

RECYCLING RULES**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).

Executive Order No. 66(1978) Expiration Date

Chapter 26A, Recycling Rules, expires on November 18, 2001.

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A, Class B, Class C and Class D Recyclable Material; Right of Entry and Inspection; Subchapter 6, Used Motor Oil, was repealed, and Subchapter 6, Standards For the Management of Used Oil, was adopted as new rules; and Subchapter 7, Standards For the Management of Class D Universal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.

OAL Note: All amendments and repeals in Emergency Adoption R.1997 d.404, with the exception of new rule N.J.A.C. 7:26-1.9 and amendments to N.J.A.C. 7:26-1.11, N.J.A.C. 7:26-1.12, N.J.A.C. 7:26-1.13, N.J.A.C. 7:26-6.10, and N.J.A.C. 7:26-6.11, which became operative on September 2, 1997, shall 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).

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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 chapter.

“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.

“Beneficial use” means the use or reuse of a material, which would otherwise become solid waste, as landfill cover, aggregate substitute, fuel substitute or fill material or the use or reuse in a manufacturing process to make a product or as an effective substitute for a commercial product. Beneficial use of a material shall not constitute recycling or disposal.

“Brush” means branches, woody plants and other like vegetative material. Leaves and grass do not constitute brush.

“Class A recyclable material” means a source separated non-putrescible recyclable material specifically excluded from Department approval prior to receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E-99.34b, which material currently includes source separated non-putrescible metal, glass, paper, plastic containers, and corrugated and other cardboard.

“Class B recyclable material” means a source separated recyclable material which is subject to Department approval prior to receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E-99.34b, and which includes, but is not limited to, the following:

1. Source separated, non-putrescible, waste concrete, asphalt, brick, block, asphalt-based roofing scrap and wood waste;
2. Source separated, non-putrescible, waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures;
3. Source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted;
4. Source separated scrap tires; and
5. Source separated petroleum contaminated soil.

“Class C recyclable material” means a source separated compostable material which is subject to Department approval prior to the receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E-99.34b, and which includes, but is not limited to, organic materials such as:

1. Source separated food waste;
2. Source separated vegetative food waste; and
3. Source separated yard trimmings.

“Class D recyclable material” means, but is not limited to, the following:

1. Used oil, as defined in this section, which is subject to Department approval prior to the receipt, storage or processing at a Class D recycling center in accordance with N.J.S.A. 13:1E-99.34b, and which includes, but is not limited to, the following:
 - i. Used lubricant oil;
 - ii. Used coolant oil (non-contact heat transfer fluids);
 - iii. Used emulsion oil; and
 - iv. Any other synthetic oil or oil refined from crude oil, which has been used, and as a result of such use is contaminated by physical or chemical impurities;

2. Batteries as defined in this section;
3. Pesticides as defined in this section;
4. Thermostats as defined in this section;
5. Latex paint;
6. Oil base paints from household or small quantity generators; and
7. Antifreeze.

“Clean fill” means an uncontaminated nonwater-soluble, nondecomposable, inert solid such as concrete, glass and/or clay or ceramic products. Clean fill does not mean processed or unprocessed mixed construction and demolition debris including, but not limited to, wallboard, plastic, wood or metal. The non-water soluble, non-decomposable inert products generated from an approved Class B recycling facility are considered clean fill.

“Commingled” means a combining of non-putrescible source separated recyclable materials for the purpose of recycling.

“Compostable” means able to undergo physical, chemical, thermal and/or biological degradation under aerobic conditions such that the material to be composted enters into and is physically indistinguishable from the finished compost (humus), and which ultimately mineralizes (biodegrades to carbon dioxide, water, and biomass) in the environment at a rate like that of known compostable materials such as paper and yard trimmings.

“Composting” means the controlled biological degradation of organic matter to make compost.

“Consumer” means any New Jersey resident who uses or purchases lubricating or other automotive oil for personal use, or who generates used motor oil through personal use of lubricating or other automotive oil.

“Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

“Contaminant” means solid waste which adheres to, or which is otherwise contained on or in, source separated recyclable materials.

“Curing” means the last stage of composting that occurs after much of the readily metabolized material has decomposed. Curing provides for additional stabilization of the composted material.

“Department” or “NJDEP” means the New Jersey Department of Environmental Protection.

“Designated district or municipal recycling coordinator” means the individual designated pursuant to N.J.S.A. 13:1E-99.13 or 13:1E-99.16, respectively.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in N.J.A.C. 7:26A-7.2(d)1 and 3 and 7.3(d)1 and 3. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

“Do-it-yourselfer used oil collection center” means any site or facility that accepts and/or aggregates and stores used oil collected only from household do-it-yourselfer used oil generator.

“End-market” means any person which receives processed or unprocessed source separated recyclable material and utilizes the material as a finished product or as a raw material for a manufacturing process.

“Existing tank” means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to December 16, 1996. Installation shall be considered to have commenced if the owner or operator has obtained all Federal, State, and local approvals or permits necessary to begin installation of the tank and if either:

1. A continuous on-site installation program has begun; or
2. The owner or operator has entered into contractual obligations which cannot be canceled or modified without substantial loss for installation of the tank to be completed within a reasonable time.

“FIFRA” means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 through 136y.

“General approval” means an approval to operate a recycling center for the receipt, storage, processing or transfer of Class B, Class C or Class D recyclable material.

“Generator” means any person, by site, whose act or process produces hazardous waste identified or listed in N.J.A.C. 7:26G-5 or whose act first causes a hazardous waste to become subject to regulation.

“Household do-it-yourselfer used oil” means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

“Household do-it-yourselfer used oil generator” means an individual who generates household do-it-yourselfer used oil.

“Large quantity handler of universal waste” means a universal waste handler, as defined in this section, who accumulates 5,000 kilograms or more, total, of universal waste (batteries, pesticides, or thermostats, calculated collectively) at any time. Such designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

“Leachate” means a liquid which has come in contact with or percolated through a porous solid and extracted dissolved and suspended material. Condensate from gases that pass through a porous solid may also contain dissolved or suspended material.

“Limited approval” means an approval to operate a recycling center for the receipt, storage, processing or transfer of Class B recyclable material for a period of time not to exceed 180 days.

“Manufacturer” means any person which utilizes Class A recyclable material or non-container plastic materials as raw materials in the production of new paper, metal, glass or plastic products.

“Mobile recycling equipment” is equipment which processes Class B, Class C or Class D recyclable material and which does not operate from a permanent location but which is capable of being transported from site to site.

“Motor oil retailer” means any person who annually sells to consumers more than 500 gallons of lubricating and/or other automotive oil in container for use off the premises where sold.

“New tank” means a tank that will be used to store or process used oil and for which installation has commenced after December 16, 1996.

“Non-container plastic materials” means source separated nonputrescible plastic materials other than plastic containers.

“Off-site” means any site other than the specific site or point of generation of recyclable materials.

“On-site” means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which such person controls and to which the public does not have access, are also considered on-site property.

“Person” means an individual, trust, firm, joint stock company, corporation (including a government corporation), corporate official, partnership, association, Federal agency, state, municipality, commission, political subdivision of a state, county or municipality, or any interstate body.

“Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

1. Is a new animal drug under the Federal Food Drug and Cosmetic Act (FFDCA) section 201(w); or

2. Is an animal drug that has been determined by regulation of the U.S. Secretary of Health and Human Services not to be a new animal drug; or

3. Is an animal feed under FFDCA section 201(x) that bears or contains any substances described at paragraph 1 or 2 above.

“Plastic container” means any formed or molded and hermetically sealed, or made airtight with a metal or plastic cap, rigid container, other than a plastic bottle, intended for single-use and having a capacity of at least eight ounces, but less than five United States gallons, with a minimum wall thickness of not less than 0.010 inches, and composed primarily of thermoplastic synthetic polymeric material.

“Processing” means the treatment of source separated recyclable materials so as to conform to end-market specifications, including, but not limited to, separating material by type, grade or color, crushing, grinding, shredding or bailing or removing contaminants. (See also “used oil processing” below.)

“Product” means the material or the good generated as a result of processing source separated recyclable materials for which no further processing is required prior to final utilization.

“Rebuttable presumption for used oil” means used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 C.F.R. Part 261, subpart D, as incorporated by reference at N.J.A.C. 7:26G-5. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 C.F.R. Part 261, as incorporated by reference at N.J.A.C. 7:26G-5). The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluid are recycled in any other manner or disposed. The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units. EPA publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. (202) 512-1800 (Document number: 955-001-00000-1.)

“Recover” means to remove refrigerant fluid in any condition from a refrigerator, freezer, air conditioner, chiller, or

similar appliance and store it in an external container without necessarily testing or processing it in any way.

“Recyclable material” means those materials which would otherwise become solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

“Recycling” means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

“Recycling center” means a facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable materials, except that recycling center shall not include a manufacturer or recycling depot.

“Recycling center for Class D recyclable materials” means a universal waste handler or transfer facility or a facility which processes used oil by chemical or physical means to produce from used oil, or to make used oil more amenable for the production of, fuel oils, lubricants, or other used oil-derived products. None of the following facilities is considered a Class D recycling center for the purposes of this chapter, unless it also engages in used oil processing as defined in this section:

1. Used oil aggregation point;
2. Used oil accumulation center;
3. Do-it-yourselfer used oil collection center;
4. Used oil collection center;
5. Used oil transfer facility;
6. Small quantity handler of universal waste;
7. Large quantity handler of universal waste; or
8. Universal waste transporter.

“Recycling depot” means a facility designed and operated for receiving and temporarily storing, for a period not to exceed two months, Class A recyclable materials and/or non-container plastic materials prior to their transport to a recycling center or end-market.

“Refrigerant fluid” means the following Class I or Class II substance as defined by section 602 of Title VI of the Clean Air Act Amendments of 1990 (42 U.S.C. 7671) and additional substances that are listed by the United States Environmental Protection Agency that are used as a refrigerant in any appliance including any personal, household, commercial or industrial air conditioner, refrigerator, chiller, freezer or similar appliance:

Class I

Group I

chlorofluorocarbon-11 (CFC-11)

chlorofluorocarbon-12 (CFC-12)
 chlorofluorocarbon-113 (CFC-113)
 chlorofluorocarbon-114 (CFC-114)
 chlorofluorocarbon-115 (CFC-115)

Group II

halon-1211
 halon-1301
 halon-2402

Group III

chlorofluorocarbon-13 (CFC-13)
 chlorofluorocarbon-111 (CFC-111)
 chlorofluorocarbon-112 (CFC-112)
 chlorofluorocarbon-211 (CFC-211)
 chlorofluorocarbon-212 (CFC-212)
 chlorofluorocarbon-213 (CFC-213)
 chlorofluorocarbon-214 (CFC-214)
 chlorofluorocarbon-215 (CFC-215)
 chlorofluorocarbon-216 (CFC-216)
 chlorofluorocarbon-217 (CFC-217)

Group IV

carbon tetrachloride

Group V

methyl chloroform

Class II

hydrochlorofluorocarbon-21 (HCFC-21)
 hydrochlorofluorocarbon-22 (HCFC-22)
 hydrochlorofluorocarbon-31 (HCFC-31)
 hydrochlorofluorocarbon-121 (HCFC-121)
 hydrochlorofluorocarbon-122 (HCFC-122)
 hydrochlorofluorocarbon-123 (HCFC-123)
 hydrochlorofluorocarbon-124 (HCFC-124)
 hydrochlorofluorocarbon-131 (HCFC-131)
 hydrochlorofluorocarbon-132 (HCFC-132)
 hydrochlorofluorocarbon-133 (HCFC-133)
 hydrochlorofluorocarbon-141 (HCFC-141)
 hydrochlorofluorocarbon-142 (HCFC-142)
 hydrochlorofluorocarbon-221 (HCFC-221)

hydrochlorofluorocarbon-222 (HCFC-222)
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 hydrochlorofluorocarbon-253 (HCFC-253)
 hydrochlorofluorocarbon-261 (HCFC-261)
 hydrochlorofluorocarbon-262 (HCFC-262)
 hydrochlorofluorocarbon-271 (HCFC-271)

“Refrigerant reprocessing facility” means a facility which receives captured refrigerant fluid, stored and transported in the appropriate containers, and cleans or otherwise reprocesses these refrigerant fluids to a level of purity consistent with industry standards for the use to which the reprocessed refrigerant fluid will be put, and which then returns the reprocessed refrigerant fluid to commerce.

“Re-refining distillation bottoms” means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

“Residue” means any solid waste generated as a result of processing source separated recyclable materials at a recycling center which must be disposed of as solid waste in accordance with the interdistrict and intradistrict solid waste flow rules set forth at N.J.A.C. 7:26-6 or, if classified as a hazardous waste pursuant to N.J.A.C. 7:26G, shall be disposed of in accordance with the applicable hazardous waste regulations set forth at N.J.A.C. 7:26G.

“Retail service station” means any person whose on-going automotive maintenance and/or repair business entails the removal and/or replacement of automotive lubricating oils.

“Small quantity handler of universal waste” means a universal waste handler, as defined in this section, who accumulates less than 5,000 kilograms total of universal waste (batteries, pesticides, or thermostats, calculated collectively) at any time.

“Solid waste” means that which is defined as solid waste in N.J.A.C. 7:26-1.6.

“Source separation” or “source separated” means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

“Surface water” means water at or above the land’s surface which is neither ground water nor contained within the unsaturated zone, including, but not limited to, the ocean and its tributaries, all springs, streams, rivers, lakes, ponds, wetlands, and artificial waterbodies.

“Tank” means any stationary device designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials (for example, wood, concrete, steel, plastic) which provides structural support.

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of N.J.A.C. 7:26A-7.2(d)3ii or 7.3(d)3ii.

“Universal waste” means a hazardous waste that is generated by household, institutional, commercial or industrial generators in similar quantities and manner and is exempted from full hazardous waste management. Universal waste includes hazardous waste batteries, thermostats and spent or recalled pesticides and other potential waste that meet the universal waste criteria listed by the Department at N.J.A.C. 7:26A-7. Universal waste is any of the following hazardous wastes that are subject to the universal waste requirements of this chapter:

1. Batteries as described at N.J.A.C. 7:26A-7.1(b);
2. Pesticides as described at N.J.A.C. 7:26A-7.1(c); and
3. Thermostats as described at N.J.A.C. 7:26A-7.1(d).

“Universal waste handler” means a generator, as defined in this section, of universal waste or the owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination. “Universal waste handler” does not mean a person who treats (except under the provisions of N.J.A.C. 7:26A-7.2(d)1 or 3, or N.J.A.C. 7:26A-7.3(d)1 or 3), disposes of, or recycles universal waste, or a person engaged in the off-site transportation of universal waste by

air, rail, highway, or water, including a universal waste transfer facility.

“Universal waste transfer facility” means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

“Universal waste transporter” means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

“Used oil” means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.

“Used oil aggregation point” means any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfer used oil generators.

“Used oil burner” means a facility where used oil not meeting the specification requirements in N.J.A.C. 7:26A-6.2 is burned for energy recovery in devices identified in N.J.A.C. 7:26A-6.8(b).

“Used oil collection center” means any site or facility that is registered or approved by the municipality or county to manage used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under N.J.A.C. 7:26A-6.4 that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to N.J.A.C. 7:26A-6.4(e). Used oil accumulation centers may also accept used oil from household do-it-yourselfer used oil generators.

“Used oil fuel marketer” means any person who conducts either of the following activities:

1. Directs a shipment of off-specification used oil from such person’s facility to a used oil burner; or
2. First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in N.J.A.C. 7:26A-6.2.

“Used oil generator” means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

“Used oil handler” means a generator of used oil, or the owner or operator of a facility that receives used oil.

“Used oil processing” means chemical or physical operations designed to produce from used oil, or make used oil more amenable for the production of, fuel oils, lubricants, or other used oil-derived products. Used oil processing includes, but is not limited to, blending used oil with virgin petroleum products, blending used oils to meet the used oil fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

“Used oil processor or re-refiner” means a facility that processes used oil.

“Used oil transfer facility” means any transportation related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under N.J.A.C. 7:26A-6.7 as used oil processors.

“Used oil transporter” means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (for example, settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

“Yard trimmings” means grass clippings, leaves and brush.

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).

Added numerous definitions; amended definitions of “class B recyclable material”, “department”, “general approval”, “manufacturer”, “mobile recycling equipment”, “processing”, “recycling center”, and “residue”.

7:26A-1.4 Exemptions

(a) The activities exempted from the requirement to obtain a general or limited approval pursuant to N.J.A.C. 7:26A-3 and the specific criteria applicable to these activities are as follows:

1. Manufacturers shall not be required to obtain general or limited approval pursuant to N.J.A.C. 7:26A-3 for the receipt or storage of source separated recyclable materials. This exemption shall also apply to asphalt manufacturing plants which receive solely source separated recyclable asphalt, and pre-consumer asphalt shingles or other asphalt-based roofing scrap, or a combination thereof prior to its introduction into the asphalt manufacturing process;

2. The recycling of source separated recyclable materials which are generated, processed and reused as a product exclusively at the point of generation where all applicable county and municipal approvals have been obtained for that activity. Specifically excluded from this exemption are source separated petroleum contaminated soils, and the receipt, storage, processing or transfer of materials generated off-site;

3. Recycling activities in which tree branches, tree limbs, tree trunks with a diameter not to exceed four inches and brush are the sole materials to be received, stored, processed or transferred provided that:

i. Only the amount of material which the equipment on-site is capable of processing within a one-month period is stored on-site; and

ii. Storage of material on-site shall not exceed one year;

4. Tire retreaders and tire remolders which receive, store, process or transfer tires provided that:

i. Only that amount of material which the equipment on-site is capable of processing within a two-month period is stored on-site; and

ii. Storage of material on-site shall not exceed one year;

5. Any person or recycling center which receives less than 5,000 scrap tires per month and which does not process the scrap tires provided that:

i. Storage of materials on-site shall not exceed six months;

ii. Tires shall only be stored in a totally enclosed structure or in roll-off containers or trailers dedicated to scrap tire storage;

iii. The provisions of N.J.A.C. 7:26A-3.8(b) and (c) are met; and

iv. The tires are transferred to an end-market or to a recycling center approved to receive, store, process or transfer scrap tires, or to a tire facility herein exempted;

6. Recycling operations in which scrap tires are received, stored and processed into artificial reef units for use in artificial reef projects approved by the Department, provided:

i. Only that amount of material which the equipment on-site is capable of processing within a two-month period is stored on-site; and

ii. Storage of material on-site shall not exceed six months;

7. The transport of source separated Class B, Class C or non-combustible Class D recyclable materials to:

i. An in-State recycling center holding a general or limited approval pursuant to this chapter;

i. The annual fee for general approval will cover the Department's costs of reviewing modification submittals and issuing letters of approval or denial for modifications, advising recycling center owners or operators on technical compliance matters, facility compliance inspections, conducting market research, analysis and development activities, review and analysis of annual report data and other technical analyses required to implement the recycling program.

4. All persons who possess a general approval to operate a recycling center for Class D recyclable material shall be billed an annual fee of \$8,005 on May 1 for each fiscal year beginning on July 1 and ending on June 30. The fee is payable within 30 days of billing. For newly approved recycling centers, the first annual fee is due on the first May 1 immediately following the issuance of the general approval.

i. The annual fee for general approval will cover the Department's costs of reviewing modification submittals and issuing letters of approval or denial for modifications, advising recycling center owners or operators on technical compliance matters, facility compliance inspections, conducting market research, analysis and development activities, review and analysis of annual report data and other technical analyses required to implement the recycling programs.

(c) All fees in (a) and (b) above may be adjusted annually in accordance with N.J.A.C. 7:26A-2.2.

Amended by R.1995 d.205, effective April 17, 1995.
See: 26 N.J.R. 3922(a), 27 N.J.R. 1576(b).
Amended by R.1996 d.577, effective December 16, 1996.
See: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

Raised fees throughout; inserted (a)3 and (a)4; in (b)1, inserted payable in 30 days provision and amended activities covered by fee; in (b)2, changed fee due date and amended activities covered by fee; inserted (b)3 and (b)4; in (c), deleted text relating to period which fee is applicable.

7:26A-2.2 Adjustment of fees

(a) The Department may adjust the fees for each activity provided in N.J.A.C. 7:26A-2.1 annually, based upon the following formula:

$$\text{Fee} = (\text{hours required}) \times (\text{hourly rate})$$

where "hours required" and "hourly rate" are as set forth in the Recycling Center Fee Report provided in (b) below.

(b) When the Department adjusts any fees for recycling centers, the Department will prepare a Recycling Center Fee Report. The report will include the following:

1. A statement of the hours required to perform each type of activity for which fees are assessed under N.J.A.C. 7:26A-2.1. The statement will be based upon the Department's timekeeping records for a period of at least nine months, ending no more than six months before the

completion of the report, subject to the adjustments provided in (b)1i and ii below.

i. If the Department determines that it has not performed an activity a sufficient number of times within the one-year period to provide data sufficient to reliably determine the hours required to perform the activity, the Department may supplement data from that period with data collected in previous years.

ii. With respect to activities to be performed more than once in the period covered by the fee (such as several compliance monitoring inspections to be performed in a one-year period), the data upon which the report is based may show a decrease in the amount of time required to perform an activity, all or part of which decrease results from a lack of Department staff sufficient to perform the activity the expected number of times within the period. In such event, the Department may maintain the fee at the level required to defray the cost of staff sufficient to perform the activity the expected number of times within the period; and

2. A statement of the hourly rate for calculating fees. The hourly rate is the average cost of one hour of Department staff time, calculated according to the following formula:

$$\frac{(\text{AS} + \text{FB} + \text{IC} + \text{OE} + \text{LS})}{\text{BH}}$$

where:

i. AS equals the average salary of a full-time employee working in the Department's recycling center approval program;

ii. FB equals the fringe benefits of a full-time employee working in the Department's recycling center approval program, calculated as a Department of Treasury set percentage times the average salary, and is based upon costs associated with pensions, health benefits, workers' compensation, disability benefits, unused sick leave, and the employer's share of FICA;

iii. IC equals indirect costs attributable to a full-time employee working in the Department's recycling center approval program, calculated at the rate negotiated annually between the Department and the United States Environmental Protection Agency times the total of the average salary plus fringe benefits;

iv. OE equals normal operating expenses (including without limitation postage, telephone, travel, supplies and data system management) attributable to a full-time employee working in the Department's recycling center approval program;

v. LS equals the budgeted annual cost of legal services rendered by the Department of Law and Public Safety, Division of Law, in connection with the Department's recycling center activities, divided by the total

number of Department employee positions which the Department projects will be funded by the revised fee schedule; and

vi. BH equals the average number of hours which each Department employee working in the Department's recycling program spends annually performing activities for which fees are to be assessed under N.J.A.C. 7:26A-2.1(a)4 and (a)5.

(c) Promptly after completing the report described in (b) above, the Department will provide a copy of the report to each person required to have paid a fee under N.J.A.C. 7:26A-2.1 within the one-year period covered by the report.

(d) Promptly after completing the report described in (b) above, the Department will publish a notice in the New Jersey Register stating that the report is available, and directing interested persons to contact the Department for a copy of the report. The Department will provide a copy of the report to each person requesting a copy.

Amended by R.1996 d.577, effective December 16, 1996.
See: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

Amended name of report throughout; in (a), substituted "may" for "will"; and in (b), report was required annually.

7:26A-2.3 Payment of fees

Payment of all fees shall be made by check or money order, payable to "Treasurer, State of New Jersey" and shall be submitted to:

New Jersey Department of Environmental Protection
Bureau of Revenue
CN 420
Trenton, New Jersey 08625-0420

Amended by R.1996 d.577, effective December 16, 1996.
See: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

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

Law Review and Journal Commentaries

Hazardous Wastes. Steven P. Bann, 135 N.J.L.J. 66 (1993).

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

(a) No recycling center shall receive, store, process or transfer any Class B, Class C or Class D recyclable material without the prior written approval of the Department. The procedures for obtaining approval are set forth at N.J.A.C. 7:26A-3.2, 3.4, 3.5, 3.7, 3.8, and 3.18 through 3.20. All persons issued a general or limited approval to operate a recycling center for Class B, Class C and/or Class D recyclable material pursuant to this subchapter shall comply with all conditions of the approval.

(b) Any person who operates a recycling center for the receipt, storage, processing or transfer of Class B, Class C or Class D, recyclable material without the prior written approval of the Department shall be considered to be operating an unlicensed solid waste facility and shall be subject to penalties as set forth in N.J.S.A. 13:1E-9 and N.J.A.C. 7:26-5 in addition to penalties which may be assessed by other regulatory agencies pursuant to their authority. That person may also be subject to penalties for violations of any other Department rules and the statutes under which such rules are promulgated.

(c) Any facility which received written Departmental approval to receive, store, process or transfer any source separated Class B recyclable materials prior to November 18, 1991 may continue to do so if all other requirements of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and this chapter have been met.

(d) The transport to, delivery to or acceptance of source separated Class B recyclable materials at any location in New Jersey shall constitute a violation of the interdistrict and intradistrict solid waste flow rules set forth at N.J.A.C. 7:26-6, unless the location is:

1. Operating pursuant to a general or limited approval in accordance with this subchapter;
2. Operating pursuant to an exemption from the requirement to obtain a general or limited approval in accordance with N.J.A.C. 7:26A-1.4; or
3. A recycling depot for non-container plastic materials.

(e) Prior to filing an application with the Department for recycling center general approval, and concurrent with or subsequent to filing for inclusion in the applicable district Solid Waste Management Plan, the applicant shall publish a notice in a newspaper of general circulation within the host municipality which indicates that the applicant will apply to the county for inclusion of a recycling center in the solid waste management plan of the district in which the recycling center is located and will apply to the Department for recycling center approval. The notice shall include the following:

1. The name of the proposed recycling center, the name of the owner or operator of the proposed recycling center and the nature of the project;
2. The generally recognized address of the proposed recycling center, as well as the block and lot of the proposed recycling center;
3. An indication that a copy of the application for county plan inclusion may be examined at the office of the solid waste or recycling coordinator of the county in which the recycling center is located or at the applicable municipal clerk's office; and

4. An indication that comments regarding the application for county plan inclusion can be made at the public hearing which shall be held by the board of chosen freeholders, submitted to the county clerk's office or submitted to the office of the solid waste or recycling coordinator of the county in which the recycling center is located.

(f) The notice shall be published two times by the applicant with the second publication being no less than 15 days prior to the public hearing held by the applicable board of chosen freeholders. The applicant shall forward a copy of the notice to the New Jersey Department of Environmental Protection, Division of Solid and Hazardous Waste, and to the municipality in which the recycling center will be operating, upon its publication.

Amended by R.1996 d.577, effective December 16, 1996.
See: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

Inserted references to class C and D throughout; in (a), inserted additional N.J.A.C. references; inserted (d)1 through (d)3; in (e), inserted "general" preceding "approval" and substituted "concurrent with or subsequent to" for "prior to"; and in (f), changed name of the Department and the Division.

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

(a) Prior to the receipt, storage processing or transfer of any Class B, Class C or Class D recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application. Additional complete sets may be required based upon the type, scale, location, and potential environmental impacts of the proposed recycling center. The owner or operator of a recycling center for Class C recyclable materials shall submit the additional information required pursuant to N.J.A.C. 7:26A-3.18. The owner or operator of a recycling center for Class D recyclable materials shall submit the additional information required pursuant to N.J.A.C. 7:26A-3.19 and 20.

1. The name, address and telephone number of the person or persons seeking to own and operate the proposed recycling center, and the address of the recycling center if different from the above;

2. A description of the geographical location of the recycling center identified by the name of the municipality in which the recycling center is located, by a tax map showing the lot and block numbers of the recycling center site and of all adjoining properties, and by a zoning map showing the current land use of the recycling center site and of all adjoining properties;

3. A listing, by name, address and telephone number, of all persons owning five percent or more of corporation stock in the recycling center, or a listing of the general and limited partners where applicable. In the case where no persons own five percent or more of corporation stock in the recycling center, the names of the corporation principals shall be listed. The owner or operator of the recycling center shall list any intra-corporate relationships between the recycling center and any solid waste hauler or disposal operation registered with the Department;

4. A listing of the material or materials, including the types of any reasonably anticipated contaminants, to be received, stored, processed or transferred at the recycling center;

5. The maximum amount of each material, including contaminants, to be received, stored, processed or transferred at the recycling center per day, expressed in tons, cubic yards, cubic feet or gallons per day. Those persons specifying this information in cubic yards per day shall also indicate the conversion ratio of the materials from cubic yards to tons;

6. A listing of all products and residue resulting from the proposed recycling activities, and the amount of such products and residue expressed in tons, cubic yards, cubic feet or gallons per day. Those persons specifying this information in cubic yards per day shall also indicate the conversion ratio of the material from cubic yards to tons;

7. The name, address and telephone number of planned end-markets for the materials received, stored, processed or transferred by the recycling center.

i. End-market contracts or agreements shall be submitted as evidence of the applicant's ability to sell the products resulting from the proposed activities of the recycling center;

ii. Where end-market contracts or agreements are not available at the time of application for a general approval to operate a recycling center, the applicant shall submit letters of interest from prospective end-market users of the products resulting from the applicant's recycling operation. Letters of interest may be based on information provided by the applicant to prospective end-market users such as a description of the equipment to be used at the recycling center and the specifications of the products resulting from recycling center operation;

8. A description, including manufacturer's specification sheets, of all equipment to be utilized for the receipt, storage, processing or transferring of each Class B, Class C, or Class D recyclable material received, stored, processed or transferred, including the name of the equipment manufacturer, model number and operating capacity of the equipment. Also, a written statement by the applicant that no Class B, Class C, or Class D recyclable material will be received, stored, processed, or transferred at the recycling center until the equipment identified by

the applicant is installed or situated at the recycling center site;

9. A site plan map, prepared, signed and sealed in accordance with N.J.S.A. 45:8-35.1 et seq. by a licensed professional engineer or surveyor, which identifies (plots) the placement of all equipment, buildings, activities and areas related to the receipt, storage, processing and transferring of all unprocessed and processed recyclable materials. This site plan shall also:

i. Be drawn to a scale no larger than one inch equals 100 feet;

ii. Indicate the routing of vehicles between the recycling center and all nearby roadways serving the site, as well as the traffic flow within the site, and indicate the provisions incorporated into the site plan to ensure safe and efficient vehicular and pedestrian circulation, parking, loading and unloading;

iii. Delineate the floodplain as defined at N.J.A.C. 7:13-1.2;

iv. Delineate the incidence of wetlands, New Jersey Pinelands, prime agricultural lands, historic sites (where applicable) and other environmentally sensitive areas;

v. Identify the direction of water runoff both on and off-site and the screening and landscaping provisions which may be incorporated at the site;

vi. Indicate topographic contours drawn at two-foot intervals;

vii. Indicate the location and dimensions, in feet, of the unprocessed and processed materials stockpile areas. Also, based on this information, the total cubic yard storage capacity of the unprocessed and processed materials stockpile areas shall be indicated. The applicant shall also indicate whether the applicant wishes to reserve the right to use unprocessed material stockpile space as processed material stockpile space in certain instances; and

viii. Indicate the site access controls to be employed at the recycling center;

10. An original 7.5 minute USGS Quadrangle map which includes the boundary of the recycling center plotted on the map. The map shall delineate any public access roads to the site and any streams or ponds and sensitive receptors (for example, hospitals, schools, playgrounds, homes, etc.) within a one-half mile radius of the site;

11. A copy of the deed of record establishing ownership of the recycling center property or, if the applicant is other than the landowner, a legal agreement (for example, a legal lease agreement) to use the real property in question for the intended purpose;

12. A description of the design capacity of the recycling center setting forth the number and types of vehicles bringing material to the recycling center for receipt, storage or processing, and the number and types of vehicles transferring products and residue from the site on a daily basis;

13. A copy of a New Jersey air pollution control permit application required pursuant to N.J.A.C. 7:27-8.2(a)1 where applicable;

14. A written narrative explanation of the recycling center operation from the receipt of recyclable materials to the point of transfer of end-products;

15. Documentation establishing that the recycling center is included in the solid waste management plan of the solid waste management district within which the recycling center is located; and

16. An operations plan which shall include, at a minimum, the following:

i. Hours of operation of the recycling center;

ii. An incoming materials specification sheet which shall be provided to all persons bringing, delivering or sending Class B, Class C, or Class D recyclable material to the recycling center and which shall include the following information:

(1) A listing of the source separated materials to be received by the recycling center;

(2) The size, weight, or other restrictions regarding materials to be received; and

(3) A notice that vehicles delivering materials to the recycling center will be inspected and, if found to contain more than allowable amounts of contaminants as specified per N.J.A.C. 7:26A-3.5(e)3i, will be barred from offloading vehicle payload; and

(4) A notice that persons bringing materials to the recycling center shall certify the amount of material per load, the municipality of origin of that material, and other information contained on the Recyclable Materials Receipt Form.

iii. A Recyclable Materials Receipt Form which shall be provided to all persons bringing recyclable material to the recycling center and which shall maintain the following information for each vehicle delivering recyclable material to the recycling center:

(1) The amount of source separated recyclable material received, expressed in tons, cubic yards, cubic feet or gallons. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons;

(2) The municipality of origin of the material received;

- 7. A copy of an analysis plan as required by N.J.A.C. 7:26A-6.7(f);
- 8. A description of the method used to comply with the tracking requirements of N.J.A.C. 7:26A-6.7(g); and
- 9. A demonstration of compliance with the residue management requirements in accordance with N.J.A.C. 7:26A-6.7(j).

New Rule, R.1996 d.577, effective December 16, 1996.
See: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

7:26A-3.20 Filing requirements for existing used oil facilities which receive, store, process or transfer of Class D recyclable material

(a) Any facility processing used oil under the terms and conditions of a hazardous waste facility permit or existing facility status issued prior December 16, 1996 may continue to operate under such terms and conditions until the Department approves or denies the facility owner and/or operator's application for general approval. By June 14, 1997, the Department shall assess the information currently on file for each such facility, and will provide the owner and/or operator of each such facility with a written list of additional information required to be submitted to the Department to obtain a recycling center approval pursuant to N.J.A.C. 7:26A-3.2(a), 3.4 and 3.19.

(b) Within 180 days of receipt of notice requesting additional information pursuant to (a) above, the owner or operator of the facility shall submit the requested information, along with any applicable fees, to the Department at the address specified at N.J.A.C. 7:26A-3.2(c).

(c) A recycling center operating for the receipt, storage, processing or transfer of Class D recyclable materials, and for which a hazardous waste facility permit or existing facility status was issued prior to December 16, 1996, shall not modify its operation unless such modification is approved by the Department pursuant to N.J.A.C. 7:26A-3.10.

New Rule, R.1996 d.577, effective December 16, 1996.
See: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

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 and Class D recyclable materials

(a) All owners or operators of recycling centers which receive, store, process or transfer Class A, Class B, Class C

or Class D recyclable material shall comply with the following operational standards:

1. All recyclable materials received, stored, processed or transferred at all recycling centers shall conform to the following criteria:

i. The recyclable materials shall have been separated at the point of generation from other waste materials or separated at a permitted solid waste facility authorized to separate recyclable materials from the incoming waste stream;

ii. The recyclable materials shall consist only of Class A recyclable materials, or of Class B, or Class C or Class D recyclable materials which the Department has approved pursuant to N.J.A.C. 7:26A-3 for receipt, storage, processing or transfer at the recycling center; and

iii. Class A recyclable materials maybe commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general or limited approval issued pursuant to N.J.A.C. 7:26A-3.5 or 3.7. Class C recyclable materials may be commingled only with other Class C recyclable materials and only to the extent authorized in the general approval issued pursuant to N.J.A.C. 7:26A-3.5.

2. Residue shall not be stored on-site for a period in excess of six months;

3. All residue shall be removed from the recycling center site in accordance with the Department's interdistrict and intradistrict solid waste flow rules, N.J.A.C. 7:26-6;

4. All residue shall be stored separately from recyclable material and in a manner which prevents run-off, leakage or seepage from the residue storage area into, on or around the soil of the residue storage area;

5. At no time shall any hazardous waste, as defined in N.J.A.C. 7:26, be received, stored, processed or transferred at any recycling center as defined in N.J.A.C. 7:26A-1.3 except for used oil and universal waste as provided pursuant to N.J.A.C. 7:26A-4.7, 6 and 7;

6. At no time shall capacitors or electronic components which contain polychlorinated biphenyls (PCBs) and which are attached to, or detached from, appliances or other scrap metal be shredded, sheared or baled;

7. The operation and related activities of a recycling center shall be in conformance with all applicable Federal, State, county, municipal, and other local laws and regulations including, but not limited to, nuisance codes, the noise control rules at N.J.A.C. 7:29, the air pollution control rules at N.J.A.C. 7:27, the stream encroachment rules at N.J.A.C. 7:13, the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A,

the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-1 et seq., and with all applicable fire and safety codes;

8. Recycling centers shall be operated in such a manner that the recycling center property is maintained free of litter and debris and such that tracking of mud into nearby streets is prevented; and

9. All recycling centers located within the Pinelands Protection Area shall be operated in a manner consistent with the goals of the comprehensive management plan developed by the Pinelands Commission pursuant to the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., and shall obtain all approvals required by the Pinelands Commission.

(b) The construction of all recycling centers shall be in conformance with the New Jersey Uniform Construction Code, N.J.S.A. 52:27D-119 et seq., and the rules promulgated pursuant thereto.

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).

Inserted references to Classes C and D throughout; in (a) 5, added exception.

7:26A-4.2 Inclusion in district solid waste management plans

No recycling center, as defined in N.J.A.C. 7:26A-1.3, with the exception of those recycling centers operating pursuant to an approval granted under N.J.A.C. 7:26A-3.7, shall commence operations unless and until it is included in the applicable district solid waste management plan.

7:26A-4.3 Right of entry

(a) The New Jersey Department of Environmental Protection or an authorized representative acting pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-1 et seq. shall have the right to enter and inspect any building or other portion of a recycling center, recycling depot or any site at which an exempted activity is conducted pursuant to N.J.A.C. 7:26A-1.4(a), at any time in order to determine compliance with the provisions of all applicable laws or rules and regulations adopted pursuant thereto. This right to inspect includes, but is not limited to:

1. Sampling any materials on site;
2. Photographing any portion of the recycling center;
3. Investigating an actual or suspected source of pollution of the environment; and
4. Ascertaining compliance or non-compliance with the statutes, rules or regulations of the Department, including conditions of the recycling center approval issued by the Department.

(b) The right of entry specified in (a) above shall be limited to normal operating hours for the purpose of reviewing and copying all applicable records, which shall be made available to the Department during an inspection and submitted to the Department upon request.

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

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

In (a), changed Department name and inserted "recycling depot".

7:26A-4.4 Tonnage reporting requirements

(a) All operators of recycling centers shall provide a recycling tonnage report by February 1 of each year to all municipalities from which recyclable material is received in the previous calendar year. The report shall detail the amount of each source separated recyclable material, expressed in tons or cubic yards. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.

(b) All transporters of recyclable materials shall be required to provide a recycling tonnage report by February 1 of each year to all municipalities from which source separated recyclable material is received in the previous calendar year for those instances where source separated recyclable materials are transported to manufacturers and recycling centers located in states other than New Jersey. The report shall detail the amount of each source separated recyclable material, expressed in tons or cubic yards, brought to a manufacturer or recycling center. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.

(c) Except as otherwise provided in N.J.A.C. 7:26A-1.4(b)4, all persons operating pursuant to an exemption set forth at N.J.A.C. 7:26A-1.4 shall provide recycling tonnage reports by February 1 of each year to the applicable municipalities, to the county and to the Department for the previous calendar year. The report shall detail the amount of each source separated recyclable material, expressed in tons, cubic yards, cubic feet, or gallons received, stored, processed or transferred. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.

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

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

In (c), inserted text "Except as otherwise provided in N.J.A.C. 7:26A-1.4(b)4,".

7:26A-4.5 Additional design and operational requirements for recycling centers which receive, store, and process Class C recyclable materials

(a) In addition to the requirements of N.J.A.C. 7:26A-4.1, the following operational and design criteria apply to recycling centers receiving Class C recyclable materials consisting only of yard trimmings: