conveying an economic benefit to municipalities that suffer the adverse effects of close proximity to such landfills.

The bill also makes several other modifications to the current economic benefit provision:

(1) It clarifies that a landfill operated by a county utilities authority created pursuant to the "municipal and county utilities authorities law," may be subject to the payment of the economic benefit.

(2) The disposal criteria for the facility are based on the more recent 1992 statistics, with a 700,000 ton threshold. The owner or operator of any landfill that reaches that threshold in the future may also be subject to the economic benefit.

(3) The owner or operator is permitted to pay a 1993 economic benefit in 1994, but it must be paid in the first quarter of 1994.

(4) Subsection b. of section 2 of the bill clarifies that a municipality may negotiate with the owner or operator of the facility to determine the actual amount of the economic benefit.

At the current time, this bill would make Edison, Sayreville and South River eligible for an economic benefit, because each of these municipalities has a population density greater than 1,500 persons per square mile and each lies within 1,300 feet of the Edgeboro

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 923

STATE OF NEW JERSEY

DATED: MARCH 21, 1994

The Senate Budget and Appropriations Committee reports without recommendation Assembly Bill No. 923.

Assembly Bill No. 923 clarifies the economic benefit provision of P.L.1993, c.152, a law enacted on June 28, 1993. This bill amends P.L.1993, c.152 to require the owner or operator of certain sanitary landfill facilities to pay an economic benefit of not less than \$0.50 per ton and not more than \$1.50 per ton to every municipality with a population density greater than 1,500 persons per square mile that shares a common boundary with the municipality within which the sanitary landfill facility is located, if that common boundary lies within 1,300 feet of the sanitary landfill facility and the landfill receives more than 700,000 tons of solid waste in a calendar year. The bill will apply to any facility that is owned or operated by a county or a county utilities authority created pursuant to the "municipal and county utilities authority law." The purpose of this bill is to convey an economic benefit to municipalities that suffer adverse effects due to their close proximity to large landfills.

At the current time, Edison, Sayreville and South River would be eligible for an economic benefit under this bill because each of these municipalities has a population density greater than 1,500 persons per square mile and each lie within 1,300 feet of the Edgeboro sanitary landfill facility. The landfill facility is operated by a county utilities authority and received more than 700,000 tons of solid waste in calendar year 1992.

As reported by the committee, this bill is identical to Senate Bill No. 486 of 1994.

FISCAL IMPACT

This bill does not have an impact on State revenues and appropriations.