

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 13:1E-3 et al

(Solid waste
facilities--recycling--add
costs to rates)

LAWS OF: 1991

CHAPTER: 35

Bill No: A300

Sponsor(s): Shinn

Date Introduced: Pre-filed

Com mittee: Assembly: Waste Management

Senate: Land Use

A mended during passage: No **Com mittee Substitute enacted**

Date of Passage: Assembly: June 18, 1990

Senate: January 14, 1991

Date of Approval: February 25, 1991

Following statements are attached if available:

Sponsor statement: Yes

Com mittee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 300

STATE OF NEW JERSEY

ADOPTED MAY 21, 1990

Sponsored by Assemblyman SHINN

1 AN ACT concerning solid waste disposal tariffs, 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. a. The Board of Public Utilities may, in accordance with the
7 provisions of P.L.1970, c.40 (C.48:13A-1 et seq.) and upon receipt
8 of a petition therefor, issue an appropriate order increasing
9 current tariffs established pursuant to law for the solid waste
10 disposal operations of a publicly owned or operated solid waste
11 facility subject to its jurisdiction as may be necessary to recover
12 the costs associated with implementing a district solid waste
13 management plan required pursuant to the provisions of the
14 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et
15 seq.) or a district recycling plan required pursuant to section 3 of
16 P.L.1987, c.102 (C.13:1E-99.13). These costs shall include, but
17 need not be limited to:

18 (1) Capital expenditures reasonably incurred for the
19 construction of a recycling center as defined in section 2 of
20 P.L.1987, c.102 (C.13:1E-99.12);

21 (2) Expenditures for the collection, processing, disposition or
22 marketing of recyclable materials as defined in section 2 of
23 P.L.1987, c.102 (C.13:1E-99.12); or

24 (3) Expenditures for the disposal of nonrecyclable household
25 hazardous waste recovered from the municipal solid waste stream.

26 b. For the purposes of this section, all municipal, county, and
27 State contracts for solid waste collection or disposal shall be
28 considered tariffs for solid waste collection, and shall be subject
29 to any adjustment of tariffs resulting from the provisions of
30 subsection a. of this section.

31 c. In issuing any order pursuant to this section, the Board of
32 Public Utilities shall be exempt from the provisions of
33 R.S.48:2-21.

34 For the purposes of this section, "household hazardous waste"
35 means any solid or other waste determined by the Department of
36 Environmental Protection to be hazardous pursuant to section 6
37 of P.L.1970, c.39 (C.13:1E-6) or any other law, containing
38 reactive, combustible, corrosive or toxic substances, including
39 pesticides and herbicides, which waste is generated by residential
40 units; and "municipal solid waste stream" means all residential,
41 commercial and institutional solid waste generated within the
42 boundaries of any municipality.

1 2. This act shall take effect immediately.

2

3

4

WASTE MANAGEMENT

5

6 Authorizes certain solid waste facilities to include recycling
7 costs in disposal rates.

ASSEMBLY, No. 300
STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman SHINN

1 AN ACT concerning solid waste disposal tariffs, amending
2 P.L.1970, c.39, and amending and supplementing P.L.1970,
3 c.40, (C.48:13A-1 et seq.).
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.39 (C.13:1E-3) is amended to read
8 as follows:

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

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, except
15 for solid animal and vegetable wastes collected by swine
16 producers licensed by the State Department of Agriculture to
17 collect, prepare and feed such wastes to swine on their own farms.

18 b. "Solid waste collection" means the activity related to
19 pick-up and transportation of solid waste from its source or
20 location to a sanitary landfill facility, transfer station, [disposal
21 site or to a] resource recovery facility or other disposal site.

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

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

32 e. "Council" means the Advisory Council on Solid Waste
33 Management.

34 f. "Department" means the State Department of
35 Environmental Protection.

36 g. "Commissioner" means the Commissioner of Environmental
37 Protection in the State Department of Environmental Protection.

38 h. "Solid waste facilities" mean and include the plants,

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 structures and other real and personal property acquired,
2 constructed or operated or to be acquired, constructed or
3 operated by any person pursuant to the provisions of [this]
4 P.L.1970 c.39 (C.13:1E-1 et seq.) and P.L.1970, c.40 (C.48:13A-1
5 et seq.) or any other act, and licensed under the provisions of
6 P.L.1983, c.392 (C.13:1E-126 et seq.), including transfer stations,
7 incinerators, resource recovery facilities, sanitary landfill
8 facilities or other plants for the disposal of solid waste, and all
9 vehicles, equipment and other real and personal property and
10 rights therein and appurtenances necessary or useful and
11 convenient for the collection or disposal of solid waste in a
12 sanitary manner.

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

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

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

34 l. ["Existing solid waste facility" means that portion of an
35 active solid waste facility which, on the effective date of this
36 act, possesses a valid approved registration from the department]
37 "Municipal solid waste stream" means all residential, commercial
38 and institutional solid waste generated within the boundaries of
39 any municipality.

40 m. ["New solid waste facility" means any solid waste facility
41 or portion thereof which does not qualify as an existing solid
42 waste facility] "Public solid waste facility" means any solid
43 waste facility owned or operated by any county or public
44 authority and at which the rates imposed for the disposal or
45 transfer of solid waste are subject to regulation by the Board of
46 Public Utilities.

47 n. "Public sewage treatment plant" means any structure or
48 structures required to be approved by the department pursuant to

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

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

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

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

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

32 s. "Resource recovery facility" means a solid waste facility
33 constructed and operated for the incineration of solid waste for
34 energy production and the recovery of metals and other materials
35 for reuse; or a mechanized composting facility, or any other solid
36 waste facility constructed or operated for the collection,
37 separation, recycling, and recovery of metals, glass, paper, and
38 other materials for reuse or for energy production.

39 t. "Household hazardous waste" means any solid or other waste
40 determined by the department to be hazardous pursuant to
41 section 6 of P.L.1970, c.39 (C.13:1E-6) or other law, containing
42 reactive, combustible, corrosive or toxic substances, including
43 pesticides and herbicides, which waste is generated by residential
44 units.

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

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

48 3. As used in this act[, the following words and terms shall have

1 the following meanings, unless the context indicates or requires
2 another or different meaning or intent]:

3 a. "Public solid waste facility" means any solid waste facility
4 owned or operated by any county or public authority and at which
5 the rates imposed for the disposal or transfer of solid waste are
6 subject to regulation by the Board of Public Utilities.

7 b. "Resource recovery facility" means a solid waste facility
8 constructed and operated for the incineration of solid waste for
9 energy production and the recovery of metals and other materials
10 for reuse; or a mechanized composting facility, or any other solid
11 waste facility constructed or operated for the collection,
12 separation, recycling, and recovery of metals, glass, paper, and
13 other materials for reuse or for energy production.

14 c. "Sanitary landfill facility" means a solid waste facility at
15 which solid waste is deposited on or in the land as fill for the
16 purpose of permanent disposal or storage for a period exceeding
17 six months, except that it shall not include any waste facility
18 approved for disposal of hazardous waste.

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

27 [b.] e. "Solid waste collection" means the activity related to
28 pickup and transportation of solid waste from its source or
29 location to a sanitary landfill facility, transfer station, resource
30 recovery facility or other disposal site, but does not include
31 activity related to the pickup, transportation or unloading of
32 septic waste.

33 [c.] f. "Solid waste disposal" means the storage, treatment,
34 utilization, processing, or final disposal of solid waste.

35 g. "Solid waste facilities" mean and include the plants,
36 structures and other real and personal property acquired,
37 constructed or operated or to be acquired, constructed or
38 operated by any person pursuant to the provisions of P.L.1970
39 c.39 (C.13:1E-1 et seq.) and P.L.1970, c.40 (C.48:13A-1 et seq.)
40 or any other act, and licensed under the provisions of P.L.1983,
41 c.392 (C.13:1E-126 et seq.), including transfer stations,
42 incinerators, resource recovery facilities, sanitary landfill
43 facilities or other plants for the disposal of solid waste, and all
44 vehicles, equipment and other real and personal property and
45 rights therein and appurtenances necessary or useful and
46 convenient for the collection or disposal of solid waste in a
47 sanitary manner.

48 [d.] h. "Septic waste" means pumpings from septic tanks and

1 cesspools, but shall not include wastes from a sewage treatment
2 plant.

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

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

12 3. (New section) a. The Board of Public Utilities may, in
13 accordance with the provisions of P.L.1970, c.40 (C.48:13A-1 et
14 seq.) and upon receipt of a petition therefor, issue an appropriate
15 order increasing current tariffs established pursuant to law for
16 the solid waste disposal operations of a public solid waste facility
17 as may be necessary to recover the costs associated with
18 implementing a district solid waste management plan required
19 pursuant to the provisions of the "Solid Waste Management Act,"
20 P.L.1970, c.39 (C.13:1E-1 et seq.) or a district recycling plan
21 required pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13).
22 These costs shall include, but need not be limited to:

23 (1) Capital expenditures reasonably incurred for the
24 construction of a recycling center as defined in section 2 of
25 P.L.1987, c.102 (C.13:1E-99.12);

26 (2) Expenditures for the collection, processing, disposition or
27 marketing of recyclable materials as defined in section 2 of
28 P.L.1987, c.102 (C.13:1E-99.12); or

29 (3) Expenditures for the disposal of nonrecyclable household
30 hazardous waste as defined in section 3 of P.L.1970, c.39
31 (C.13:1E-3) recovered from the municipal solid waste stream.

32 b. For the purposes of this section, all municipal, county, and
33 State contracts for solid waste collection, disposal or transfer
34 shall be considered tariffs for solid waste collection, and shall be
35 subject to any adjustment of tariffs resulting from the provisions
36 of subsection a. of this section.

37 c. In issuing any order pursuant to this section, the Board of
38 Public Utilities shall be exempt from the provisions of
39 R.S.48:2-21.

40 4. This act shall take effect immediately.

41

42

STATEMENT

43

44 This bill would permit any county or other public entity that
45 owns and operates a solid waste facility to recover certain costs
46 incurred in the implementation of its district solid waste and
47 recycling plans through the rates and charges received at the
48 solid waste facility.

1 Specifically, any publicly owned or operated solid waste
2 facility whose disposal fees are subject to the rate setting
3 jurisdiction of the Board of Public Utilities may petition the BPU
4 for inclusion in the tipping fees received at the facility the costs
5 reasonably incurred for (1) the construction of a recycling center;
6 (2) the collection, processing, disposition or marketing of
7 recyclable materials; or (3) the disposal of nonrecyclable
8 household hazardous waste recovered from the municipal solid
9 waste stream.

10 If the petition is accepted, the BPU must commence all
11 necessary proceedings pursuant to law to establish an approved
12 adjusted tariff for the solid waste disposal or transfer operations
13 of the facility.

14

15 WASTE MANAGEMENT

16

17 Authorizes certain solid waste facilities to include recycling
18 costs in disposal rates.

ASSEMBLY WASTE MANAGEMENT,
PLANNING AND RECYCLING COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 300

STATE OF NEW JERSEY

DATED: MAY 21, 1990

The Assembly Waste Management, Planning and Recycling Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 300.

The Assembly Committee Substitute for Assembly Bill No. 300 would permit any county or other public entity that owns and operates a solid waste facility which is subject to the rate regulation of the Board of Public Utilities to recover certain costs incurred in the implementation of its district solid waste and recycling plans through the rates and charges received at the solid waste facility.

Specifically, any publicly owned or operated solid waste facility whose disposal fees are subject to the rate setting jurisdiction of the Board of Public Utilities may petition the BPU for inclusion in the tipping fees received at the facility the costs reasonably incurred for (1) the construction of a recycling center; (2) the collection, processing, disposition or marketing of recyclable materials; or (3) the disposal of nonrecyclable household hazardous waste recovered from the municipal solid waste stream.

If the petition is accepted, the BPU must commence all necessary proceedings pursuant to law to establish an approved adjusted tariff for the solid waste disposal operations of the facility.

SENATE LAND USE MANAGEMENT AND
REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 300

STATE OF NEW JERSEY

DATED: OCTOBER 4, 1990

The Senate Land Use Management and Regional Affairs Committee favorably reports Assembly Bill No. 300 ACS.

Assembly Bill No. 300 ACS would permit any county or other public entity that owns and operates a solid waste facility which is subject to the rate regulation of the Board of Public Utilities to recover certain costs incurred in the implementation of its district solid waste and recycling plans through the rates and charges received at the solid waste facility.

Specifically, any publicly owned or operated solid waste facility whose disposal fees are subject to the rate setting jurisdiction of the Board of Public Utilities may petition the BPU for inclusion in the tipping fees received at the facility the costs reasonably incurred for (1) the construction of a recycling center; (2) the collection, processing, disposition or marketing of recyclable materials; or (3) the disposal of nonrecyclable household hazardous waste recovered from the municipal solid waste stream.

If the petition is accepted, the BPU must commence all necessary proceedings pursuant to law to establish an approved adjusted tariff for the solid waste disposal operations of the facility.