



Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
#2021-12
Issued: 10/14/2021

New Law Requires Food Waste Source Separation and Recycling

WHO IS AFFECTED BY THIS ADVISORY?

Any large food waste generator located in New Jersey who generates an average projected volume of 52 or more tons of food waste per year. Large food waste generators may include any commercial food wholesaler, distributor, industrial food processor, supermarket, resort, conference center, banquet hall, restaurant, educational or religious institution, military installation, prison, hospital, medical facility, or casino.

Food wastes includes:

- vegetative waste
- residue generated from processing and packaging operations
- overripe produce
- trimmings from food
- food product over-runs from food processing
- soiled and unrecyclable paper generated from food processing
- used cooking fats, oils, and grease

But does not include:

- food donated by the generator for human consumption
- any waste generated by a consumer after the generator issues or sells food to the consumer (plate/table wastes)
- any waste regulated by 7 C.F.R. ss.330.400 through 330.403 and 9 C.F.R. s.94.5 (garbage generated onboard a conveyance- ship, plane, train)

WHY IS NJDEP ISSUING THIS ADVISORY?

On April 14, 2020, Governor Murphy signed into law P.L. 2020 c.24 (the Law) https://www.njleg.state.nj.us/2020/Bills/PL20/24_.HTM which is effective October 14, 2021. The Law requires large food waste generators, who are located within 25 road miles of a NJ Department of Environmental Protection (NJDEP) authorized food waste recycling facility in New Jersey must source separate food waste from their general waste stream and ensure the food waste is recycled by either: sending the food waste to NJDEP approved recycling centers, managing the food waste on-site where it is generated, sending the food waste offsite for use in agricultural purposes, including animal feed, or for treatment by an authorized food waste-to-energy process.

If the cost of transportation and fees to recycle the food waste at an authorized food waste recycling facility, located within 25 road miles of the large food waste generator, is 10 percent or more than the cost of transportation and fees for disposal of the food waste at a solid waste facility, located within the same 25 road miles of the large food waste generator, a large food waste generator may petition the NJDEP for regulatory relief. The authorized food waste recycling facility must receive notice of the petition and an opportunity to participate in the relief proceeding before NJDEP.

Compliance Advisory

Currently, there are two NJDEP approved food waste recycling facilities in the State:

- Waste Management CORE[®] located at 847 Flora Street in Elizabeth. (718) 612-5203
- Trenton Renewable Power, LLC located at 1600 Lumberton Road in Trenton (609) 777-9210

WHAT SHOULD I DO?

As of October 14, 2021, any facility that is a large food waste generators pursuant to the Law must comply with the requirements of the Law by:

- 1) Separating their food waste from other waste; and
- 2) Sending the separated food waste to be recycled or otherwise managed in accordance with the Law.

WHAT IS NJDEP DOING?

NJDEP's Waste Program has provided direct outreach to entities who may potentially be considered large food waste generators and has developed informational assistance on its webpage at <https://www.nj.gov/dep/dshw/food-waste-recycling-law/>. The NJDEP is also promulgating rules and regulations to implement the Law.

WHO SHOULD I CONTACT WITH QUESTIONS?

NJDEP Bureau of Planning and Licensing
Julia Ragazzo

reducefoodwaste@dep.nj.gov
(609) 984-4250

NJDEP Bureau of Solid Waste Compliance and Enforcement

(609) 292-6305

WHERE CAN I GET MORE INFORMATION?

The NJDEP maintains a website at <https://www.nj.gov/dep/dshw/food-waste-recycling-law/>, which has additional information concerning this Law, including:

- Who is considered a large food waste generator.
- What kind of materials must be source separated and recycled.
- A list of authorized food waste recycling facilities in the State, including a list of municipalities that are within a 25-mile radius of these facilities.

NJDEP's Division of Solid and Hazardous Waste food waste reduction website:
<https://www.nj.gov/dep/dshw/food-waste/>

USEPA's website with tools for preventing and diverting surplus food, including how to measure food waste. <https://www.epa.gov/sustainable-management-food/tools-preventing-and-diverting-wasted-food#packaging>

Please note this advisory is intended to be a summary explanation of the Law's requirements, not a legal directive or determination. It does not include all potentially applicable requirements, limitations, or exemptions. Affected parties are encouraged to seek their own legal counsel. If you have any questions related to compliance, please contact a NJDEP office listed above.