



New Jersey Food Waste Recycling Law FAQ and Guidance

The New Jersey Food Waste Recycling Law requires businesses that generate a large amount of food waste to separate and recycle this organic material at an authorized recycling facility beginning in October 2021. This document is not official legal advice, but guidance that can help you better understand the law.

The following information will help businesses, service providers, municipalities, and others prepare to implement and expand programs to comply with this law. This document was developed with guidance from [NJDEP's Food Waste Recycling Law webpage](#), as well as NJ Composting Council member expertise on the subject. If you have any questions about the resources or info below, please reach out to NJ Composting Council directly at contact@njcomposting.com.

What It Is	<p>New Jersey has prioritized building a green economy. One of the state’s most recent investments in this area is the Food Waste Recycling law NJ A2371 / NJ S865, which requires businesses that generate 52 tons of pre-consumer food waste per year to separate and recycle this material at an authorized recycling facility.</p>
Why It's Important	<p>Traditional methods of food waste disposal, such as landfilling or incineration, trap or destroy valuable organic material and generate avoidable greenhouse gas emissions. They treat a valuable resource as waste.</p> <p>Food waste recycling reduces greenhouse gas emissions and ensures organic material is recycled into useful products, such as compost and renewable energy, that can be used locally.</p>
Who Is Impacted	<p>Food waste generators, including (but not limited to) food wholesalers, distributors, processors, supermarkets, restaurants, schools, and hospitals, will be required to separate and recycle their food waste if they:</p> <ul style="list-style-type: none"> ● Are located within 25 road miles of an authorized food waste recycling facility <ul style="list-style-type: none"> ○ NJ DEP has prepared an illustration depicting the 25 mile radius around the current state authorized food waste recycling facilities. ● Generate at least 52 tons of pre-consumer food waste per year <ul style="list-style-type: none"> ○ There are many tools available to estimate tons generated from a food generating business or institution. Two examples are the RecyclingWorks in MA Food Waste Estimation Guide and New York State Pollution Prevention Institute's Food Waste Estimator. <p>Food waste generators may be excluded from this requirement if 1. They can demonstrate that the cost of recycling this material is 10% greater than their existing method of disposal, or 2. The recycling facilities within 25 miles are unable or unwilling to accept their food waste.</p> <p>NJDEP further documents who the law applies to here.</p>
What You Need To Do	<p>If you are required to recycle your food waste, you must:</p> <ol style="list-style-type: none"> 1. Source separate food waste from other solid waste, e.g., put it in a separate bin from waste at the point of generation 2. Send the source separated food waste to an authorized food waste recycling facility <p>For guidance on selecting technologies for on-site separation, or for sending source separated food waste to authorized facilities, please read on.</p> <p>Authorized food waste recycling facilities are licensed Class C recycling centers, such as composting and anaerobic digestion facilities.</p>



Examples to Inspire!

<p>Wakefern Food Corp. (Wakefern)</p>	<p>Wakefern, a regional grocery chain, has been actively engaged in environmental sustainability initiatives for decades with a special focus on waste diversion and food donation. Last year, Wakefern kept nearly 20,000 tons of organic food waste and other items from the waste stream and out of landfills and incinerators, while their ShopRite stores donated more than 5,000 tons of food to local food banks. Their Waste Diversion program also includes composting, recycling food items into pellets for animal feed, sending food waste directly to farms for animal consumption, converting food waste to renewable energy, and recycling cooking oil and fats.</p>
<p>Rutgers University</p>	<p>“At Rutgers University, New Brunswick all our food waste has been picked up by a local animal farmer for over three generations. Not only have we avoided sending food waste to a landfill, but livestock is being raised locally on the feed!” -Joe Charette, Executive Director, Rutgers University Dining Services.</p>
<p>Plant Base Market, Jersey City, NJ</p>	<p>Plant Base Market, the first zero waste establishment in NJ, does not sell anything with plastic, sells reusable containers, and composts as much as possible. Drinks are served in mason jars with a deposit and customers get that deposit back upon return of the jar. If reusable containers are not an option, Plant Base offers fully compostable packaging.</p>
<p>Ag Choice</p>	<p>Ag Choice, located in Andover, NJ, is the longest running successful food waste composter in NJ. Operated by Jay and Jill Fischer since 2006 under a Class C Solid Waste Research Development and Demonstration (RD&D) designation from the NJDEP, Ag Choice is permitted to process up to 38,000 cubic yards of organics each year; their recipe incorporates approximately 15% food waste. Ag Choice uses turned aerated open windrow technology. Customers include large supermarket chains like ShopRite and micro-haulers like Java’s Compost. Ag Choice has a zero contamination policy and blends organic materials into high quality custom compost materials, which it sells wholesale to customers including landscapers and garden centers.</p>

<p>What You Can Do To Get Ready</p>	<p>Call your waste services provider and ask how you can begin recycling your food waste. Alternatively, get in touch with your County Recycling Coordinator or NJ Composting Council.</p>
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New Jersey Food Waste Law FAQs

New Jersey's Food Waste Law provides environmental, economic, and social opportunities for us all. As a US Composting Council Chapter, we acknowledge [the benefits of composting](#), which include preventing soil erosion, aiding stormwater management, increasing carbon storage, and promoting healthier plant growth and environmental restoration. We are proud to be promoting these opportunities in the Garden State.

Q: Where can I find a copy of the law?

The Law (NJ A2371 / NJ S865) can be found here: https://www.njleg.state.nj.us/2020/Bills/PL20/24_.PDF

Q. How do I know if I am within 25 road miles of an authorized food waste recycling facility?

NJDEP created [an illustration](#) depicting proximity to a registered food waste recycling facility.

Q. How do I know if I produce at least 52 tons of food waste each year?

Many entities have developed guidance to help businesses and institutions estimate tons generated per week or per year. For example, EPA has [waste assessment tools](#) or Center for EcoTechnology (CET) has a Toolbox which includes a [Food Waste Estimator Tool](#). Businesses can also conduct [waste audits](#). A waste audit is an assessment of discards over a defined period (for example a few days or a week), to determine the composition of the waste.

Q. I have equipment on-site that recycles/composts my food scraps. Am I in compliance?

Yes; per §13:1E-99.123(b)(2)(a), if a food waste generator is required to recycle their food waste, enclosed on-site composting, anaerobic digestion, and aerobic digestion are acceptable methods of recycling.

There is a wide variety of on-site system types, ranging from wastewater-based systems to dehydrators and pulpers, from compost units to anaerobic digesters. Before you invest in any technology, you want to confirm what the finished product is, and what options there are for disposal or marketing of that product. Due to both the wide variety of system types and the fact that many new technologies are being introduced to the market, [RecyclingWorks in MA developed guidance](#) to provide additional information on these on-site systems for food waste management.

Q. Are K-12, private, and boarding schools subject to the law?

Yes; a "Large food waste generator" means 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 that produces at least 52 tons per year of pre-consumer food waste.

Q. Can I send my food waste to a farm instead?

Yes; per §13:1E-99.123(b)(2)(b) and §13:1E-99.122(1), if a food waste generator is required to recycle their food waste, an alternative authorized food waste recycling method is acceptable. Alternative authorized food waste recycling methods include (but are not limited to) sending food waste for offsite use for agricultural purposes, including animal feed.



Q. Should my town invest in or permit a new composting or anaerobic digestion facility?

The decision to invest in a facility is a complex one, despite [the many benefits of composting](#). There currently are regulatory and permitting hurdles and costs. Guidance is forthcoming from NJDEP on small and medium scale community composting. However, the new law does allow host communities to charge a per ton fee of not less than \$0.50 for facilities in their communities and we welcome you to contact the NJCC to find out more about how you can make it happen.

Q. How do I separate my food scraps?

It is important to communicate with your hauler and authorized recycling facility about what can and cannot be accepted in the food scraps designated collection. There are resources to assist with separation, such as NJDEP's [The State of New Jersey School Food Waste Guidelines for Higher Education](#) and CET's [Food Waste Separation Made Easy](#) guidance document.

Q. What will happen to the food waste once it's composted?

Depending on the finished product there is a wide variety of potential uses. To stimulate demand the Law (NJ A2371 / NJ S865) requires that every NJ State department or agency that engages in landscaping or construction activities on State land, or for State projects or facilities, shall use compost, mulch, or other soil amendments produced from municipal solid waste, food waste, sludge, yard waste, clean wood waste, or other organic materials. These products must be certified to comply with applicable project standards and specifications. The goal is for these compost, mulch, or soil amendments to be used in place of non-renewable soil amendments such as topsoil and peat moss.

Q. What if food waste composting will cost me more than my current method of disposal?

Per §13:1E-99.123(b)(3), both the transportation cost and the fee charged by the authorized food waste recycling facility (i.e., 'tip fee') are considered. If these combined costs amount to more than 110% of your current disposal expenses then you are eligible to apply for an exemption. Please note that you must first notify all authorized food waste recycling facilities within 25 road miles of your location that you intend to seek a waiver because of cost before the NJDEP will hear your argument.

Q. Do compostable paper and bioplastic products count towards my food waste generation?

Not at this time. However, the DEP may one day decide to include them, and capturing compostable products can be a good way to increase total food waste capture. Regardless, you must check with your food waste recycling facility to see what they will accept. Visit [BPI](#) for further information on biodegradability standards.

Q. How will this law be enforced and will I be fined if I do not comply?

At this time, it is at DEP's discretion on how enforcement and legal actions need to occur. Stay tuned to NJCC for more information.

Q Can I still recycle my food waste if I generate less than 52 tons per year?

Yes! If you have access to an onsite composting system, or a hauler who will haul food waste to a permitted facility with capacity, then you can recycle your food waste. Contact [NJ Composting Council](#) to learn more. We may be able to provide recommendations or resources to get you started!