

SENATE BILL NO. 3153
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3153 (Second Reprint) with my recommendations for reconsideration.

This bill would allow a school to deliver compostable or anaerobically digestible food waste generated by that school to another school, as long as the receiving school accepts the waste and composts it in an in-vessel composting or anaerobic digestion system. The bill would allow this without regard for any State laws, regulations, or district solid waste management plans to the contrary, and would prohibit the Department of Environmental Protection ("DEP") from requiring the receiving school to obtain a permit or other authorization under the Solid Waste Management Act, P.L.1970, c.39 (N.J.S.A. 13:1E-1 et seq.), the New Jersey Statewide Mandatory Source Separation and Recycling Act, P.L.1987, c.102 (N.J.S.A. 13:1E-99.11 et al.), the New Jersey Water Pollution Control Act ("WPCA"), P.L.1977, c.74 (N.J.S.A. 58:10A-1 et seq.), the New Jersey Air Pollution Control Act ("APCA"), P.L.1954, c.212 (N.J.S.A. 26:2C-1 et seq.), or any rules or regulations concerning food waste receipt or processing. The bill would not apply to schools to which the Food Waste Recycling Act, P.L.2020, c.24, applies, and any such schools would be required to continue to dispose of their food waste in accordance with that law.

I commend the sponsors of this bill for their attention to the issue of food waste in New Jersey, and in our schools in particular. As highlighted in the Food Waste Reduction Plan recently published by the New Jersey DEP, food waste makes up more than 20 percent of the waste disposed of in New Jersey's landfills and incinerators. This represents a tragic failure to feed the 11 percent of New Jersey residents who are food insecure, as well as a waste of the economic and human resources used to produce the food. In addition, the

decomposition or combustion of approximately 1.5 million tons of food waste a year contributes significantly to the State's greenhouse gas emissions. With all the meals eaten at schools around our State, school food waste is a meaningful part of the food waste problem.

While it is better to generate less excess food in the first place and improve systems to get unused food to hungry people, composting unused food is better than sending it to an incinerator or landfill because it results in significantly lower greenhouse gas emissions and produces an environmentally valuable end product. School composting is particularly valuable because it can be an opportunity for students to learn about responsible waste management, provide learning opportunities for Science, Technology Engineering and Mathematics (STEM) classes, and support a school gardening program that contributes to student learning about agriculture, biology, ecology, and nutrition.

I fully agree with the sponsors of this bill that it is important to remove barriers that may hinder schools from developing successful composting programs, and I support the idea of allowing a school with an appropriate composting system to accept food waste from another school. However, I am concerned that the extent of the exemptions from applicable State laws and permitting requirements in the bill, as drafted, would cause the State to be out of compliance with the federal air pollution and water pollution control laws that the DEP is required to implement. I am also concerned that the bill does not provide adequate safeguards to ensure that school composting operations are conducted in an environmentally-sound manner.

My recommended changes to the bill clarify that a school does not need to obtain a solid waste permit from the DEP to compost food waste generated on-site or at another school. To reduce the burden of complying with any applicable permitting requirements under the New Jersey APCA and WPCA, which cannot be waived pursuant to federal law, I am also recommending that schools not be subject to permitting fees for composting systems. Finally, in order to ensure that,

notwithstanding the solid waste permit exemption, school food composting operations are conducted in a manner that effectively minimizes odors and public health and environmental impacts, I am recommending that the bill direct the DEP to promulgate regulations or guidance documents addressing appropriate management practices, and that schools participating in the program file a simple notice form with the DEP to enable DEP to collect information to inform future food waste reduction efforts.

Therefore, I herewith return Senate Bill No. 3153 (Second Reprint) and recommend that it be amended as follows:

- Page 2, Section 1, Line 7: Delete "c." and insert "d."
- Page 2, Section 1, Line 8: Delete "any State law" and insert "the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), the "New Jersey Statewide Mandatory Source Separation and Recycling Act," P.L.1987, c.102 (C.13:1E-99.11 et seq.)"
- Page 2, Section 1, Line 13: After "State," insert "and a school in the State may accept and process compostable or anaerobically digestible food waste,"
- Page 2, Section 1, Line 18: Delete "and"
- Page 2, Section 1, Line 20: Delete "." and insert "; and
(4) notifies the Department of Environmental Protection and applicable local government entities of its intent to begin accepting food waste from another school via a form provided by the department."
- Page 2, Section 1, Line 25: After "(C.13:1E-1 et seq.)" delete "," and insert "or"
- Page 2, Section 1, Line 27: Delete "the "Air Pollution Control"
- Page 2, Section 1, Line 28: Delete in its entirety
- Page 2, Section 1, Line 29: Delete "Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),"
- Page 2, Section 1, Line 33: After "c." insert "Notwithstanding the provisions of any State law or rule or regulation adopted pursuant thereto, a school that composts food waste generated on-site or received pursuant to subsection a. of this section using an on-site, in-vessel composting

system, or digests such food waste using an on-site anaerobic digestion system, shall not be subject to any fees to obtain any permits required for such an on-site, in-vessel composting system or anaerobic digestion system pursuant to the "Air Pollution Control Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), any other State law, or any rule or regulation adopted pursuant thereto.

d."

Page 2, Section 1, Line 38:

Delete "d." and insert "e. In order to ensure that a school's composting or anaerobic digestion of food waste is conducted in a manner that avoids public health and environmental impacts, the Department of Environmental Protection shall issue guidance for school composting and anaerobic digestion systems addressing odor control, vessel siting, operational standards, and record keeping. The Department of Environmental Protection may promulgate such rules and regulations as are necessary to implement the requirements of P.L. c. (C.) (pending before the Legislature as this bill).

f."

Respectfully,

/s/ Philip D. Murphy

Governor

[seal]

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor