



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF SOLID & HAZARDOUS WASTE
BUREAU OF SOLID WASTE PLANNING & LICENSING

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PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

SHAWN M. LATOURETTE

Commissioner

September 20, 2021

Dear Large Food Waste Generator or Representative Party,

As you may know, on April 14, 2020, New Jersey adopted P.L. 2020 c.24, the Food Waste Recycling Law (Law), a law requiring certain large food waste generators to separate their food waste from the rest of their solid waste and recycle the food waste portion subject to the parameters in the Law. A copy of the Law can be found at https://www.njleg.state.nj.us/2020/Bills/PL20/24_.HTM.

In February 2021, the New Jersey Department of Environmental Protection (NJDEP) issued a letter to potential large food waste generators in New Jersey with information about complying with this Law¹. A copy of the letter, dated February 11, 2021, can be found at https://www.nj.gov/dep/dshw/food-waste-recycling-law/fw_generator_letter.pdf.

The purpose of this letter is to notify you that you, or a party that you represent, have been identified as a potential large scale generator that appears to be located within 25 miles of an authorized food waste recycling facility and to provide you with information that will assist you, or those you represent, in achieving compliance with the requirements of the Law, which becomes effective on October 14, 2021.

Requirements of the Law

Beginning October 14, 2021, each food waste generator that generates an average projected volume of 52 or more tons per year of food waste and is located within 25 road miles of an authorized food waste recycling facility must:

- (1) source separate its food waste from other solid waste; and
- (2) send the source separated food waste to an authorized food waste recycling facility that has available capacity and will accept it.

As a large food waste generator, it is your responsibility to:

- Determine how much food waste your establishment generates per year and, if you project to generate an average of at least 52 tons of food waste per year, determine the distance to the nearest authorized food waste recycling facility.

¹ NJDEP identified potential large food waste generators by utilizing EPA's Excess Food Opportunity Map <https://geopub.epa.gov/ExcessFoodMap/>

As of the date of this letter, there are two (2) authorized food waste recycling facilities in the State:

Food Waste Recycling Facility	Address	Phone	Email	Website
Trenton Renewable Power	1600 Lambertson Rd, Trenton, NJ 08611	(609) 777-9210	info@trentonrenewables.com	https://trentonrenewables.com/
Waste Mgmt. Elizabeth CORE	847 Flora St, Elizabeth, NJ 07201	(718) 612-5203	abernar5@wm.com	https://sustainability.wm.com/waste/organics/core.php

If you are a large food waste generator located within 25 road miles of any of these facilities, beginning October 14, 2021, you must source separate and send your food waste to one of these authorized food waste recycling facilities, or you may choose to manage your source separated food waste by:

- performing on-site composting, anaerobic, or aerobic digestion in accordance with N.J.A.C. 7:26A-1.4,4.5, or other standards or rules promulgated by the NJDEP, or
- using an alternative authorized food waste recycling method, defined in the Law as any of the below:

- (1) recycle food waste at the site at which it is generated as authorized by the NJDEP;
- (2) treat food waste at the site at which it is generated pursuant to a permit issued by the NJDEP;
- (3) send food waste offsite (within New Jersey or out-of-state) for use for agricultural purposes, including as animal feed;
- (4) send food waste offsite for treatment with sewage sludge in an anaerobic digester for renewable natural gas or biogas recovery as authorized by the NJDEP; or
- (5) any other method of recycling or reuse of food waste, as authorized by the NJDEP.

If the authorized food waste recycling facility, that is located within 25 road miles from you, does not have capacity or is unwilling to accept your source separated food waste, you may send your food waste for disposal to a solid waste facility pursuant to the district solid waste management plan in which the waste was generated.

NJDEP recommends that generators prepare now, in anticipation of the effective date of the Law by contacting an authorized food waste recycling facility to learn about their operation, materials accepted, and fees charged for the acceptance of food waste. Generators should also seek a transporter (hauler) to ensure that after October 14, 2021 their source separated food waste is delivered to one of the authorized food waste recycling centers or to an alternative authorized food waste recycling method identified above.

Waivers

A large food waste generator located within 25 miles of an authorized food waste recycling facility may petition the NJDEP for a waiver from the source separation and recycling requirements of the Law. Waivers may be petitioned if the cost of transporting the source separated food waste plus the fee charged by an authorized food waste recycling facility is at least 10 percent more than the cost of transporting the food waste for disposal as solid waste plus the disposal fee charged for solid waste disposal in the State for noncontract commercial waste at a properly licensed transfer station, sanitary landfill facility, incinerator, or resource recovery facility.



Please be advised, that if a large food waste generator petitions the NJDEP for a waiver from the source separation and recycling requirements of the Law, the petitioner is required to provide notice of the petition to any authorized food waste recycling facility located within 25 road miles of the large food waste generator. Any such facilities will be granted an opportunity to participate in the proceeding before the NJDEP.

Food Waste Reduction

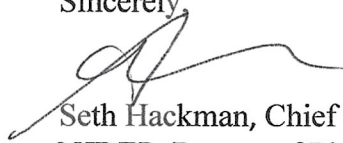
Even if not required to source separate and recycle your food waste under the Law, NJDEP encourages you to explore ways to reduce your food waste and/or have your food waste recycled/reused by visiting NJDEP's website below.

NJDEP encourages generators to reduce their food waste such that they are no longer considered large food waste generators and do not have to comply with the Law by visiting NJDEP's website <https://www.nj.gov/dep/dshw/food-waste-recycling-law/>.

For more information about the Law, the authorized food waste recycling facilities in the State, or how to measure and/or reduce food waste, please visit <https://www.nj.gov/dep/dshw/food-waste-recycling-law/>.

For further questions please email reducefoodwaste@dep.nj.gov or call (609) 984-4250.

Sincerely



Seth Hackman, Chief
NJDEP, Bureau of Planning and Licensing

- c. Mary Jo M. Aiello, Director, NJDEP Division of Solid and Hazardous Waste
- Scott Brubaker, Deputy Director, NJDEP
- Dana Lawson, Supervisor, NJDEP
- Julia Ragazzo, Environmental Services Trainee, NJDEP

