

Division of Sustainable Waste Management

Jill Aspinwall September 23, 2026

Food Waste Recycling Rules

(N.J.A.C. 7:26K)

Authorizing Statute:
Food Waste Recycling and Food Waste-to-Energy Production Law
(N.J.S.A. 13:1E99.122)

- Large food waste generators are required to source separate and recycle food waste if:
  - They generate an average projected volume of 52 tons of food waste or more per year
  - They are located within 25 road miles of an authorized food waste recycling facility
  - Rules adopted September 2, 2025

Who is a Large Food Waste Generator?

Must generate 52+ tons of food waste/year



COMMERCIAL FOOD WHOLESALER



DISTRIBUTOR



INDUSTRIAL FOOD PROCESSOR



SUPERMARKET



RESORT



CONFERENCE CENTER



BANQUET HALL



RESTAURANT



EDUCATIONAL OR RELIGIOUS INSTITUTION



MILITARY INSTALLATION



PRISON



HOSPITAL



MEDICAL FACILITY



CASINO

*Does not include any interstate carrier conducting interstate transportation operations in the post-security area of an international airport

Food Waste Definition



Waste from processing and packaging operations



Overripe produce



Trimmings from food



Used cooking fats, oil, and grease



Expired and damaged grocery goods



Packaged food waste products and palletized materials that fit any of these categories

Does not include:

- Plate waste, also known as post-consumer waste
- Food donated by the generator for human consumption

Food Waste Recycling Methods

- Sending food waste to an authorized food waste recycling facility
- Treating or recycling food waste through enclosed composting, aerobic digestion, or anaerobic digestion onsite
- Sending food waste to a person authorized to accept it for an agricultural purpose
- Any other method of recycling/reuse of food waste, as authorized by DEP

Food Waste Recycling Forms

https://dep.nj.gov/online/

Large food waste generator forms:

- Annual Reporting (Required by April 30th)
- Petition for Waiver (Optional)
- Request for Authorization (Optional)

County Planning



County Planning Food Waste Reduction Law N.J.S.A. 13:1E-227.1 et. seq.



Passed by Former Governor Murphy on January 12, 2026.



Each solid waste management district must develop and implement a strategy for reducing the amount of food waste generated by 50% by 2035. The base numbers for calculation will use 2022 figures.



Each solid waste district must include their strategies in their District Solid Waste Management Plans via administrative action (AA) and be approved no later than January 12, 2028.

What Methods are Considered Food Waste Generation Reduction?

Acceptable Methods:

- Food donation
- Composting
- Anaerobic digestion

Unacceptable Methods:

- Food sent to landfill, including landfills that collect and deliver gas to gas-to-energy facilities.

2035 Food Waste Reduction Targets

Suggested 2035 Food Waste Reduction Targets by County			
County	2022 MSW Disposed (Tons) As Reported	2022 Food Waste Generation Estimate* (Tons) MSW Disposed * 19%	2035 Food Waste Reduction Goal* (Tons) 2022 Baseline * 50%
Atlantic	211,414.24	40,168.71	20,084.35
Bergen	657,222.03	124,872.19	62,436.09
Burlington	326,104.50	61,959.86	30,979.93
Camden	344,156.58	65,389.75	32,694.88
Cape May	91,156.02	17,319.64	8,659.82
Cumberland	96,752.78	18,383.03	9,191.51
Essex	436,751.50	82,982.79	41,491.39
Gloucester	182,136.71	34,605.97	17,302.99

AA Requirements

- Statement
- 2022 Food Waste Generation Amount
- Counties 2035 Food Waste Reduction goal in tons
- Explanation of how the county plans to calculate reduction over time
- A list of methods the county intends to employ to reduce food waste

DEP Next Steps:

Within 180 days from the effective date of January 12, 2026 (July 11, 2026), the Department must:

- Prepare and post a list of measures that solid waste management districts can adopt to meet 50% target.
- Adopt rules and regulations creating a tiered regulatory structure for organic waste composting facilities.

EPA SWIFR Grant Project

In 2023, DEP was awarded funding from EPA's Solid Waste Infrastructure for Recycling (SWIFR) Grant. Tools currently in development are:

Food Waste Guidance and Toolkit for Local Governments

- Will provide strategies for complying with the new law

Food Waste Estimation Tool for Generators

- Estimation tool specific to New Jersey

Happening Now at DEP

Focus group meeting series

- Establishing tiered permitting structure
- Discussing potential amendments to Recycling Rules (7:26A)
  - Exploring how to allow more outdoor, smaller scale composting opportunities

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