

Alert

Renewed NJDEP Focus on Recycling

On January 7, 2009, the New Jersey Department of Environmental Protection (NJDEP) renewed their focus on recycling as a means to reduce solid waste by readopting the Recycling Regulations found at NJAC 7:26A with amendments and new subchapters. The readopted rule and associated amendments are available on the NJDEP Solid & Hazardous Waste Rules website: www.state.nj.us/dep/dshw/resource/rules.html.

Of particular interest to municipalities is Subchapter 11, Standards for Municipalities, a new amendment which compiles and codifies many requirements directly affecting municipal recycling operations. By January 28, 2010, a municipal recycling coordinator must be appointed by every municipality who must, within three years of appointment, be enrolled in the New Jersey Recycling Certification Series, currently offered through Rutgers University www.cpe.rutgers.edu/programs/recycling_solid_waste.html.

Municipalities are now required to provide a computer and Internet access to the recycling coordinator for communications to the State, their county's recycling coordinator, other municipal recycling coordinators and commercial vendors. It is believed this access will facilitate open communication and the timely and thorough

submission of municipal recycling tonnage reports to the NJDEP, a requirement renewed under N.J.A.C. 7:26A-11.1(a)1.

In addition, with the passage of the Recycling Enhancement Act (P.L. 2007, Chapter 311), municipalities may no longer "opt-out" of submitting Tonnage Grant applications and will now have more grant money available to them than ever before as a result of \$3 per ton surcharge on solid waste disposal across all sectors. Tonnage Grant applications and required municipal resolutions are due annually to Joseph Davis, NJDEP, by April 30.

Municipalities are also tasked with updating their recycling ordinances to conform to new requirements laid out in their county's 2006 Solid Waste Management Plan (SWMP) Update. New ordinances are required to be adopted within

six (6) months of the NJDEP's certification of that particular county's 2006 SWMP Update. According to the NJ Statewide Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.11 et seq.), counties are required to update their SWMP's every ten (10) years to conform to the ever-evolving Statewide SWMP.

Other changes passed down from New Jersey to the counties, and ultimately to the municipalities, may include additional materials designated for recycling, enhanced enforcement, and renewed focus on particular materials and generators.

Municipalities should contact their county recycling coordinator to obtain a copy of the 2006 SWMP Update. A list of current county recycling coordinators is available through the Association of New Jersey Recyclers

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website www.anjr.com/contacts/cnty_mun_coor.html.

Furthermore, N.J.A.C. 7:26A-11.3 establishes a requirement for municipalities to notify recyclable material generators, at least semi-annually, of the municipality's recycling requirements as set forth in the municipal recycling ordinance. The NJDEP is giving municipalities a wide range of options to fulfill this requirement, including direct mailings, advertisements in local newspapers, and public notice postings. Some municipalities have also created colorful and highly pictorial calendars with collection schedules, and have included this information on their websites.

Utility Authorities in New Jersey, classified as Institutional generators of materials, are not exempt from the source separation and recycling requirements of the municipality in which they operate, and must comply with N.J.A.C. 7:26A-10.2. In addition, Housing Authorities, classified as either residential or institutional generators, must also comply with the above rule. For specific municipal requirements, these generators should contact the recycling coordinator of the municipality in which they are located (www.state.nj.us/dep/dshw/recycle/recycoor.htm). Municipal recycling coordinators should also be aware that these generators have the obligation, pursuant to N.J.A.C. 7:26A-10.3, to report all tonnage recycled from their premises annually to the municipality by March 1.

There are many other provisions listed in the readopted rule and amendments of N.J.A.C. 7:26A. Please refer to the above NJDEP Solid & Hazardous Waste Rules website for the full document.

For further understanding of recycling regulations and how they may affect your municipality or authority, please contact Rich Erickson or Robert Teeter at BSG-PMK Group at 800-879-6681.