

48:3-3

LEGISLATIVE HISTORY CHECKLIST
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(Solid waste
collection--private)

LAWS OF: 1991

CHAPTER: 170

Bill No: A1808

Sponsor(s): McEnroe

Date Introduced: Pre-filed

Committee: Assembly: Waste Management

Senate: Land Use

Amended during passage: Yes Assembly Substitute (2R) enacted

Date of Passage: Assembly: June 11, 1990 re-enacted 4-8-91

Senate: January 14, 1991 re-enacted 6-13-91

Date of Approval: June 19, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[SECOND REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1808

STATE OF NEW JERSEY

ADOPTED MAY 21, 1990

Sponsored by Assemblymen McENROE and ALBOHN

1 AN ACT concerning solid waste collection, amending P.L.1989,
2 c.244, R.S.48:3-3, P.L.1970, c.40, and supplementing chapter
3 66 of Title 40 of the Revised Statutes.

4

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

7 1. (New section) a. The governing body of any municipality
8 wherein solid waste collection services are contracted for and
9 provided, wholly or in part, on an individual, private contract
10 basis shall, within ¹[30] 60¹ days of the effective date of this act,
11 adopt a proof of service ordinance which requires all responsible
12 solid waste generators to contract or otherwise lawfully provide
13 for the collection of solid waste generated at those premises in
14 the manner provided by the ordinance.

15 b. Each proof of service ordinance required pursuant to this
16 section shall include:

17 (1) In the case of single-family residential housing, a
18 requirement that each responsible solid waste generator, in those
19 instances where a solid waste collection system is not otherwise
20 provided for by the municipality and if he has not already done
21 so, enter into a contract for regular solid waste collection service
22 with any person lawfully providing private solid waste collection
23 services within the municipality¹; except that the ordinance may
24 include an exemption from this requirement in those instances
25 where the responsible solid waste generator is transporting the
26 solid waste which is generated at his residential premises directly
27 to the solid waste facility utilized by the municipality for
28 disposal¹;

29 (2) In the case of multi-family residential housing, a
30 requirement that the responsible solid waste generator, in those
31 instances where a solid waste collection system is not otherwise
32 provided for by the municipality and if he has not already done
33 so, enter into a contract for regular solid waste collection service
34 with any person lawfully providing private solid waste collection
35 services within the municipality¹; except that the ordinance may
36 include an exemption from this requirement in those instances
37 where the responsible solid waste generator is transporting the

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:

¹ Senate floor amendments adopted December 13, 1990.

² Assembly amendments adopted in accordance with Governor's
recommendations March 21, 1991.

1 solid waste which is generated at his residential premises directly
2 to the solid waste facility utilized by the municipality for
3 disposal¹. It shall be the responsibility of the owner of the
4 multiple dwelling to provide a sufficient number of appropriate
5 solid waste containers for the deposit of nonrecyclable waste
6 materials to be disposed of as solid waste;

7 (3) In the case of any commercial or institutional building or
8 structure located within the boundaries of the municipality, a
9 requirement that the responsible solid waste generator, in those
10 instances where regular solid waste collection services are not
11 otherwise provided for, enter into a contract with any person
12 lawfully providing private solid waste collection services within
13 the municipality; and

14 (4) ²[A] In the case of a responsible solid waste generator,
15 within the municipality, who is transporting the solid waste which
16 is generated at his residential premises directly to the solid waste
17 facility utilized by the municipality for disposal, a² requirement
18 that every ²such² responsible solid waste generator within the
19 municipality furnish proof ²[of collection service ¹or proof]² that
20 the responsible solid waste generator is transporting the solid
21 waste which is generated at his residential premises directly to
22 the solid waste facility utilized by the municipality for disposal¹
23 to the governing body of the municipality at least once every 12
24 months. In order to fulfill the requirements of this subsection, the
25 responsible solid waste generator may include the proof of
26 service with the municipal tax payment mailed to the municipal
27 tax collector.

28 c. The governing body shall, within six months of the effective
29 date of a proof of service ordinance adopted pursuant to this
30 section and at least once every six months thereafter, notify all
31 responsible solid waste generators of the requirements of the
32 ordinance. In order to fulfill the notification requirements of this
33 subsection, the governing body of a municipality ²[shall include
34 the notice with any other official notifications periodically
35 mailed to residential taxpayers] may, in its discretion, place an
36 advertisement in a newspaper circulating in the municipality,
37 post a notice in public places where public notices are
38 customarily posted, include a notice with other official
39 notifications periodically mailed to taxpayers, or any combination
40 thereof, as the municipality deems necessary and appropriate².

41 2. (New section) a. The provisions of any other law, rule or
42 regulation to the contrary notwithstanding, the governing body of
43 any municipality may request that every solid waste collector
44 engaging in private solid waste collection services within the
45 municipality who is registered pursuant to sections 4 and 5 of
46 P.L.1970, c.39 (C.13:1E-4 and 13:1E-5) and holds a certificate of
47 public convenience and necessity pursuant to sections 7 and 10 of
48 P.L.1970, c.40 (C.48:13A-6 and 48:13A-9) provide all responsible
49 solid waste generators with the opportunity to contract for, on an

1 individual basis, regular solid waste collection services, if the
2 responsible solid waste generator is required to do so by a proof
3 of service ordinance adopted pursuant to section 1 of P.L. ,
4 c. (C.) (now before the Legislature as this bill).

5 b. The governing body of any municipality may request any
6 solid waste collector engaging in private solid waste collection
7 services within the municipality to assist the municipality in
8 identifying those responsible solid waste generators who fail to
9 comply with the provisions of section 1 of P.L. , c. (C.)
10 (now before the Legislature as this bill).

11 c. Whenever the governing body adopts a proof of service
12 ordinance pursuant to section 1 of P.L. , c. (C.) (now
13 before the Legislature as this bill), or requests a solid waste
14 collector to provide all responsible solid waste generators with
15 the opportunity to contract for regular solid waste collection
16 services pursuant to subsection a. of this section, the governing
17 body shall notify the Board of Public Utilities of these actions by
18 certified mail.

19 d. In the event that a solid waste collector refuses any request
20 to provide responsible solid waste generators with the opportunity
21 to contract for regular solid waste collection services pursuant to
22 subsection a. of this section, the governing body shall notify the
23 Board of Public Utilities of this refusal by certified mail.

24 ¹e. Whenever the governing body of a municipality adopts a
25 proof of service ordinance pursuant to section 1 of P.L. , c.
26 (C.) (now before the Legislature as this bill), the governing
27 body shall notify the owner or operator of every solid waste
28 facility utilized by the municipality of this action by certified
29 mail.¹

30 ¹3. (New section) The provisions of any other law, or of any
31 rule or regulation adopted pursuant thereto, to the contrary
32 notwithstanding, the owner or operator of ²[every] a² solid waste
33 facility utilized by a municipality that adopts a proof of service
34 ordinance pursuant to section 1 of P.L. , c. (C.) (now
35 before the Legislature as this bill), ²[shall] may² establish weekly
36 hours during which individuals may directly transport the solid
37 waste generated at their residential premises for disposal at the
38 solid waste facility. The owner or operator of ²[the] such² solid
39 waste facility shall establish an equitable rate schedule for
40 individual solid waste disposal by citizens on a per pound basis.¹

41 ¹[3.] ⁴.¹ Section 6 of P.L.1989, c.244 (C.40:66-1.1) is amended
42 to read as follows:

43 6. As used in this chapter:

44 "Proof of collection service" means a written record, log, bill
45 or document evidencing receipt of service for the collection of
46 solid waste for the preceding month from a person lawfully
47 engaging in private solid waste collection services within a
48 municipality.

49 "Regular solid waste collection service" means the scheduled

1 pick-up and removal of solid waste from residential, commercial
2 or institutional premises located within the boundaries of any
3 municipality at least once a week.

4 "Responsible solid waste generator" means any property owner,
5 tenant or occupant of any single-family residential dwelling or
6 multiple dwelling, or the owner of any commercial or
7 institutional building or structure located within the boundaries
8 of any municipality, who generates solid waste at those premises.

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

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

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

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

23 "Solid waste facilities" mean and include the plants, structures
24 and other real and personal property acquired, constructed or
25 operated or to be acquired, constructed or operated by any person
26 pursuant to the provisions of this or any other act, including
27 transfer stations, incinerators, resource recovery facilities,
28 sanitary landfill facilities or other plants for the disposal of solid
29 waste, and all vehicles, equipment and other real and personal
30 property and rights therein and appurtenances necessary or useful
31 and convenient for the collection or disposal of solid waste in a
32 sanitary manner.

33 (cf: P.L.1989, c.244, s.6)

34 ¹[4.] 5.¹ R.S.48:3-3 is amended to read as follows:

35 48:3-3. a. No public utility shall provide or maintain any
36 service that is unsafe, improper or inadequate, or withhold or
37 refuse any service which reasonably can be demanded or
38 furnished when ordered by the board.

39 b. The board, upon receipt of a notification of refusal to
40 provide solid waste collection services within a municipality
41 pursuant to section 2 of P.L. , c. (C.) (now before the
42 Legislature as this bill), may order the solid waste collector to
43 provide these services in accordance with the provisions of
44 R.S.48:2-23.

45 (cf: R.S.48:3-3)

46 ¹[5.] 6.¹ Section 9 of P.L.1970, c.40 (C.48:13A-8) is amended
47 to read as follows:

48 9. a. Every person engaged in the business of solid waste
49 collection or solid waste disposal shall furnish and file with the

1 board, in connection with each contract or agreement entered
2 into by him for the provision of such service, a performance bond
3 in such amount as may be required by the board in rules or
4 regulations [~~promulgated~~] adopted by the board.

5 b. Should any person engaged in the solid waste collection
6 business or the solid waste disposal business fail or refuse to
7 complete, execute or perform any contract or agreement
8 obligating such person to provide such service, the board may
9 order any person engaged in the solid waste collection business or
10 the solid waste disposal business to extend his collection or
11 disposal service into any area where service has been
12 discontinued in accordance with the provisions of
13 R.S.48:2-27, and the board shall:

14 (1) fix an appropriate initial rate for solid waste collection
15 service; [and] or

16 (2) fix and exercise continuing jurisdiction over just and
17 reasonable rates and charges for [such] solid waste disposal
18 service in the extended area.

19 c. Should any person engaged in the solid waste collection
20 business refuse to furnish solid waste collection services within a
21 municipality pursuant to section 2 of P.L. , c. (C.) (now
22 before the Legislature as this bill), the board may order the solid
23 waste collector to provide these services in accordance with the
24 provisions of R.S.48:2-23.

25 (cf: P.L.1970, c.40, s.9)

26 ¹[6.] 7.¹ This act shall take effect immediately.

27

28

29

WASTE MANAGEMENT

30

31 Requires certain persons to contract for private solid waste
32 collection services whenever a municipal collection system is not
33 available.

ASSEMBLY, No. 1808

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen McENROE and ALBOHN

1 **AN ACT** concerning solid waste collection in certain
2 municipalities, amending R.S.48:3-3 and P.L.1970, c.40, and
3 supplementing chapter 66 of Title 40 of the Revised Statutes.

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

7 1. (New section) a. The governing body of any municipality
8 wherein solid waste collection services are contracted for and
9 provided, wholly or in part, on an individual, private contract
10 basis shall, within 30 days of the effective date of this act, adopt
11 a proof of service ordinance which requires all responsible solid
12 waste generators to contract or otherwise lawfully provide for
13 the collection of solid waste generated at those premises in the
14 manner provided by the ordinance.

15 b. Each proof of service ordinance required pursuant to this
16 section shall include:

17 (1) In the case of single-family residential housing, a
18 requirement that each responsible solid waste generator, in those
19 instances where a solid waste collection system is not otherwise
20 provided for by the municipality and if he has not already done
21 so, enter into a contract with any licensed person engaging in
22 lawful private solid waste collection services within the
23 municipality for regular solid waste collection service for the
24 collection of solid waste generated at those premises;

25 (2) In the case of multi-family residential housing, a
26 requirement that the responsible solid waste generator, in those
27 instances where a solid waste collection system is not otherwise
28 provided for by the municipality and if he has not already done
29 so, enter into a contract with any licensed person engaging in
30 lawful private solid waste collection services within the
31 municipality for regular solid waste collection service for the
32 collection of solid waste generated at those premises. It shall be
33 the responsibility of the owner of the multiple dwelling to provide
34 a sufficient number of appropriate solid waste containers for the
35 deposit of nonrecyclable waste materials to be disposed of as
36 solid waste;

37 (3) In the case of any commercial or institutional building or
38 structure located within the boundaries of the municipality, a

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 requirement that the responsible solid waste generator, in those
2 instances where lawful solid waste collection services are not
3 otherwise provided for, enter into a contract with any licensed
4 person engaging in lawful private solid waste collection services
5 within the municipality for regular solid waste collection service
6 for the collection of solid waste generated at those premises; and

7 (4) A requirement that every licensed solid waste collector who
8 is providing regular solid waste collection services to responsible
9 solid waste generators within the municipality provide, on a
10 monthly basis, proof of collection service to the local board of
11 health.

12 c. The governing body shall, within six months of the effective
13 date of a proof of service ordinance adopted pursuant to this
14 section and at least once every six months thereafter, notify all
15 responsible solid waste generators of the requirements of the
16 ordinance. In order to fulfill the notification requirements of this
17 subsection, the governing body of a municipality may, in its
18 discretion, place an advertisement in a newspaper circulating in
19 the municipality, post a notice in public places where public
20 notices are customarily posted, include a notice with other
21 official notifications periodically mailed to residential taxpayers,
22 or any combination thereof, as the municipality deems necessary
23 and appropriate.

24 2. (New section) a. The provisions of any other law, rule or
25 regulation to the contrary notwithstanding, the governing body of
26 any municipality may request that every solid waste collector
27 engaging in private solid waste collection services within the
28 municipality who is registered pursuant to sections 4 and 5 of
29 P.L.1970, c.39 (C.13:1E-4 and 13:1E-5) and holds a certificate of
30 public convenience and necessity pursuant to sections 7 and 10 of
31 P.L.1970, c.40 (C.48:13A-6 and 48:13A-9) provide all responsible
32 solid waste generators with the opportunity to contract for, on an
33 individual basis, regular solid waste collection services, if the
34 responsible solid waste generator is required to do so by a proof
35 of service ordinance adopted pursuant to section 1 of P.L. ,
36 c. (C.) (now before the Legislature as this bill).

37 b. Whenever the governing body adopts a proof of service
38 ordinance pursuant to section 1 of P.L. , c. (C.) (now
39 before the Legislature as this bill), or requests a licensed solid
40 waste collector to provide all responsible solid waste generators
41 with the opportunity to contract for regular solid waste
42 collection services pursuant to subsection a. of this section, the
43 governing body shall notify the Board of Public Utilities of these
44 actions by certified mail.

45 c. In the event that a licensed solid waste collector refuses any
46 request to provide responsible solid waste generators with the
47 opportunity to contract for regular solid waste collection services

1 pursuant to subsection a. of this section, the governing body shall
2 notify the Board of Public Utilities of this refusal by certified
3 mail.

4 3. (New section) As used in this act:

5 "Proof of collection service" means a written record, log, bill
6 or document evidencing receipt of service for the collection of
7 solid waste for the preceding month from a licensed person
8 engaging in lawful private solid waste collection services within
9 the municipality.

10 "Regular solid waste collection service" means the scheduled
11 pick-up and removal of solid waste from all residential,
12 commercial or institutional premises located within the
13 boundaries of any municipality at least once a week.

14 "Responsible solid waste generator" means any property owner,
15 tenant or occupant of any single-family residential dwelling or
16 multiple dwelling, or the owner of any commercial or
17 institutional building or structure located within the boundaries
18 of any municipality, who generates solid waste at those premises.

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

26 "Solid waste container" means a storage bin, receptacle,
27 container or bag suitable for the depositing of solid waste.

28 4. R.S.48:3-3 is amended to read as follows:

29 48:3-3. a. No public utility shall provide or maintain any
30 service that is unsafe, improper or inadequate, or withhold or
31 refuse any service which reasonably can be demanded or
32 furnished when ordered by the board.

33 b. The board, upon receipt of a notification of refusal to
34 provide regular solid waste collection services within a
35 municipality pursuant to section 2 of P.L. , c. (C.) (now
36 before the Legislature as this bill), may order the solid waste
37 collector to provide these services in accordance with the
38 provisions of R.S.48:2-23.

39 (cf: R.S.48:3-3)

40 5. Section 9 of P.L.1970, c.40 (C.48:13A-8) is amended to read
41 as follows:

42 9. a. Every person engaged in the business of solid waste
43 collection or solid waste disposal shall furnish and file with the
44 board, in connection with each contract or agreement entered
45 into by him for the provision of such service, a performance bond
46 in such amount as may be required by the board in rules or
47 regulations [promulgated] adopted by the board.

1 generator is required to do so by the ordinance. The ordinance
2 also requires that every licensed solid waste collector who is
3 providing regular solid waste collection services to responsible
4 solid waste generators within the municipality must provide, on a
5 monthly basis, proof of regular collection service to the local
6 board of health.

7 Whenever a municipality adopts a proof of service ordinance,
8 or requests a licensed solid waste collector to provide regular
9 solid waste collection services to responsible solid waste
10 generators within the municipality, the governing body must
11 notify the Board of Public Utilities of these actions by certified
12 mail.

13 In the event that a licensed collector refuses any request to
14 provide responsible solid waste generators with the opportunity to
15 contract for regular solid waste collection services, the governing
16 body must notify the BPU of this refusal by certified mail. The
17 board, upon receipt of such notification of refusal, may order the
18 solid waste collector to provide these services.

19

20

WASTE MANAGEMENT

21

22 Requires certain persons to contract for private solid waste
23 collection services whenever a municipal collection system is not
24 available.

ASSEMBLY WASTE MANAGEMENT,
PLANNING AND RECYCLING COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1808

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. 1808.

The Assembly Committee Substitute for Assembly Bill No. 1808 would require the governing body of every municipality wherein solid waste collection services are provided for either wholly or partially on an individual private contract basis to adopt, within 30 days of the bill's effective date, a so-called "proof of service" ordinance requiring responsible solid waste generators to contract or otherwise lawfully provide for the collection of solid waste generated at all residential, commercial and institutional premises located within its municipal boundaries on a regular (at least weekly) basis. Thereafter, the governing body must notify all responsible solid waste generators, at least once every six months, of the requirements of the ordinance.

A "responsible solid waste generator" is defined as any property owner, tenant or occupant of any single-family residential dwelling or multiple dwelling, or the owner of any commercial or institutional building or structure located within the boundaries of any municipality, who generates solid waste at those premises.

The ordinance also requires that every responsible solid waste generator within the municipality must furnish proof of collection service to the governing body of the municipality at least once every 12 months. In order to fulfill this requirement, the responsible solid waste generator may include the proof of service with the municipal tax payment mailed to the municipal tax collector.

The bill would authorize the governing body of the municipality to request that every solid waste collector engaged in private solid waste collection services within that municipality provide responsible solid waste generators with the opportunity to contract for regular solid waste collection services, if the generator is required to do so by the ordinance. The governing body of the municipality may also request any solid waste collector to assist the municipality in identifying those responsible solid waste generators who fail to comply with the provisions of the proof of service ordinance.

Whenever a municipality adopts a proof of service ordinance, or requests a solid waste collector to provide regular solid waste collection services to responsible solid waste generators within the municipality, the governing body must notify the Board of Public Utilities of these actions by certified mail.

In the event that a collector refuses any request to provide responsible solid waste generators with the opportunity to contract for regular solid waste collection services, the governing body must notify the BPU of this refusal by certified mail. The board, upon receipt of such notification of refusal, may order the solid waste collector to provide these services.

SENATE LAND USE MANAGEMENT
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1808

STATE OF NEW JERSEY

DATED: JUNE 25, 1990

The Senate Land Use Management and Regional Affairs Committee favorably reports the Assembly Committee Substitute for Assembly Bill No. 1808.

The Assembly Committee Substitute for Assembly Bill No. 1808 would require the governing body of every municipality wherein solid waste collection services are provided for either wholly or partially on an individual private contract basis to adopt, within 30 days of the bill's effective date, a so-called "proof of service" ordinance requiring responsible solid waste generators to contract or otherwise lawfully provide for the collection of solid waste generated at all residential, commercial and institutional premises located within its municipal boundaries on a regular (at least weekly) basis. Thereafter, the governing body must notify all responsible solid waste generators, at least once every six months, of the requirements of the ordinance.

A "responsible solid waste generator" is defined as any property owner, tenant or occupant of any single-family residential dwelling or multiple dwelling, or the owner of any commercial or institutional building or structure located within the boundaries of any municipality, who generates solid waste at those premises.

The ordinance also requires that every responsible solid waste generator within the municipality must furnish proof of collection service to the governing body of the municipality at least once every 12 months. In order to fulfill this requirement, the responsible solid waste generator may include the proof of service with the municipal tax payment mailed to the municipal tax collector.

The bill would authorize the governing body of the municipality to request that every solid waste collector engaged in private solid waste collection services within that municipality provide responsible solid waste generators with the opportunity to contract for regular solid waste collection services, if the generator is required to do so by the ordinance. The governing body of the municipality may also request any solid waste collector to assist the municipality in identifying those responsible solid waste generators who fail to comply with the provisions of the proof of service ordinance.

Whenever a municipality adopts a proof of service ordinance, or requests a solid waste collector to provide regular solid waste collection services to responsible solid waste generators within the

municipality, the governing body must notify the Board of Public Utilities of these actions by certified mail.

In the event that a collector refuses any request to provide responsible solid waste generators with the opportunity to contract for regular solid waste collection services, the governing body must notify the BPU of this refusal by certified mail. The board, upon receipt of such notification of refusal, may order the solid waste collector to provide these services.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

March 18, 1991

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY BILL NO. 1808
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Substitute for Assembly Bill No. 1808 (First Reprint) with my objections for reconsideration.

This bill would amend State law to require municipalities lacking curbside garbage collection systems to adopt "proof-of-service" ordinances requiring solid waste generators -- residences or businesses -- to contract for individual trash collection. This legislation seeks to curb illegal dumping and other improper waste handling (e.g., disposal in public containers) by some waste generators who are attempting to avoid the payment of private hauling costs for waste disposal.

To ensure compliance with these municipal ordinances, the bill establishes certain notification and paperwork requirements applying to municipalities and waste generators. Most significantly, the municipalities must notify generators of ordinance requirements at least once every six months by including the written notice with other official notifications, such as tax bills, mailed to generators. Waste generators, in turn, must furnish written proof of trash collection service at least once every 12 months. Municipalities would then presumably use this information to identify possible violators.

In essence, the bill sets up a monitoring system consisting of a two-way paperwork flow that would accompany other official correspondence between a municipality and its residences and businesses.

While I recognize that this legislation takes important steps to improve our statewide solid waste management system, I am concerned that the incremental planning benefits provided by this bill do not

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warrant the complex paperwork requirements that would be imposed on municipalities and waste generators. I am therefore proposing changes that would streamline the notification and paperwork requirements in the bill, and provide greater flexibility to municipalities in choosing effective, economical methods to ensure compliance with new ordinance requirements.

With the amendments I am proposing, municipalities would still have to provide notice every six months, but could choose from a variety of methods, such as advertisements in newspapers, mailings or notices in public locales, to meet this requirement. The generator proof-of-service requirement, which currently applies to all residents and businesses that have their trash privately hauled, would be restricted to a very small class of residents who currently take their own garbage directly to landfills or other disposal facilities.

I am also proposing one other change to this bill. Presently, the bill contains a provision that requires owners or operators of certain solid waste facilities to establish weekly hours to allow individuals to transport solid waste directly from their residences for disposal at the facility. This could cause disruption to existing solid waste collection and disposal systems. The proposed changes would instead provide the facility owner or operator with the discretion to set aside weekly hours for the acceptance of trash transported directly to the facility by residents of a municipality, but would not require that the facility maintain certain schedules.

Therefore, I herewith return Assembly Substitute for Assembly Bill No. 1808 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 13:

Before "A requirement" insert
"In the case of a responsible
solid waste generator, within the
municipality, who is transporting
the solid waste which is
generated at his residential

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

premises directly to the solid waste facility utilized by the municipality for disposal,"

Page 2, Section 1, Line 13:

After "every" insert "such"

Page 2, Section 1, Line 14:

After "proof" delete "of collection service or proof"

Page 2, Section 1, Line 27:

After "ordinance." delete "In order to fulfill the notification requirements of this subsection, the governing body of a municipality shall include the notice with any other official notifications periodically mailed to residential taxpayers."

Page 2, Section 1, Line 27:

After "ordinance." insert "In order to fulfill the notification requirements of this subsection, the governing body of a municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to taxpayers, or any combination thereof, as the municipality deems necessary and appropriate."

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EXECUTIVE DEPARTMENT

Page 3, Section 3, Line 21: After "operator of" delete "every"

Page 3, Section 3, Line 21: After "operator of" insert "a"

Page 3, Section 3, Line 24: After "as this bill)," delete
"shall"

Page 3, Section 3, Line 24: After "as this bill)," insert
"may"

Page 3, Section 3, Line 27: After "operator of" delete "the"

Page 3, Section 3, Line 27: After "operator of" insert "such"

Respectfully,

/s/ James J. Florio

GOVERNOR

[seal]

Attest:

/s/ Andrew Weber

Chief Counsel to the Governor