

## 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

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 26A, Recycling Rules, expires on January 7, 2016. See: 43 N.J.R. 1203(a).

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A, Class B, Class C and Class D Recyclable Material; Right of Entry and Inspection; Subchapter 6, Used Motor Oil, was repealed, and Subchapter 6, Standards For the Management of Used Oil, was adopted as new rules; and Subchapter 7, Standards For the Management of Class D Universal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

## 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 Activities exempt from general or limited approval
- 7:26A-1.5 Burden of proof
- 7:26A-1.6 Incorporation by reference of the Code of Federal Regulations
- 7:26A-1.7 Right of entry and inspection

### SUBCHAPTER 2. 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 (Reserved)
- 7:26A-2.3 Payment of fees
- 7:26A-2.4 Recycling center fee hourly rate calculation
- 7:26A-2.5 Compliance monitoring fee calculation

### 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 Class B recycling center approval to operate a recycling center for the storage, processing or transfer of Class B recyclable material
- 7:26A-3.8 Tire, tree stump, tree parts or wood waste recycling centers: additional requirements for general or limited approval
- 7:26A-3.9 Storage of Class B materials and Class D materials that are not universal waste
- 7:26A-3.10 Modifications of general or limited approvals
- 7:26A-3.11 Increase in design capacity at recycling centers for Class B, Class C, and Class D recyclable materials
- 7:26A-3.12 Criteria for denial of a new general or limited approval, a renewal of an existing general approval or an extension of a 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 (Reserved)
- 7:26A-3.17 Recordkeeping 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. 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

- 7:26A-4.1 Design and operational standards for recycling centers which receive Class A, Class B, Class C and Class D recyclable materials
- 7:26A-4.2 Inclusion in district solid waste management plans
- 7:26A-4.3 (Reserved)
- 7:26A-4.4 Tonnage reporting requirements
- 7:26A-4.5 Additional design and operational requirements for recycling centers that receive, store, process or transfer Class C recyclable materials
- 7:26A-4.6 Additional design and operational standards for recycling centers which receive, store, process, or transfer Class D recyclable materials—latex paints, antifreeze, lamps (light bulbs), oil-based finishes, batteries, mercury-containing equipment and consumer electronics, including universal waste
- 7:26A-4.7 Additional design and operational standards for recycling centers which receive, store and process Class D recyclable materials—used oil
- 7:26A-4.8 Additional design and operational standards for recycling centers which receive, store, process or transfer Class B recyclable materials

#### 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 re-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 Incorporation by reference: standards for the management of universal waste
- 7:26A-7.2 State-listed universal wastes; applicability
- 7:26A-7.3 Mixtures of universal waste with waste of other classification
- 7:26A-7.4 Management standards for small quantity handlers
- 7:26A-7.5 Management standards for large quantity handlers
- 7:26A-7.6 Standards for universal waste transporters
- 7:26A-7.7 Labeling of containers of additional universal wastes
- 7:26A-7.8 Standards for the processing of universal waste at recycling centers for Class D recyclable materials
- 7:26A-7.9 Petitions to designate other wastes as universal wastes

#### SUBCHAPTER 8. REQUIREMENTS FOR TRANSPORTERS OF SOURCE SEPARATED MATERIALS

- 7:26A-8.1 Reporting requirements
- 7:26A-8.2 Exemptions
- 7:26A-8.3 Prohibitions
- 7:26A-8.4 Transporters of recyclable materials

#### SUBCHAPTER 9. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

- 7:26A-9.1 Scope and purpose
- 7:26A-9.2 Procedures for assessment and payment of civil administrative penalties
- 7:26A-9.3 Procedures to request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment, and procedures for conducting adjudicatory hearings
- 7:26A-9.4 Civil administrative penalties for violation of rules adopted pursuant to the Act
- 7:26A-9.5 Civil administrative penalty determination
- 7:26A-9.6 Civil administrative penalty for submitting inaccurate or false information
- 7:26A-9.7 Civil administrative penalty for failure to allow lawful entry and inspection
- 7:26A-9.8 Civil administrative penalty for failure to pay a fee
- 7:26A-9.9 Civil administrative penalty for economic benefit
- 7:26A-9.10 Grace period applicability; procedures

#### SUBCHAPTER 10. STANDARDS FOR GENERATORS OF SOURCE SEPARATED RECYCLABLE MATERIALS

- 7:26A-10.1 Scope
- 7:26A-10.2 Separation and set-out
- 7:26A-10.3 Recordkeeping and reporting
- 7:26A-10.4 Source separation exemption

#### SUBCHAPTER 11. STANDARDS FOR MUNICIPALITIES

- 7:26A-11.1 Appointments and ordinances
- 7:26A-11.2 Recordkeeping and reporting
- 7:26A-11.3 Notification to all generators of the source separation requirements of the municipal ordinance

- 7:26A-11.4 Collection of source separated recyclables
- 7:26A-11.5 Source separation exemption

## SUBCHAPTER 12. STANDARDS FOR COUNTIES

- 7:26A-12.1 Applicability
- 7:26A-12.2 Planning by the designated agency
- 7:26A-12.3 Appointment of a county or a New Jersey Meadowlands District recycling coordinator

## 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 and the conduct of recyclable materials generators and transporters, and of governing municipalities and counties that have jurisdiction over recyclable materials 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).

(d) Unprocessed recyclable materials, post-consumer materials, and used or abandoned materials that are or will be deposited on or in the lands of the State for any period exceeding six months, including by stockpiling, staging or storing, are solid waste that shall be managed in accordance with the Solid Waste rules, N.J.A.C. 7:26, unless:

1. The storage activity is exempt from the requirement to obtain a general or limited approval pursuant to N.J.A.C. 7:26A-1.4(a) and the materials are managed pursuant to N.J.A.C. 7:26A-1.4(b);
2. A general or limited approval to operate specifies a period that is longer than six months, pursuant to N.J.A.C. 7:26A-3.9;
3. A specific storage time period is set forth in a limited or general approval issued pursuant to this chapter;
4. The Department authorizes, in writing, a time period longer than six months;
5. The material is a product that has been produced by an approved or exempt recycling facility; or
6. The material is approved for use under N.J.A.C. 7:26-1.7(g).

(e) This chapter shall not apply to the composting and on-site use of farm feedstocks where the feedstocks are composted as follows:

1. The feedstocks are composted on a farm;
2. Only the following site-generated feedstocks are composted:
  - i. Dry livestock manures;
  - ii. Animal feed;
  - iii. Leaves;
  - iv. Corn stalks;
  - v. Hay;
  - vi. Silage; and
  - vii. Other farm feedstocks, except grass clippings, that meet the definition of vegetative waste set forth at N.J.A.C. 7:26-2.13(g)1v;
3. No more than 5,000 cubic yards of feedstocks are composted per year;
4. The composting method used shall be at least low level technology windrow composting pursuant to N.J.A.C. 7:26A-4.5(a)14vi;
5. The windrow composting area shall not exceed three acres; and
6. The composting complies with all applicable requirements of the New Jersey Department of Agriculture, Natural Resources Conservation Service and other local, State or Federal agencies.

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).

Amended by R.2009 d.52, effective February 2, 2009.

See: 40 N.J.R. 7(a), 41 N.J.R. 742(a).

In (a), inserted "and the conduct of recyclable materials generators and transporters, and of governing municipalities and counties that have jurisdiction over recyclable materials"; and added (d) and (e).

### 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.

“Architectural salvage item” means any component removed from a building that is scheduled for or is undergoing demolition or renovation for the purpose of reinstallation in or on any building. Architectural salvage items are not solid waste.

“Area of human use or occupancy” means any commercial, residential, or active or passive recreational property and shall refer to the area frequented by persons and not outer boundary areas of sites owned by persons that are not frequented for use.

“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.

“Biodegradable plastic” means plastic products that are designed to biodegrade and compost and which meet the specifications of the American Society for Testing and Materials document—ASTM D 6400-99—entitled “Standard Specifications for Compostable Plastics,” incorporated herein by reference.

“Biomass” means any organic matter that is available on a renewable or recurring basis (excluding old-growth timber),

including dedicated energy crops and trees, agricultural food and feed crop residues, aquatic plants, wood and wood residues, animal wastes, and other waste materials.

“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 biodegradable plastic;
3. Source separated yard trimmings, including any biodegradable paper bags in which the yard trimmings are collected;
4. Source separated biomass; and
5. Lakeweed generated from the cleaning of aquatic flora from freshwater lakes.

“Class D recyclable material” means a source separated recyclable material which is subject to Department approval prior to receipt, storage, processing or transfer at a recycling

“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.

“Scrap processing facility” means a commercial industrial facility designed, and operated for receiving, storing and transferring source separated, nonputrescible ferrous and non-ferrous metal, which materials are purchased by the owner or operator thereof, and which are altered or reduced in volume or physical characteristics onsite by mechanical methods, including, but not limited to, baling, cutting, torching, crushing, or shredding, for the purposes of resale for remelting, refining, smelting or remanufacturing into raw materials or products.

“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 (all types of universal wastes 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 separated recyclable materials” means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

“Source separated supermarket waste” or “SSSW” means waste that includes only vegetative waste such as, but not limited to, flower waste, culled or spoiled produce and produce preparation trimmings.

“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 recyclable materials which is constructed primarily of non-earthen materials (for example, wood, concrete, steel, plastic) which provides structural support.

“Thermal treatment” means the treatment of recyclable material in a device that uses elevated temperatures as the primary means to change the physical, chemical, or biological character or composition of the recyclable material.

“Total municipal solid waste stream” means the sum of the municipal solid waste stream disposed of as solid waste, as measured in tons, plus the total number of tons of material separated from municipal solid waste and recycled.

“Total solid waste stream” means the aggregate amount of solid waste generated from all sources of generation, including the municipal solid waste stream. This includes all non-hazardous materials disposed and recycled.

“Universal waste” means any of the following hazardous wastes that are subject to the universal waste requirements of N.J.A.C. 7:26A-7, whether incorporated by reference from 40 C.F.R. Part 273 or listed additionally by the Department:

1. Batteries;
2. Pesticides;
3. Lamps;
4. Mercury-containing equipment;
5. Oil-based finishes; and
6. Consumer electronics.

“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, except that these facilities are not subject to the requirements of N.J.A.C. 7:26A-6.7(a)2vi, unless used oil processing is also performed.

"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, wood chips from tree parts, 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".

Amended by R.1997 d.510, effective October 31, 1997 (operative November 10, 1997).

See: 29 N.J.R. 4170(a), 29 N.J.R. 5084(a).

Amended "Residue". Readopted provisions of Emergency Amendment R.1997 d.404 with changes effective December 1, 1997.

Amended by R.2001 d.86, effective March 5, 2001.

See: 32 N.J.R. 2536(a), 33 N.J.R. 880(a).

Rewrote "Recycling center" and added "Scrap processing facility".

Amended by R.2002 d.182, effective June 17, 2002 (operative December 17, 2002).

See: 33 N.J.R. 4273(a), 34 N.J.R. 2088(a).

Rewrote the section.

Amended by R.2009 d.52, effective February 2, 2009.

See: 40 N.J.R. 7(a), 41 N.J.R. 742(a).

In the introductory paragraph, substituted the final occurrence of "chapter" for "subchapter"; added definitions "Architectural salvage item", "Area of human use or occupancy", "Biomass", "Farm", "Grace Period", "Old-growth timber", "Research, development and demonstration (RD&D) approval", "Source separated recyclable materials", "Source separated supermarket waste", "Thermal treatment", "Total municipal solid waste stream" and "Total solid waste stream"; in definition "Class C recyclable material", deleted "and" from the end of paragraph 2, rewrote paragraph 3 and added paragraphs 4 and 5; in definition "Class D recyclable material", rewrote the introductory paragraph and paragraph 1, deleted former paragraph 4; recodified former paragraphs 5 through 9 as paragraphs 4 through 8 and in paragraph 7, substituted "equipment" for "devices"; in definition "Clean fill", substituted "nonwater-soluble, nondecomposable" for "non-water soluble, non-decomposable"; rewrote definitions "Generator" and "Used oil transfer facility"; deleted definitions "Mercury-containing device", "Source separation", and "Thermostat"; in definition "Processing", inserted "or transformation"; in definition "Tank", substituted "recyclable materials" for "used oil"; and in definition "Universal waste", deleted paragraph 3, recodified former paragraphs 4 through 7 as paragraphs 3 through 6, and in paragraph 4, substituted "equipment" for "devices".

#### 7:26A-1.4 Activities exempt from general or limited approval

(a) The activities listed below are exempted from the requirement to obtain a general or limited approval pursuant to N.J.A.C. 7:26A-3 and, unless otherwise specified, the solid waste planning requirements at N.J.A.C. 7:26-6.10 or 6.11. The specific criteria applicable to these activities are as follows:

1. Manufacturers shall not be required to obtain a general or limited approval pursuant to N.J.A.C. 7:26A-3 for the receipt, storage or processing of source separated recyclable materials. This exemption shall also apply to:

- i. Asphalt manufacturing plants that receive solely source separated recyclable asphalt millings or larger pieces, and preconsumer asphalt shingles or other asphalt-based roofing scrap, or a combination thereof prior to their introduction into the asphalt manufacturing process. The materials shall be delivered to the manufac-

the mandated municipal solid waste recycling goals, a strategy for the attainment of these identified recycling goals. The strategy shall include, as necessary:

- i. The designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
- ii. A listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
- iii. The communication program to be utilized to inform generators of their source separation and recycling responsibilities;
- iv. A comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and details the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance. (Six months after approval, by the Department, of the updated District or county plan, as the case may be, the designated plan implementation agency shall forward a copy of each municipal recycling ordinance, which shall be updated as necessary pursuant to N.J.S.A. 13:1E-99.11 et seq.); and
- v. Anticipated gains in recycling in the small business sector, multi-family housing developments and schools and other institutions, in tonnage of recycled material, by material and by generating sector.

(b) Each county recycling plan shall include a strategy for the collection, marketing and disposition of designated source separated recyclable materials in each municipality.

1. As needed, each designated agency shall solicit proposals from, review the qualifications of, and enter into contracts or agreements on behalf of municipalities with persons providing recycling services or operating recycling centers for the collection, storage, processing, and dis-

position of recyclable materials designated in the district recycling plan in those instances where these services are not otherwise provided by the municipality, interlocal service agreement or joint service program, or other private or public recycling program operator.

2. The strategy shall include the designation of recovery targets in each municipality to achieve the maximum feasible recovery of recyclable materials from the municipal solid waste stream which shall include, at a minimum, leaves, and the leaf composting facility(ies) identified for the receipt of leaves from each municipality.

**7:26A-12.3 Appointment of a county or a New Jersey Meadowlands District recycling coordinator**

(a) Each board of chosen freeholders and the New Jersey Meadowlands Commission shall designate a county recycling coordinator. County recycling coordinators shall, at a minimum:

1. Maintain contact information for all municipal recycling coordinators;
2. Maintain records regarding the issuance, by each municipal governing body, of the exemption from source separation issued pursuant to N.J.A.C. 7:26A-11.5;
3. Maintain copies of all municipal recycling ordinances and ensure that the ordinances are consistent with the county recycling plan; and
4. Meet with all municipal recycling coordinators at least annually to determine progress towards meeting the recycling goals of the county recycling plan.

(b) County recycling coordinators designated pursuant to N.J.S.A. 13:1E-99.13.b.1 shall maintain a current list of used oil handling locations within the county, including:

1. Retail service stations that have used oil collection tanks on the premises;
2. Reinspection stations permitted by the Motor Vehicles Commission;
3. Used oil collection centers, do-it-yourselfer used oil collection centers; and
4. Used oil aggregation points.