

CHAPTER 26A

RECYCLING RULES

Authority

N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-6, 13:1E-99.11 et seq., 13:1E-99.35 and 13:1E-99.36.

Source and Effective Date

R.1996 d.577, effective November 18, 1996.
See: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 26A, Recycling Rules, expires on May 17, 2002.

Chapter Historical Note

Chapter 26A, Recycling Rules, was adopted as R.1991 d.529, effective November 18, 1991. See: 22 N.J.R. 3088(a), 23 N.J.R. 3452(a). Subchapter 6, Used Motor Oil, was adopted as R.1993 d.342, effective July 6, 1993. See: 24 N.J.R. 2382(a), 25 N.J.R. 2863(a).

Pursuant to Executive Order No. 66(1978), Chapter 26A, Recycling Rules, was readopted as R.1996 d.577, effective November 18, 1996. See: Source and Effective Date. As part of R.1996 d.577, the heading of Subchapter 2, Annual Fees for a General or Limited Approval to Operate a Recycling Center For Class B Recyclable Material, was changed to Annual Fees for a General or Limited Approval to Operate a Recycling Center For Class B, Class C and Class D Recyclable Material; the heading of Subchapter 3, Approval of Recycling Centers For Class B Recyclable Materials, was changed to Approval of Recycling Centers For Class B, Class C and Class D Recyclable Materials; the heading of Subchapter 4, Operational Standards and General Rules For Recycling Centers Which Receive, Store, Process or Transfer Class A and Class B Recyclable Material; Right of Entry and Inspection, was changed to Operational Standards and General Rules For Recycling Centers Which Receive, Store, Process or Transfer Class A, Class B, Class C and Class D Recyclable Material; Right of Entry and Inspection; Subchapter 6, Used Motor Oil, was repealed, and Subchapter 6, Standards For the Management of Used Oil, was adopted as new rules; and Subchapter 7, Standards For the Management of Class D Universal Waste, was adopted as new rules, effective December 16, 1996. See, also, section annotations.

N.J.A.C. 7:26A-1.3, 3.1, and 4.1 were amended by Emergency Adoption R.1997 d.404, effective September 2, 1997 (to expire November 1, 1997), with the amendments to become operative upon final disposition of *Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County*. See: 29 N.J.R. 4170(a). The provisions of R.1997 d.404 were readopted by R.1997 d.510, effective October 31, 1997, with changes upon adoption effective December 1, 1997. The concurrent amendments to N.J.A.C. 7:26A-1.3, 3.1, and 4.1 became operative on November 10, 1997, the date of final disposition (denial of certiorari by the United States Supreme Court) of *Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County*. All changes upon adoption became operative on December 1, 1997. See: 29 N.J.R. 5084(a).

Law Reviews and Journal Commentaries

Counties scramble to meet U.S. Court's trash mandate. Cheryl Winokur, 150 N.J.L.J. 609 (1997).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:26A-1.1 Scope and authority
- 7:26A-1.2 Construction and severability
- 7:26A-1.3 Definitions
- 7:26A-1.4 Exemptions
- 7:26A-1.5 Burden of proof

SUBCHAPTER 2. ANNUAL FEES FOR A GENERAL OR LIMITED APPROVAL TO OPERATE A RECYCLING CENTER FOR CLASS B, CLASS C AND CLASS D RECYCLABLE MATERIAL

- 7:26A-2.1 Fees for general or limited approval
- 7:26A-2.2 Adjustment of fees
- 7:26A-2.3 Payment of fees

SUBCHAPTER 3. APPROVAL OF RECYCLING CENTERS FOR CLASS B, CLASS C OR CLASS D RECYCLABLE MATERIALS

- 7:26A-3.1 General requirements applicable to all recycling centers which receive, store, process or transfer Class B, Class C or Class D recyclable material
- 7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing or transfer of Class B, Class C or Class D recyclable material
- 7:26A-3.3 Mobile recycling equipment
- 7:26A-3.4 Supplemental requirements for a general approval
- 7:26A-3.5 General approval
- 7:26A-3.6 Application for renewal of a general approval to operate a recycling center
- 7:26A-3.7 Application procedure for limited approval to operate a recycling center for the receipt, storage, processing or transfer of Class B recyclable material
- 7:26A-3.8 Tire, tree stump, tree parts or wood waste recycling centers and mobile tire recycling centers; additional requirements for general or limited approval
- 7:26A-3.9 Storage of Class B and Class D materials
- 7:26A-3.10 Modifications of general or limited approvals
- 7:26A-3.11 Increase in design capacity at recycling centers for Class B recyclable materials
- 7:26A-3.12 Criteria for denial of a general or limited approval to operate a recycling center
- 7:26A-3.13 Procedures and criteria for revoking a general or limited approval
- 7:26A-3.14 Appeal procedure
- 7:26A-3.15 Transfer of a general or limited approval to operate a recycling center
- 7:26A-3.16 Filing requirements for existing facilities which receive, store, process or transfer Class C recyclable material
- 7:26A-3.17 Record keeping and annual report; confidentiality of records
- 7:26A-3.18 Additional application requirements for general approval to operate a recycling center for the receipt, storage, processing or transfer of Class C recyclable materials
- 7:26A-3.19 Additional application requirements for general approval to operate a recycling center for the receipt, storage, processing or transfer of Class D recyclable materials
- 7:26A-3.20 Filing requirements for existing used oil facilities which receive, store, process or transfer of Class D recyclable material

SUBCHAPTER 4. OPERATIONAL STANDARDS AND GENERAL RULES FOR RECYCLING CENTERS WHICH RECEIVE, STORE, PROCESS OR TRANSFER CLASS A, CLASS B, CLASS C AND CLASS D RECYCLABLE MATERIAL; RIGHT OF ENTRY AND INSPECTION

- 7:26A-4.1 Operational standards for recycling centers which receive Class A, Class B, Class C or Class D recyclable materials

- 7:26A-4.2 Inclusion in district solid waste management plans
 7:26A-4.3 Right of entry
 7:26A-4.4 Tonnage reporting requirements
 7:26A-4.5 Additional design and operational requirements for recycling centers which receive, store, and process Class C recyclable materials
 7:26A-4.6 Operational standards for recycling centers for Class D recyclable materials (Reserved)
 7:26A-4.7 Additional operational standards for recycling centers which receive, store and process Class D recyclable materials—used oil

APPENDIX A COMPOST QUALITY MONITORING PARAMETERS

SUBCHAPTER 5. REQUIREMENTS FOR PROCESSING DISCARDED APPLIANCES THAT CONTAIN REFRIGERANT FLUID

- 7:26A-5.1 Requirements for processing discarded appliances, motor vehicles, machines or other goods which contain refrigerant fluid

SUBCHAPTER 6. STANDARDS FOR THE MANAGEMENT OF USED OIL

- 7:26A-6.1 Applicability
 7:26A-6.2 Used oil specifications
 7:26A-6.3 Prohibitions
 7:26A-6.4 Standards for used oil generators, DIY generators and motor oil retailers
 7:26A-6.5 Standards for used oil collection and aggregation points
 7:26A-6.6 Standards for used oil transporter and transfer facilities
 7:26A-6.7 Standards for used oil processors and refiners
 7:26A-6.8 Standards for used oil burners who burn off-specification used oil for energy recovery
 7:26A-6.9 Standards for used oil fuel marketers
 7:26A-6.10 Prohibition on the use of used oil as a dust suppressant and disposal of used oil

SUBCHAPTER 7. STANDARDS FOR THE MANAGEMENT OF CLASS D UNIVERSAL WASTE

- 7:26A-7.1 General
 7:26A-7.2 Standards for small quantity handlers of universal waste
 7:26A-7.3 Standards for large quantity handlers of universal waste
 7:26A-7.4 Standards for universal waste transporters
 7:26A-7.5 Standards for destination facilities
 7:26A-7.6 Import requirements
 7:26A-7.7 Petitions to include other wastes under this subchapter

SUBCHAPTER 8. REQUIREMENTS FOR TRANSPORTERS OF SOURCE SEPARATED MATERIALS

- 7:26A-8.1 Reporting requirements
 7:26A-8.2 Exemptions

SUBCHAPTER 1. GENERAL PROVISIONS

7:26A-1.1 Scope and authority

(a) Unless otherwise provided by rule or statute, this chapter shall constitute the rules of the Department governing the operation of recycling centers pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., particularly the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11 et seq.

(b) This chapter shall not apply to hazardous waste, except for universal waste exempted from hazardous waste regulation as provided at N.J.A.C. 7:26A-7.

(c) The use or reuse of material that would otherwise become solid waste pursuant to N.J.A.C. 7:26 as fill material, aggregate substitute, fuel substitute, or landfill cover which in some cases may be recycling, are reviewed and approved in accordance with N.J.A.C. 7:26-1.7(g).

Amended by R.1996 d.500, effective October 21, 1996.

See: 28 N.J.R. 1693(a), 28 N.J.R. 4606(a).

Amended by R.1996 d.577, effective December 16, 1996.

See: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

In (b), deleted N.J.A.C. references and inserted exception; added (c).

7:26A-1.2 Construction and severability

(a) This chapter shall be liberally construed to permit the Department to effectuate the purposes of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

(b) If any subchapter, section, subsection, provision, clause, or portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter, section, subsection, provision, clause, portion, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this chapter or the application thereof to other persons.

(c) The Department may amend, repeal or rescind this chapter as necessary and in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

7:26A-1.3 Definitions

The following words and terms, when used in this chapter, shall have the meanings set forth below. All terms which are used in this chapter and which are not defined herein but which are defined in N.J.A.C. 7:26 shall have the same meanings as in that subchapter.

“Aboveground tank” means a tank used to store or process used oil that is not an underground storage tank as defined in 40 C.F.R. 280.12 or N.J.A.C. 7:14B.

“Act” means the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11 et seq.

“Applicant” means any person seeking a general or limited approval to operate a recycling center.

“Battery” means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.