

13:1E-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1E-3, 13:1E-28.1, 40A:4-45.32

(Solid waste transfer stations-- provide for host municipality benefit)

LAWS OF: 1987

CHAPTER: 449

Bill No: S1497/A3706

Sponsor(s): Lynch

Date Introduced: January 23, 1986

Committee: Assembly: Municipal Governemnt

Senate: Energy and Environment

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: March 12, 1987

Senate: February 27, 1986

Date of Approval: January 19, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

[Handwritten notes and markings on the right side of the page, including a vertical line and some illegible scribbles.]

P. L. 1987, CHAPTER 449, approved January 19, 1988

SENATE REPRINT TO
Assembly Committee Substitute for
1987 Senate No. 1497 (Official Copy Reprint) and
Assembly No. 3706 (Official Copy Reprint)
[CORRECTED COPY]

AN ACT concerning solid waste transfer stations, amending P. L. 1970, c. 39 and ***[P. L. 1985, c. 38]*** *P. L. 1987, c. 74*, and supplementing P. L. 1975, c. 326.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

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

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

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

15 c. "Disposal" means the storage, treatment, utilization, pro-
16 cessing, resource recovery of, or the discharge, deposit, injection,
17 dumping, spilling, leaking or placing of any solid or hazardous
18 waste into or on any land or water, so that the solid or hazardous
19 waste or any constituent thereof may enter the environment or be
20 emitted into the air or discharged into any waters, including
21 groundwaters.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted December 7, 1987.

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

25 e. "Council" means the Advisory Council on Solid Waste
26 Management.

27 f. "Department" means the State Department of Environmental
28 Protection.

29 g. "Commissioner" means the Commissioner of Environmental
30 Protection in the State Department of Environmental Protection.

31 h. "Solid waste facilities" mean and include the plants, structures
32 and other real and personal property acquired, constructed or
33 operated or to be acquired, constructed or operated by any person
34 pursuant to the provisions of this or any other act, including
35 transfer stations, incinerators, resource recovery facilities, sanitary
36 landfill facilities or other plants for the disposal of solid waste, and
37 all vehicles, equipment and other real and personal property and
38 rights therein and appurtenances necessary or useful and con-
39 venient for the collection or disposal of solid waste in a sanitary
40 manner.

41 i. "Public authority" means any solid waste management au-
42 thority created pursuant to the "solid waste management authori-
43 ties law," P. L. 1968, c. 249 (C. 40:66A-32 et seq.); municipal
44 utility authority created pursuant to the "municipal and county
45 utilities authorities law," P. L. 1957, c. 183 (C. 40:14B-1 et seq.);
46 incinerator authority created pursuant to the "incinerator authori-
47 ties law," P. L. 1948, c. 348 (C. 40:66A-1 et seq.); county improve-
48 ment authority created pursuant to the "county improvement
49 authorities law," P. L. 1960, c. 183 (C. 40:37A-44 et seq.), or any
50 other public body corporate and politic created for solid waste
51 management purposes in any county or municipality, pursuant to
52 the provisions of any law.

53 j. "Hackensack Meadowlands District" means the area within
54 the jurisdiction of the Hackensack Meadowlands Development
55 Commission created pursuant to the provisions of the "Hackensack
56 Meadowlands Reclamation and Development Act," P. L. 1968, c. 404
57 (C. 13:17-1 et seq.).

58 k. "Hackensack Commission" means the Hackensack Meadow-
59 lands Development Commission created pursuant to the provisions
60 of the "Hackensack Meadowlands Reclamation and Development
61 Act," P. L. 1968, c. 404 (C. 13:17-1 et seq.).

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

65 m. "New solid waste facility" means any solid waste facility or
66 portion thereof which does not qualify as an existing solid waste
67 facility.

68 n. "Public sewage treatment plant" means any structure or
69 structures required to be approved by the department pursuant to
70 P. L. 1977, c. 224 (C. 58:12A-1 et seq.) or P. L. 1977, c. 74 (C.
71 58:10A-1 et seq.), by means of which domestic wastes are sub-
72 jected to any artificial process in order to remove or so alter
73 constituents as to render the waste less offensive or dangerous to
74 the public health, comfort or property of any of the inhabitants of
75 this State, before the discharge of the plant effluent into any of the
76 waters of this State; this definition includes plants for the treat-
77 ment of industrial wastes, as well as a combination of domestic
78 and industrial wastes.

79 o. "Resource recovery" means the collection, separation, recy-
80 cling and recovery of metals, glass, paper and other materials for
81 reuse or for energy production.

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

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

89 r. "Transfer station" means a solid waste facility at which solid
90 waste is transferred from a solid waste collection vehicle to a solid
91 waste haulage vehicle for transportation to a sanitary landfill
92 facility, resource recovery facility, or other destination.

1 2. (New section) a. Any municipality within which a transfer
2 station is located pursuant to an adopted and approved district
3 solid waste management plan shall be entitled to an annual econom-
4 ic benefit in amount established by agreement with the owner or
5 operator of the transfer station, but not less than the equivalent
6 of \$0.50 per ton of all solid waste accepted for transfer at the
7 transfer station during the 1987 calendar year and each year
8 thereafter.

9 The owner or operator of the transfer station shall annually pay
10 to the relevant municipality the full amount due under this sub-
11 section and each relevant municipality is empowered to anticipate
12 this amount for the purposes of preparing its annual budget. For
13 the purposes of calculating the payments, the owner or operator of
14 the transfer station may, subject to the prior agreement of the
15 relevant municipality and the approval of the Board of Public

16 Utilities, provide the municipality with any of the following benefits
17 in consideration for the use of land within its municipal boundaries
18 as the location of a transfer station:

19 (1) The receipt of annual sums of money in lieu of taxes on the
20 land used for the transfer station;

21 (2) The exemption from all fees and charges for the acceptance
22 for transfer of solid waste generated within its boundaries;

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

24 (4) Any combination thereof.

25 b. Every owner or operator of a transfer station required to
26 make annual payments to a municipality pursuant to subsection a.
27 of this section may petition the Board of Public Utilities for an
28 increase in its tariff which reflects these payments. The board,
29 within 60 days of the receipt of the petition, shall issue an order
30 that these payments shall be passed along to the users of the
31 transfer station as an automatic surcharge on any tariff filed with,
32 and recorded by, the board for the solid waste disposal operations
33 of the transfer station.

34 c. The board, within 60 days of the computation of any increase
35 in a solid waste disposal tariff for a transfer station pursuant to
36 subsection b. of this section, shall issue an appropriate order
37 increasing current tariffs established pursuant to law for solid
38 waste collectors using the transfer station by an amount equal to
39 the total amount of the increase in the relevant solid waste disposal
40 tariff calculated pursuant to subsection b. of this section.

41 d. In issuing any order required by this section, the Board of
42 Public Utilities shall be exempt from the provisions of R. S.
43 48:2-21.

1 3. ***[**Section 34 of P. L. 1985, c. 38 (C. 40A:4-45.25) is amended
2 to read as follows:

3 34. Any additional expenditures made by a municipality or
4 county in complying with an order issued by the **[department]**
5 *Department of Environmental Protection* pursuant to the provi-
6 sions of the "Solid Waste Management Act," P. L. 1970, c. 39
7 (C. 13:1E-1 et seq.) and the Board of Public Utilities pursuant to
8 the "Solid Waste Utility Control Act of 1970," P. L. 1970, c. 40
9 (C. 48:13A-1 et seq.), to transport solid waste to a resource
10 recovery facility, or any expenditures necessary to reflect adjust-
11 ment in rates, fees or other charges made in connection with the
12 taxes imposed pursuant to section 3 of **[this amendatory and**
13 **supplementary act]** *P. L. 1985, c. 38 (C. 13:1E-138) or the annual*
14 *economic benefit to which host municipalities are entitled pursuant*
15 *to section 19 of P. L. 1975, c. 326 (C. 13:1E-28), section 40 of P. L.*

16 1985, c. 38 (C. 48:13A-5.1) or section 2 of P. L. 1986, c.
 17 (C.) (pending before the Legislature as this bill) or
 18 the provisions of a contract entered into pursuant to the provisions
 19 of [this amendatory and supplementary act] P. L. 1985, c. 38 (C.
 20 13:1E-136 et al.), shall, for the purposes of P. L. 1976, c. 68
 21 (C. 40A:4-45.1 et seq.), be considered an expenditure mandated by
 22 State law.]* *Section 4 of P. L. 1987, c. 74 (C. 40A:4-45.32) is
 23 amended to read as follows:

24 4. Notwithstanding the provisions of sections 3 and 4 of P. L.
 25 1976, c. 68 (C. 40A:4-45.3 and 40A:4-45.4) to the contrary, a
 26 county or municipality may expend the funds which may be re-
 27 ceived as revenue as provided herein or which are necessary to
 28 pay the following requirements, as exceptions to the spending
 29 limitations imposed by P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.):

30 a. Amounts necessary for any rates, fees, taxes, contract costs
 31 or other charges, including recycling and closure costs, associated
 32 with the collection, transportation and disposal of solid waste;

33 b. Amounts for the installation and use of scales to determine
 34 the weight of all vehicles disposing of solid waste at a solid waste
 35 facility as required by P. L. 1983, c. 93 (C. 13:1E-117 et seq.)
 36 and amounts incurred by any municipality for the disposal of
 37 solid waste as a direct result of the installation and use of those
 38 scales; or

39 c. Expenditures of revenues received pursuant to section 5 of
 40 P. L. 1981, c. 278 (C. 13:1E-96), section 39 of P. L. 1985, c. 38
 41 (C. 40A:4-27.1) in the case of municipalities, section 41 of P. L.
 42 1985, c. 38 (C. 40A:4-27.2) in the case of municipalities, *section 2*
 43 *of P. L. 1987, c. (C.) (pending before the Legis-*
 44 *lature as this bill) in the case of municipalities, or revenues re-*
 45 *ceived from the sale of recyclable materials.**

1 4. This act shall take effect immediately.

SENATE, No. 1497
STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1986

By Senator LYNCH

Referred to Committee on Energy and Environment

AN ACT concerning solid waste disposal facilities, and amending
P. L. 1985, c. 38 and P. L. 1975, c. 326.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of P. L. 1985, c. 38 (C. 13:1E-136) is amended to
2 read as follows:

1 2. As used in this amendatory and supplementary act:

2 a. "Contract file" means a file established and maintained by a
3 contracting unit, in which the contracting unit shall maintain a
4 copy of its request for qualifications issued pursuant to section 19
5 of this amendatory and supplementary act, a list of vendors
6 responding to its request for qualifications, a copy of its request
7 for proposals issued pursuant to section 20 of this amendatory and
8 supplementary act, a list of qualified vendors submitting proposals,
9 and a document outlining the general criteria used by the contract-
10 ing unit in selecting a proposal;

11 b. "Contracting unit" means any county; any municipality; any
12 by-state authority; or any board, commission, committee, authority
13 or agency, which is not a State board, commission, committee,
14 authority or agency, and which has administrative jurisdiction
15 over any district other than a school district, project, or facility,
16 included or operating in whole or in part, within the territorial
17 boundaries of any county or municipality, which exercises functions
18 which are appropriate for the exercise by one or more units of local
19 government, and which has statutory power to make purchases and
20 enter into contracts or agreements for the performance of own work

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 printed in italics *thus* is new matter.

21 or the furnishing or hiring of any materials or supplies usually
22 required;

23 c. "County" means any county of this State of whatever class;

24 d. "Department" means the Department of Environmental
25 Protection;

26 e. "Director" means the Director of the Division of Taxation in
27 the Department of Treasury;

28 f. "District" means a solid waste management district as desig-
29 nated by section 10 of P. L. 1975, c. 326 (C. 13:1E-19), except that,
30 as used in the provisions of this amendatory and supplementary
31 act, "district" shall not include the Hackensack Meadowlands
32 District;

33 g. "District investment tax fund" means a District Resource
34 Recovery Investment Tax Fund established pursuant to subsection
35 a. of section 15 of this amendatory and supplementary act;

36 h. "Division" means the Division of Taxation in the Department
37 of Treasury;

38 i. "Division of Local Government Services" means the Division
39 of Local Government Services in the Department of Community
40 Affairs;

41 j. "Division of Rate Counsel" means the Division of Rate Coun-
42 sel in the Department of the Public Advocate;

43 k. "Franchise" means the exclusive right to control and provide
44 for the disposal of solid waste, except for recyclable material
45 whenever markets for those materials are available, within a
46 district or districts as awarded by the Board of Public Utilities;

47 l. "Independent public accountant" means a certified public
48 accountant, a licensed public accountant or a registered municipal
49 accountant;

50 m. "Investment tax" means the resource recovery investment
51 tax imposed pursuant to subsection b. of section 3 of this amenda-
52 tory and supplementary act;

53 n. "Investment tax funds" means the Resource Recovery Invest-
54 ment Tax Fund containing sub-accounts for each county established
55 pursuant to the provisions of section 14 of this amendatory and
56 supplementary act;

57 o. "Out-of-district solid waste" means any solid waste accepted
58 for disposal in a district which was generated outside the receiving
59 district;

60 p. "Person or party" means any individual, public or private
61 corporation, company, partnership, firm, association, political
62 subdivision of this State, or any State, bi-state, or interstate agency
63 or authority;

64 q. "Proposed contract" means a contract negotiated by a
65 contracting unit pursuant to the provisions of this amendatory and
66 supplementary act, or a substantial renegotiation of a contract
67 approved pursuant to the provisions of this amendatory and
68 supplementary act if the renegotiation is determined to be substan-
69 tial by the department, the Board of Public Utilities, or the Divi-
70 sion of Local Government Services;

71 r. "Qualified vendor" means any person or party financially
72 qualified for, and technically and administratively capable of,
73 undertaking the design, financing, construction, operation, or
74 maintenance, or any combination thereof, of a resource recovery
75 facility or of providing resource recovery services, as provided in
76 section 19 of this amendatory and supplementary act;

77 s. "Recyclable material" means those materials which would
78 otherwise become solid waste, which may be collected, separated or
79 processed and returned to the economic mainstream in the form of
80 raw materials or products;

81 t. "Recycling" means any process by which materials which
82 would otherwise become solid waste are collected, separated or
83 processed and returned to the economic mainstream in the form of
84 raw materials or products;

85 u. "Recycling facility" means a facility at which materials which
86 would otherwise become solid waste are collected, separated or
87 processed and returned to the economic mainstream in the form of
88 raw materials or projects;

89 v. "Resource recovery facility" means a solid waste facility
90 constructed and operated for the incineration of solid waste for
91 energy production and the recovery of metals and other materials
92 for reuse; or a mechanized composting facility, or any other solid
93 waste facility constructed or operated for the collection, separation,
94 recycling, and recovery of metals, glass, paper, and other materials
95 for reuse or for energy production;

96 w. "Sanitary landfill facility" means a solid waste facility at
97 which solid waste is deposited on or in the land as fill for the
98 purpose of permanent disposal or storage for a period exceeding
99 six months, except that it shall not include any waste facility
100 approved for disposal of hazardous waste;

101 x. "Services tax" means the solid waste services tax imposed
102 pursuant to subsection a. of section 3 of this amendatory and
103 supplementary act;

104 y. "Services tax fund" means the Solid Waste Services Tax
105 Fund established pursuant to section 12 of this amendatory and
106 supplementary act;

107 z. "Transfer station" means a solid waste facility at which solid
 108 waste is transferred from one solid waste collection vehicle to
 109 another solid waste collection vehicle for transportation to a sani-
 110 tary landfill facility, resource recovery facility, or other destination.

111 [z.] aa. "Vendor" means any person or party proposing to
 112 undertake the design, financing, construction, operation, or main-
 113 tenance, or any combination thereof, of a resource recovery facility
 114 or of providing resource recovery services;

115 [aa.] bb. "Waste importation tax" means the solid waste im-
 116 portation tax imposed pursuant to subsection c. of section 3 of this
 117 amendatory and supplementary act.

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

3 19. a. Any municipality within which a sanitary landfill facility
 4 or a transfer station is located pursuant to an adopted and ap-
 5 proved district solid waste management plan shall be entitled to
 6 an annual economic benefit not less than the equivalent of \$1.00
 7 per ton of solids on all solid waste accepted for disposal or trans-
 8 fer at the sanitary landfill facility or the transfer station during
 9 the [previous] 1985 calendar year and each calendar year there-
 10 after, as determined by the department.

11 The owner or operator of the sanitary landfill facility or trans-
 12 fer station shall annually pay to the relevant municipality the full
 13 amount due under this subsection and each relevant municipality
 14 is empowered to anticipate this amount for the purposes of pre-
 15 paring its annual budget. For the purposes of calculating the pay-
 16 ments, the owner or operator of the sanitary landfill facility or
 17 transfer station may, subject to the prior agreement of the relevant
 18 municipality and the approval of the Board of Public Utilities,
 19 provide the municipality with any of the following benefits in con-
 20 sideration for the use of land within its municipal boundaries as
 21 the location of a sanitary landfill facility or transfer station.

22 (1) The receipt of annual sums of money in lieu of taxes on the
 23 land used for the sanitary landfill facility or transfer station;

24 (2) The exemption from all fees and charges for the disposal or
 25 transfer of solid waste generated within its boundaries;

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

27 (4) Any combination thereof.

28 b. Every owner or operator of a sanitary landfill facility or
 29 transfer station required to make annual payments to a munici-
 30 pality pursuant to subsection a. of this section may petition the
 31 Board of Public Utilities for an increase in its tariff which reflects
 32 these payments. The board, within 60 days of the receipt of the

33 petition, shall issue an appropriate order that these payments
 34 shall be passed along to the users of the sanitary landfill facility
 35 or transfer station as an automatic surcharge on any tariff filed
 36 with, and recorded by, the board for the solid waste disposal opera-
 37 tions of the facility.

38 c. The board, within 60 days of the computation of any increase
 39 in a solid waste disposal tariff pursuant to subsection b. of this sec-
 40 tion, shall issue an appropriate order increasing current tariffs
 41 established pursuant to law for solid waste collection by an amount
 42 equal to the total amount of the increase in the relevant solid waste
 43 disposal tariff calculated pursuant to subsection b. of this section.

44 d. In issuing any order required by this section, the Board of
 45 Public Utilities shall be exempt from the provisions of R. S. 48:2-21.

1 3. This act shall take effect immediately.

SPONSOR'S STATEMENT

Under the provisions of P. L. 1985, c. 38 (C. 13:1E-136 et al.), municipalities in which sanitary landfill facilities are located are entitled to a host municipality benefit equal to at least \$1.00 per ton of solid waste accepted for disposal at the landfill. This bill would provide the same host municipality benefit to municipalities in which solid waste transfer stations are located.

(Subject)	SOLID WASTE
(Description)	Host mun. benefit transfer stations
(Synopsis)	Provides a host municipality benefit to municipalities in which solid waste transfer stations are located.

ASSEMBLY, No. 3706

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1987

By Assemblymen SHINN and McENROE

AN ACT concerning solid waste transfer stations, amending P. L. 1970, c. 39 and P. L. 1985, c. 38, and supplementing P. L. 1975, c. 326.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

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

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

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

15 c. "Disposal" means the storage, treatment, utilization, proces-
16 sing, resource recovery of, or the discharge, deposit, injection,
17 dumping, spilling, leaking or placing of any solid or hazardous
18 waste into or on any land (or water, so that the solid or hazardous
19 waste or any constituent thereof may enter the environment or
20 be emitted into the air or discharged into any waters, including
21 groundwaters.

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

25 e. "Council" means the Advisory Council on Solid Waste Man-
26 agement.

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 printed in italics thus is new matter.

27 f. "Department" means the State Department of Environmental
28 Protection.

29 g. "Commissioner" means the Commissioner of Environmental
30 Protection in the State Department of Environmental Protection.

31 h. "Solid waste facilities" mean and include the plants, struc-
32 tures and other real and personal property acquired, constructed
33 or operated or to be acquired, constructed or operated by any
34 person pursuant to the provisions of this or any other act, in-
35 cluding transfer stations, incinerators, resource recovery facilities,
36 sanitary landfill facilities or other plants for the disposal of solid
37 waste, and all vehicles, equipment and other real and personal
38 property and rights therein and appurtenances necessary or useful
39 and convenient for the collection or disposal of solid waste in a
40 sanitary manner.

41 i. "Public authority" means any solid waste management au-
42 thority created pursuant to the "solid waste management author-
43 ities law," P. L. 1968, c. 249 (C. 40:66A-32 et seq.); municipal
44 utility authority created pursuant to the "municipal and county
45 utilities authorities law," P. L. 1957, c. 183 (C. 40:14B-1 et seq.);
46 incinerator authority created pursuant to the "incinerator author-
47 ities law," P. L. 1948, c. 348 (C. 40:66A-1 et seq.); county improve-
48 ment authority created pursuant to the "county improvement
49 authorities law," P. L. 1960, c. 183 (C. 40:37A-44 et seq.), or any
50 other public body corporate and politic created for solid waste
51 management purposes in any county or municipality, pursuant
52 to the provisions of any law.

53 j. "Hackensack Meadowlands District" means the area within
54 the jurisdiction of the Hackensack Meadowlands Development
55 Commission created pursuant to the provisions of the "Hackensack
56 Meadowlands Reclamation and Development Act," P. L. 1968, c. 404
57 (C. 13:17-1 et seq.).

58 k. "Hackensack Commission" means the Hackensack Meadow-
59 lands Development Commission created pursuant to the provisions
60 of the "Hackensack Meadowlands Reclamation and Development
61 Act," P. L. 1968, c. 404 (C. 13:17-1 et seq.).

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

65 m. "New solid waste facility" means any solid waste facility or
66 portion thereof which does not qualify as an existing solid waste
67 facility.

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

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

79 o. "Resource recovery" means the collection, separation, re-
 80 cycling and recovery of metals, glass, paper and other materials
 81 for reuse or for energy production.

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

84 q. "*Sanitary landfill facility*" means a solid waste facility at
 85 which solid waste is deposited on or in the land as fill for the
 86 purpose of permanent disposal or storage for a period exceeding
 87 six months, except that it shall not include any waste facility ap-
 88 proved for disposal of hazardous waste.

89 r. "*Transfer station*" means a solid waste facility at which solid
 90 waste is transferred from a solid waste collection vehicle to a
 91 solid waste haulage vehicle for transportation to a sanitary landfill
 92 facility, resource recovery facility, or other destination.

1 2. (New section) a. Any municipality within which a transfer
 2 station is located pursuant to an adopted and approved district
 3 solid waste management plan shall be entitled to an annual eco-
 4 nomic benefit not less than the equivalent of \$0.50 per ton of all
 5 solid waste accepted for transfer at the transfer station during
 6 the 1987 calendar year and each year thereafter, as determined
 7 by the department.

8 The owner or operator of the transfer station shall annually pay
 9 to the relevant municipality the full amount due under this sub-
 10 section and each relevant municipality is empowered to anticipate
 11 this amount for the purposes of preparing its annual budget. For
 12 the purposes of calculating the payments, the owner or operator
 13 of the transfer station may, subject to the prior agreement of the
 14 relevant municipality and the approval of the Board of Public
 15 Utilities, provide the municipality with any of the following
 16 benefits in consideration for the use of land within its municipal
 17 boundaries as the location of a transfer station:

18 (1) The receipt of annual sums of money in lieu of taxes on
 19 the land used for the transfer station;

20 (2) The exemption from all fees and charges for the acceptance
 21 for transfer of solid waste generated within its boundaries;

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

23 (4) Any combination thereof.

24 b. Every owner or operator of a transfer station required to
25 make annual payments to a municipality pursuant to subsection a.
26 of this section may petition the Board of Public Utilities for an
27 increase in its tariff which reflects these payments. The board,
28 within 60 days of the receipt of the petition, shall issue an order
29 that these payments shall be passed along to the users of the
30 transfer station as an automatic surcharge on any tariff filed with,
31 and recorded by, the board for the solid waste disposal operations
32 of the transfer station.

33 c. The board, within 60 days of the computation of any increase
34 in a solid waste disposal tariff for a transfer station pursuant to
35 subsection b. of this section, shall issue an appropriate order in-
36 creasing current tariffs established pursuant to law for solid
37 waste collectors using the transfer station by an amount equal
38 to the total amount of the increase in the relevant solid waste
39 disposal tariff calculated pursuant to subsection b. of this section.

40 d. In issuing any order required by this section, the Board of
41 Public Utilities shall be exempt from the provisions of R. S.
42 48:2-21.

1 3. Section 34 of P. L. 1985, c. 38 (C. 40A:4-45.25) is amended
2 to read as follows:

3 34. Any additional expenditures made by a municipality or
4 county in complying with an order issued by the [department]
5 *Department of Environmental Protection* pursuant to the pro-
6 visions of the "Solid Waste Management Act," P. L. 1970, c. 39
7 (C. 13:1E-1 et seq.) and the Board of Public Utilities pursuant
8 to the "Solid Waste Utility Control Act of 1970," P. L. 1970, c. 40
9 (C. 48:13A-1 et seq.), to transport solid waste to a resource
10 recovery facility, or any expenditures necessary to reflect adjust-
11 ment in rates, fees or other charges made in connection with the
12 taxes imposed pursuant to section 3 of [this amendatory and
13 supplementary act] *P. L. 1985, c. 38 (C. 13:1E-138) or the annual*
14 *economic benefit to which host municipalities are entitled pursuant*
15 *to section 19 of P. L. 1975, c. 326 (C. 13:1E-28), section 40 of*
16 *P. L. 1985, c. 38 (C. 48:13A-5.1) or section 2 of P. L. 1986, c.*
17 *(C.) (pending before the Legislature as this bill),*

18 or the provisions of a contract entered into pursuant to the pro-
19 visions of [this amendatory and supplementary act] *P. L. 1985,*
20 *c. 38 (C. 13:1E-136 et al.),* shall, for the purposes of P. L. 1976,
21 c. 68 (C. 40A:4-45.1 et seq.), be considered an expenditure man-
22 dated by State law.

1 4. This act shall take effect immediately.

SPONSOR'S

STATEMENT

Under the provisions of P. L. 1985, c. 38 (C. 13:1E-136 et al.), municipalities in which sanitary landfill facilities are located are entitled to a host municipality benefit equal to at least \$1.00 per ton of solid waste accepted for disposal at the landfill. This bill would provide a host municipality benefit to municipalities in which a solid waste transfer station is located equal to at least \$0.50 per ton of solid waste accepted for transfer at the transfer station.

The bill would also provide a "cap exemption" for increased solid waste disposal costs incurred by counties and municipalities due to the host municipality benefits provided by existing law for sanitary landfill and resource recovery facilities, and for transfer stations by this legislation.



SOLID WASTE

Provides "host municipality benefit" to municipalities in which transfer stations are located, and provides "cap exemption" therefor.



SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1497

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1986

The Senate Energy and Environment Committee favorably reports Senate Bill No. 1497 with Senate committee amendments.

Senate Bill No. 1497 would provide that municipalities in which a solid waste transfer station is located would be entitled to the same "host municipality benefit" currently provided by law in the case of sanitary landfill facilities (P. L. 1985, c. 38; C. 13:1E-136 et al.). The amount of this "host municipality benefit" would be equal to at least \$1.00 per ton of solid waste transferred at the transfer facility, depending on negotiations between the municipality and the owner of the transfer station. The economic benefit could be in the form of a cash payment, payments in lieu of taxes, the exemption of all or a part of transfer fees, or any combination of these.

The committee amended the bill to clarify that the "host municipality benefit" for a transfer station would only apply to solid waste accepted for transfer at the transfer facility during the 1986 calendar year and every year thereafter. The committee also made several changes to the bill which are purely technical in nature.

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY No. 3706 and SENATE No. 1497

By Senator LYNCH and Assemblyman SHINN

STATE OF NEW JERSEY

DATED: MARCH 5, 1987

The Assembly Municipal Government Committee favorably reports Assembly Committee Substitute for Assembly Bill No. 3706 and Senate Bill No. 1497.

This bill would provide an economic benefit equal to at least \$0.50 per ton of solid waste received at a transfer station to municipalities in which solid waste transfer station facilities are located. The economic benefit could be in the form of a lump sum cash payment, payments in lieu of taxes, exemption of the host municipality from all transfer fees, or any combination of these. The owner or operator of the transfer station would be allowed to increase its tariff to offset the payment to the host municipality, and solid waste collectors would be allowed to increase their fees to offset the increase of the operator's tariff.

Under present law, P. L. 1985, c. 38 (C. 13:1E-136 et al.), municipalities in which sanitary landfill facilities are located are entitled to a host municipality benefit equal at least to \$1.00 per ton of solid waste accepted for disposal at the landfill. This bill would provide similar benefits for municipalities hosting solid waste transfer stations.

This Assembly Committee Substitute is the same as the bill recommended by the Assembly Select Committee on Solid Waste Disposal, except for language in section 2 which clarifies the right of the host municipality to receive an economic benefit in whatever amount it may establish by agreement with the owner or operator of the transfer station, but not less than \$0.50 per ton of solid waste accepted at the station.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

SENATE No. 1497 and ASSEMBLY No. 3706

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 7, 1987

The Senate Energy and Environment Committee favorably reports Senate Bill No. 1497 and Assembly Bill No. 3706 ACS with Senate committee amendments.

This bill would entitle municipalities in which a solid waste transfer station is located to an economic benefit equal to at least \$0.50 per ton of solid waste accepted for processing at the transfer station. Under the provisions of P. L. 1985, c. 33 (C. 13E-136 et al.), municipalities in which a landfill is located are entitled to an annual economic benefit of at least \$1.00 per ton of solid waste accepted for disposal. The committee made purely technical amendments to the bill.