

**CHAPTER 26A  
RECYCLING RULES**

**Authority**

N.J.S.A. 13:1B-3, 13:1D-1 et seq., 13:1D-125 et seq., 13:1E-1 et seq., 13:1E-9, 26:2C-1 et seq., 47:1A-1 et seq., 58:10-23.11 and 58:10A-1 et seq.

**Source and Effective Date**

R.2009 d.52, effective January 7, 2009.  
See: 40 N.J.R. 7(a), 41 N.J.R. 742(a).

**Chapter Expiration Date**

Chapter 26A, Recycling Rules, expires on January 7, 2014.

**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. As part of R.1996 d.577, 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; 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; 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A, Class B, Class C and Class D Recyclable Material; Right of Entry and Inspection; Subchapter 6, Used Motor Oil, was repealed, and Subchapter 6, Standards For the Management of Used Oil, was adopted as new rules; and Subchapter 7, Standards For the Management of Class D Universal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: 28 N.J.R. 2240(a), 28 N.J.R. 5360(a).

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).

Subchapter 8, Requirements for Transporters of Source Separated Materials, was adopted as new rules by R.2001 d.86, effective March 5, 2001. See: 32 N.J.R. 2536(a), 33 N.J.R. 880(a).

Chapter 26A, Recycling Rules, was readopted as R.2002 d.182, effective May 17, 2002. As a part of R.2002 d.182, Subchapter 7, Standards for the Management of Class D Universal Waste, was repealed and Subchapter 7, Standards for the Management of Class D Universal Waste, was adopted as new rules. See: 33 N.J.R. 4273(a), 34 N.J.R. 2088(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 26A, Recycling Rules, was extended by gubernatorial directive from May 17, 2007, to November 18, 2007. See: 39 N.J.R. 2248(d).

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 26A, Recycling Rules, was scheduled to expire on May 16, 2008. See: 40 N.J.R. 7(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 26A, Recycling Rules, was extended by gubernatorial directive from May 16, 2008 to January 7, 2009. See: 40 N.J.R. 3718(b).

Chapter 26A, Recycling Rules, was readopted as R.2009 d.52, effective January 7, 2009. As a part of R.2009 d.52, 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, was renamed Fees for a General or Limited Approval to Operate a Recycling Center for Class B, Class C, and Class D Recyclable Material; Subchapter 4, Design and 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, was renamed Design and 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; and Subchapter 9, Civil Administrative Penalties and Requests for Adjudicatory Hearings, Subchapter 10, Standards for Generators of Source Separated Recyclable Materials, Subchapter 11, Standards for Municipalities and Subchapter 12, Standards for Counties, were adopted as new rules, effective February 2, 2009. See: Source and Effective Date. See, also, section annotations.

**Law Review and Journal Commentaries**

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

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