

Checklist for Submitting Petition for Waivers

To meet the minimum requirements for submission of a petition for waiver of N.J.S.A. 13:1E-99.122 et seq., the large food waste generator must provide the following:

- The name and address of the establishment requesting the waiver.
- The name, business address (if different), and contact information of the person submitting the request.
- A narrative describing how the establishment has determined that they are in fact a large food waste generator, as defined by the law. Note: post-consumer food waste, also known as “plate waste,” should not be included in calculations.
- A statement confirming that the large food waste generator is located within 25 road miles of an authorized food waste recycling facility.
- Provide documentation indicating each of the following:
 - Transportation fee charged by a food waste hauler for transportation of food waste as a Class C recyclable material.
 - Transportation fee charged by a solid waste hauler for transportation of food waste as solid waste.
 - Recycling fee charged by any authorized food waste recycling facility located within 25 road miles of the large food waste generator for the recycling of source separated food waste.
 - Disposal fee charged by a properly licensed transfer station, sanitary landfill facility, incinerator, or resource recovery facility located within 25 road miles of the large food waste generator for noncontract commercial waste.
 - Note: If the fee charged by a hauler represents the combined transportation fee and disposal/recycling fee, both fees should be clearly indicated separately and the facility where the material is sent for disposal/recycling clearly identified.
- Indicate that the cost of transporting the food waste plus the fee charged by the authorized food waste recycling facility is at least 10% higher than the cost of transporting the food waste for disposal as solid waste plus the disposal fee charged for solid waste disposal.
- Provide evidence that a copy of this petition for a waiver was provided to any authorized food waste recycling facility located within 25 road miles of the establishment and that the notification was received.

The following are optional but will facilitate the Department’s review of the cost differential required by law:

- A minimum of three documented costs provided by food waste haulers.
- A minimum of three documented costs provided by solid waste haulers.
- The NJDEP’s template for sending your notification to any authorized food waste recycling facility located within 25 road miles of the large food waste generator, available online at <https://www.nj.gov/dep/dshw/food-waste-recycling-law/reports-and-waivers.html>.

The NJDEP may request additional information in order to ensure that the waiver request meets the requirements of the law.