



The Recycling Coordinator's Primer



New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

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Why this primer?

Early in 2005 the executive director, president and two board members of the Association of New Jersey Recyclers (ANJR) met first with Joseph Seebode, assistant commissioner, New Jersey Department of Environmental Protection (NJDEP) and then with Commissioner Bradley Campbell to express the ANJR's opinion that recycling did not seem to be a priority for the NJDEP, and to stress the importance of state support for recycling. The ANJR representatives urged the Commissioner Campbell to release the updated Statewide Solid Waste Management Plan so that discussion of ways to reinvigorate recycling could start.

In late March, Commissioner Campbell attended ANJR's annual meeting and announced the release of the Solid Waste Management Plan and the states' plan to emphasize recycling.

In June, NJDEP hosted a meeting of recyclers, county and local government officials, representatives of industry and other interested parties to solicit their thoughts, suggestions and recommendations on how to reinvigorate recycling in New Jersey. This meeting produced a list of many concerns

As a result of the June meeting, four work groups were formed: education, local government issues, business community, State/DEP. Each group had discussions among its stakeholders that identified issues and concerns and then developed possible recommendations for action.

After reviewing the draft recommendations, the work group chairs identified issues that were common to all groups and prioritized them as action items. These action items were presented to the large group of stakeholders at the December 1, 2005, meeting. From this meeting, the work group chairs were charged with developing an action plan for 2006.

The action plan identified priority action items limited and modified to include only those priority action items that would not require large expenditures of either time or money. The goal of the plan is to facilitate increased understanding and awareness of recycling both by professionals and the general public throughout the state.

One of the action items in the plan is the development of a manual for recycling coordinators that would contain information about the laws governing and regulating recycling and a fundamental understanding of their duties.

This primer is that manual.

The challenge has been to produce a work that is both basic and comprehensive for use by those new to recycling, as well as an informative reference manual for those who have been familiar with recycling for a long time.

The primer was written to be a dynamic work, one that will be available on-line so that it can be updated when new, current or additional information becomes available.

Acknowledgements

I take great pleasure in thanking my colleagues and friends who read, criticized, suggested and assisted in completing the first version of this Primer.

There are some who deserve special thanks and recognition:

Jim Morris who provided guidance and support, **Marie Kruzan** who helped me wade through the challenges I faced in putting this work together, **Kendra D'Altilio** who suggested and helped to restructure the chapters, **Bibi Stewart Garvin** who edited, proofread and provided an insightful review of the Ordinances, Resolutions, Purchasing and Budgeting sections, **Penny Jones** who edited and proofread the Preface and Introduction, and **Susan Ingram** who provided research assistance, proofread and suggested definitions and acronyms.

Introduction

Recycling is a dynamic activity. Changes in materials, collection and processing methods, legislation and public perception require that recycling programs be reviewed and updated on a regular basis.

This primer is dynamic too, a work that will be updated when new, current or additional information becomes available.

Getting Started

The chapter organization of the primer is intended to help easily locate information. **“Statutory References, Rules and Regulations”** provides a Table of Contents for both the “Recycling Act” and Recycling Regulations. It also contains documents that explain responsibility, enforcement and marketing. **“Implementation”** covers the duties and responsibilities of a recycling coordinator. **“Synergies”** offers suggestions for combining recycling efforts with other programs. **“Examples”** presents information, model ordinances and program descriptions from various communities. **“Glossary”** includes acronyms and definitions that are related to recycling and solid waste.

This primer is user friendly, clear and concise. All material is provided as PDF files in an open format.

Because this is a dynamic work, readers are encouraged to forward to the author any suggestions, changes, additions or any other information that they believe would be helpful to share with the recycling community.

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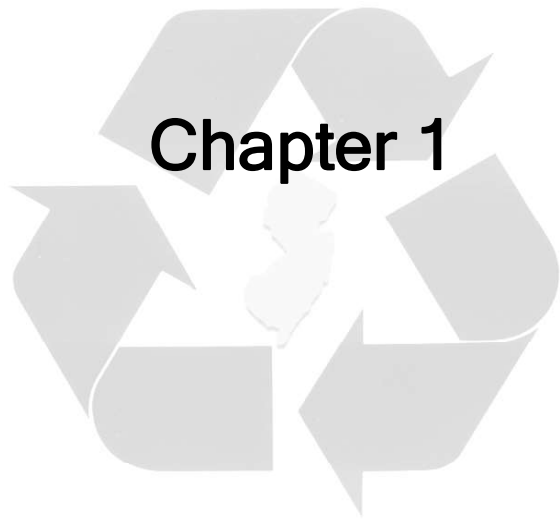
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Statutory References, Rules and Regulations

The following is a Table of Contents for the N.J.S.A 13:1E-99 et seq. the “Statewide Mandatory Source Separation and Recycling Act”.

The complete Rules can be found on the New Jersey Legislature website at <http://www.njleg.state.nj.us/>

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RECYCLING REGULATIONS

N.J.A.C. 7:26A-1 et seq.

The following is a Table of Contents for the NJ Recycling Regulations. NJAC 7:26A-1 et seq. contains the rules of the NJDEP 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. These rules do not apply to hazardous waste, except for universal waste exempted from hazardous waste regulation as provided at N.J.A.C. 7:26A-7. or 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).

*The complete Rules can be found on the NJDEP website at
<http://www.nj.gov/dep/dshw/resource/recyreg03.pdf>*

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**Municipal Responsibilities
under the
“New Jersey Statewide Mandatory Source Separation and Recycling Act”,
PL.1987, c. 102 (NJSA 13:1E-99.11 et seq.)**

1. **Designate one or more persons as the municipal recycling coordinator (13:1E-99.16).** Though the specific duties of this official are not spelled out in law or regulation, it is presumed that they will be responsible for administering some or all of the duties listed in this document.
2. **Provide a collection system for designated recyclable materials (13:1E-99.16a.).** The municipality is the “collector of last resort” in those instances where a collection system is not otherwise provided by the generator, or other public or private entity. This applies to all materials designated for mandatory recycling in the respective County Recycling Plan, and the municipal ordinance adopted pursuant to that Plan, and this Act. Further, this applies to designated recyclable materials generated in the residential, commercial or institutional sectors, and must be detailed in the municipal ordinance.
3. **Adopt a mandatory source separation and recycling ordinance (13:1E-99.16b. and 99.17).** This ordinance must include, at a minimum: the designation of materials mandated for source separation and recycling from all residential, commercial and institutional generators; responsibilities of generators for the collection and recycling of those materials; method of enforcement for the mandate, including delegation of enforcement powers and penalties for non-compliance. The ordinance may also include a requirement that all registered solid waste haulers bid on recycling services, if this provision is included in a County Recycling Plan.
4. **Periodic review and update of municipal land use master plan and development regulations (13:1E-99.13a. and 99.16c.).** The master plan and development regulations shall require, at a minimum, provisions for the storage and collection of designated recyclable materials in any development requiring site plan approval and which involves the construction of 50 or more units of single-family residential housing, any construction of multi-family residential construction, or commercial or industrial development for the utilization of 1000 square feet or more of land.
5. **Allow certain generator to be exempt from source separation requirements in certain circumstances (13:1E-99.16d.).** A municipality may exempt commercial and institutional entities from the ordinance mentioned in #3 above, in those instances where the designated materials are otherwise recycled. Proof, adequate to the governing body of that recycling must be provided, and the generator is responsible for reporting, on at least an annual basis, to the municipality on the total tons of designated materials recycled. Note that **only** the municipality has this authority, not the provider of the recycling or solid waste service.
6. **Submit an annual municipal recycling tonnage report to the NJDEP (13:1E-99.16e.).** The NJDEP provides an annual guidance document and on-line reporting forms for this requirement. This report must detail all recycling that occurred in the municipality, from all sectors (residential, commercial and institutional) subject to the ordinance. The NJDEP provides several reminders regarding this report and the

governing body resolution which must accompany this report. Those municipalities which do not report are barred from receiving a recycling grant, may jeopardize receiving other NJDEP grants, and will be referred to NJDEP Enforcement for appropriate action.

7. **Notify all generators of their source separation responsibilities (13:1E-99.16f.).** At least twice annually, the municipality must notify all occupants of residential, commercial and institutional properties of the requirements of the municipal recycling ordinance.
8. **Prohibit, by ordinance, the placement of leaves for disposal as solid waste (13:1E-99.22).** The ordinance may either specify the on-site composting of leaves (for residential generators only), or the placement of leaves for collection and composting as provided in the ordinance.

Overview of Solid Waste Control Laws Local Authority & Judicial Forum

Introduction

This is an overview of the New Jersey laws governing solid waste control, with an emphasis on which laws may be enforced by county or municipal agencies. This summary should not be construed as legal advice, but rather serve as guidance to understand the extent of authority provided to local governments.

Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., P.L. 1970, c.39.

The Solid Waste Management Act (SWMA) authorizes the Department of Environmental Protection (DEP or Department) and local boards of health and county health departments to initiate civil actions in the Superior Court for injunctive relief, and confers jurisdiction upon the Superior Court and municipal courts to hear and decide actions to collect a penalty for violations of the Act, N.J.S.A. 13:1E-9a and d. The SWMA requires that a local board of health and county health department provide notice to the Department of any legal action instituted under the Act, and further provides that the Department may intervene in any such action, N.J.S.A. 13:1E-9d. It should also be noted that, although the SWMA confers upon local boards of health and county health departments independent authority to enforce the SWMA at N.J.S.A. 13:1E-9d, the SWMA also requires that a county health department shall proceed only in accordance with County Environmental Health Act (CEHA), N.J.S.A. 26:3A2-21 et seq.

The SWMA at N.J.S.A. 13:1E-9(a) states that "All codes rules and regulations adopted by the department related to solid waste collection and disposal shall have the force and effect of law. These codes, rules and regulations shall be observed throughout the State and shall be enforced by the department and every local board of health, or county health department, as the case may be." This subsection further provides that "All enforcement activities undertaken by county health departments pursuant to this subsection shall conform to all applicable performance and administrative standards adopted pursuant to section 10 of the County Environmental Health Act."

Generally, the judicial forum is the Superior Court or the municipal court having jurisdiction (i.e. the municipality in which the violation occurred). Injunctive relief may only be sought in the Superior Court. Injunctive relief means a court order that either prohibits or compels a party from continuing a particular activity.

Ordinances

No local government entity may adopt any ordinance regarding solid waste management, including hazardous waste, at least insofar as the State has occupied the field unless the SWMA specifically provides for municipal ordinances, as in the case with recycling ordinances. Local entities **may** be able to regulate matters characterized as solid waste management, such as junkyards, where the State has chosen not to regulate in this area (see notes on case law below**). Since local and county boards of health are already authorized to enforce the SWMA and the regulations adopted thereunder, the need for them to adopt an ordinance to address most aspects of solid waste control is unnecessary.

The judicial forum for ordinances is the municipal court having jurisdiction.

****NOTES:** The following information on case law is provided:

A) The SWMA preempted local zoning ordinances and therefore, a township's action could not seek to restrain a corporation from operating a recycling center. *Township of Howell v. Fred McDowell, Inc.*, 300 N.J. Super. 491, 693 A.2d 490, 1977 N.J. Super. LEXIS 214 (N.J. Super. Ct. App. Div. 1997).

B) Pursuant to SWMA, the Department of Environmental Protection and Energy cannot grant a solid waste facility permit for a facility that is not included in the adopted and approved solid waste management plan of the district in which the facility is located. *Regional Recycling, Inc. v. State*, 127 N.J. 568, 606 A.2d 815, 1992 N.J. LEXIS 365 (1992).

C) A municipality's power to regulate the removal of human excrement from septic tanks was not preempted by SWMA and municipality was permitted to prosecute an environmental service corporation whose driver failed to provide a required city permit to a police officer. *Upper Saddle River v. Gaess Env't Serv. Corp.*, 123 N.J. Super. 375, 303 A.2d 103, 1973 N.J. Super. LEXIS 766 (N.J. Super. Ct. 1973).

Disorderly Persons, Criminal, and Forfeiture Actions

This statute at N.J.S.A. 13:1E-9.3 was amended in 2003 by the State Legislature and creates a solid waste disorderly persons offense, which is a useful prosecutorial tool in the area of solid waste enforcement. This section prohibits the collection, transportation or disposal of solid waste in excess of 0.148 cubic yards or 30 U.S. gallons of liquids to or at disposal sites, which are not authorized by the DEP to accept solid waste. It is noted that there are also criminal actions relative to the transport, treatment, storage, or disposal of hazardous waste under N.J.S.A. 13:1E-9(g) and (h), which must be referred to the DEP's 24-hour hotline number, **1-877-WARNDEP** since hazardous waste enforcement is only handled by DEP.

Pursuant to N.J.S.A. 13:1E-9.4, convicted offenders of N.J.S.A. 13:1D-9.3 are subject to sanctions of:

- (1) \$2,500.00 for the first offense (mandatory); up to \$5,000.00 for a second offense; and up to \$10,000.00 for each subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense;
- (2) Community service up to 90 days (mandatory);
- (3) Loss of driver's license for six months to one year (mandatory); and
- (4) **Forfeiture** of all conveyances used or intended for use in the unlawful transportation or disposal of solid waste pursuant to N.J.S.A. 13:1E-9.3; the proceeds from the disposal and sale of such conveyances shall be remitted to the chief financial officer of the municipality wherein the

violation occurred, to be used by the municipality to help finance enforcement activities undertaken pursuant to N.J.S.A. 48:13A-12 or N.J.S.A. 13:1E-9.3. The process to follow for forfeiture of conveyances is found at N.J.S.A. 13:1K-1 et seq.

The judicial forum is the Superior Court or the municipal court having jurisdiction.

District Solid Waste Management Plans, N.J.S.A. 13:1E-2b(2).

This provision of the SWMA was established since the Legislature was concerned about the largely piecemeal efforts of local governments to manage solid waste. Each county and the Hackensack Meadowlands District received designation as a Solid Waste Management District with the power, singly or jointly with one or more other districts, to develop and implement a comprehensive solid waste management plan, which meets the needs of every municipality within its area of jurisdiction. Such plans are subject to the approval of DEP and must be updated periodically. N.J.S.A. 13:1D-20. Substantive changes such as the addition or expansion of a solid waste management facility require the district to amend the Plan and obtain approval of DEP. The regulatory requirements for these plans are found at N.J.A.C. 7:26-6.1 et seq.

Each solid waste management district is authorized to establish a system to meet the disposal needs within their area of jurisdiction, and may institute waste flow control requirements, which specifically direct where certain types of waste may be taken. If a solid waste transporter bypasses this system, the CEHA agency or solid waste utility authority may conduct enforcement and impose penalties.

In addition, solid waste facilities must comply with the applicable district solid waste management plan. Failure to comply is considered a violation of the SWMA and is subject to applicable penalties, N.J.A.C. 7:26-6.12(b).

Currently there are no established penalties in the solid waste regulations for violations of the district solid waste management plan, which means the penalty matrix listed at N.J.A.C. 7:26-5.5(f) must be used. Penalties assessed using this matrix are based on the seriousness of the violation and the conduct of the violator.

District Solid Waste Management Plans include district-specific requirements such as transporter routes and recycling, and should identify the enforcement agency such as the CEHA agency or utility authority that will enforce the Plan's requirements.

The judicial forum for violations of the applicable district solid waste management plan is the Superior Court or municipal court having jurisdiction. Injunctive relief may be sought in the Superior Court.

NJ Statewide Mandatory Source Separation and Recycling Act, P.L. 1987, c.102

The SWMA was substantially revised in 1987 with the addition of the Mandatory Source Separation and Recycling Act, to expand the existing voluntary State recycling plan and establish a statutory framework for a mandatory statewide recycling program.

Counties were required to adopt district recycling plans and each municipality was required to adopt an ordinance to implement the applicable district recycling plan within its jurisdiction. The Plan and municipal ordinances are required to provide for source separation from the municipal solid waste stream of at least three recyclable materials, in addition to leaves. Recycling enforcement occurs through:

1. Enforcement of the District Recycling Plan, by the CEHA agency, the county recycling coordinator, or the utility authority as identified in the Plan;
2. Enforcement of the municipal recycling ordinance by the municipal recycling coordinator or other municipal officials identified in the municipal ordinance; or
3. Enforcement of the State's recycling regulations by the Department's Solid Waste inspectors, CEHA agency or local agency that has entered into an Interlocal Services Agreement with the CEHA agency. Possible citations of the State's recycling regulations include:

Transporter requirements (general) at N.J.A.C. 7:26-3.4(b) state that "All collected solid waste shall be properly deposited at an approved facility in accordance with N.J.A.C. 7:26-1 and 2. Solid waste or recyclable materials shall be deposited at a solid waste or recycling facility only to the extent the materials contained in an individual load are waste types and recyclable materials permitted for acceptance at the facility and commingled only to the extent permitted in the operating approvals for that facility."

Facility operators and transporters must comply with district solid waste management plan at N.J.A.C. 7:26-6.12(b), which states that "All solid waste facility operators and transporters registered with the Department shall operate in compliance with the applicable district solid waste management plan as well as any amendments to and/or approved administrative actions concerning such plan. Any facility operator or transporter who fails to comply with the applicable solid waste management plan as well as any amendment to or approved administrative actions concerning such plan shall be deemed to be in violation of the Act and this chapter and shall be subject to the applicable penalties provided under the Act and this chapter, and any other applicable law or regulation." It is important to note that usage of this provision is entirely dependent on whether the county included enforceable language in their district solid waste management plan.

Solid Waste collection companies must comply with solid waste collection tariff terms and conditions at N.J.A.C. 7:26H-4.4(a) 6, which states that "Collectors are prohibited from collecting commingled loads of solid waste and designated source separated recyclable materials, except in those instances where a specific municipal exemption has been granted to the generator of those materials as provided by N.J.S.A. 13:1E-99.16(d). Each solid waste management district plan contains a definition of the district's designated recyclable materials. Collectors are prohibited from disposing of leaves in any manner that differs from that outlined in N.J.S.A. 13:1E-99.21."

Generators of recyclable materials are required to abide by the requirements found in their respective municipal recycling ordinance and subject to penalties prescribed in the ordinance or as referenced in their district solid waste management plan. There is currently no State regulation that can be cited against generators of

recyclable materials. The DEP plans on proposing State regulations for generators in the near future.¹ (This is why many county agencies cannot effectively enforce recycling requirements at this time).

Generally, the judicial forum depends on whether the State regulation, district solid waste management plan, or municipal recycling ordinance is being cited. If the regulation or plan is cited, the judicial forum is the Superior Court or municipal court having jurisdiction. If the ordinance is cited, the appropriate forum is the municipal court having jurisdiction. If the enforcement agency is a county agency, it may be preferable, particularly if there are numerous violations, to take the case to the Superior Court.

The amount of penalty to be assessed for a recycling violation is governed by what authority is being cited to take the enforcement action.

- If the violator is cited for failing to comply with the applicable district solid waste management plan, the penalty matrix listed in the state regulations at N.J.A.C. 7:26-5.5(f) must be used. Penalties assessed using this matrix are based on the seriousness of the violation and the conduct of the violator.
- If the violator is cited for violating the NJ Statewide Mandatory Source Separation & Recycling Act and regulations adopted thereunder, the penalty is assessed pursuant to N.J.S.A.13:1E-99.42 and must be not less than \$500 nor more than \$1000 for each offense.
- If the violator is cited for violating a municipal recycling ordinance, the penalty assessed is based on the penalty provisions within the ordinance.

Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., P.L. 1970, c.40

This statute establishes the framework for safe, adequate and proper solid waste disposal at reasonable rates. The Department is responsible for monitoring the collector industry to insure that the rates charged are due to effective competition in the marketplace. The Department also establishes bid specifications for municipalities that contract with private solid waste collectors. The DEP program responsible for this work is the Solid Waste Economic Regulation Section, which is located within Compliance & Enforcement.

¹ Note: For updates to DEP Solid Waste rules, please check the DEP Website at www.nj.gov/dep/rules.

	Solid Waste Management Act	Recycling	Solid Waste Utility Control Act	Recycling Ordinances	District Solid Waste Mgmt Plans	Forfeiture of Conveyances
Statutory Citation	N.J.S.A. 13:1E et. seq.	N.J.S.A. 13:1E-99.11	N.J.S.A. 48:13A-12	N.J.S.A. 13:1E-99.16	N.J.S.A. 13:1E-2b(2)Solid Waste Plan; & 13:1E-99.13 Recycling Plan	N.J.S.A. 13:1E-9.4
Regulatory Citation	N.J.A.C. 7:26	N.J.A.C. 7:26A	N.J.A.C. 7:26 and N.J.A.C. 7:26H	N/A	N.J.A.C. 7:26-6.1 et seq.	N/A
Does local agency have enforcement authority?						
CEHA Agency (i.e. county health department)	Yes	Only recycling facilities & transporters OR if ID'd in the District Plan to enforce.	Yes	No	Yes	Yes
Local Boards of Health	Yes	Can enforce the local ordinance if ID'd as the enforcement agency.	Yes	Can enforce the local ordinance if ID'd as the enforcement agency.	No	Yes
Solid Waste Utility Authority	Only if participating as approved subcontractor under CEHA.	Only if participating under CEHA or ID'd in their District Plan to enforce.	No	No	Only if ID'd in their District Plan to enforce.	Only if participating as approved subcontractor under CEHA.
General Municipal Powers	No	No	Yes	Yes	No	No

THE MARKETING OF RECYCLABLE MATERIALS **provided by** **Division of Local Government Services**

This concerns the application of the Local Public Contracts Law, specifically the meaning of N.J.S.A. 40A:11-5(s), to the collection of the most common recyclable materials (glass, tin-plated steel cans, plastic, aluminum, newspaper, corrugated cardboard, newsprint and various other paper grades) at curbside or from a contracting unit's public works' facility or any other recycling drop off location operated by the contracting unit. The question is whether the collection at these locations are part of the 40A:11-5(s) exemption, or subject to the solicitation of quotations or receipt of bids, depending on the dollar value.

There is a further question as to the type of facility that qualifies as an end user or end processor market ("market") for the various types of recyclable materials. Does a facility, which directly receives recyclable materials from the curbside, or from various recycling drop off locations operated by the contracting unit qualify as a market?

According to the Bureau of Recycling and Planning (Bureau) in the State Department of Environmental Protection, recyclable materials do not necessarily go directly to a market from pick up at curbside, public works yards, or any other recycling drop off location operated by the contracting unit. Most local programs in our State take or have a hauler deliver this type of recyclable materials to a "Class A Recycling Center." A Class A Recycling Center is typically where commingled recyclable materials are separated by material or grade and otherwise manually or mechanically processed as required by an end user or transportation specifications. The material is then ready for shipment to a market. It is at that "market facility" where the actual conversion to another product(s) takes place.

It is the Bureau's position that as long as a local contracting unit finds a Class A Recycling Center for processing as required by end user or transportation specifications, that facility meets the requirements of N.J.S.A. 40A:11-5(s) as a market, therefore, requiring bidding as the basis for a contract is not necessary. The exception in the law applies even though the Class A Recycling Center would eventually transport the recyclable materials as noted above to an actual market. Class A Recycling Centers are not licensed by the State, but are subject to the provisions of the Municipal Land Use Law and the Uniform Construction Code at the local level. However, the State does have regulations regarding the operations of such centers.

This exception applies only when the collection is done by contracting unit employees. Conversely, contracts for curbside pick up by a private hauler or transportation by a private hauler from a public works yard or any other recycling drop off location to a Class A Recycling Center or a market would be subject to either the solicitation of quotations or the receipt of bids. Both are examples of a hauling contract and do not fall under the exception.

If a local contracting unit wishes to establish a recycling program, or a recycling cooperative program by combining the collection (subject to the solicitation of quotations or receipt of bids) and marketing (an exemption from receipt of bids) components, it may do so pursuant to the provisions of N.J.S.A. 40A:11-5(5). This provision of law authorizes a negotiated contract process subject to approval of the Director of the Division of Local Government Services.

There are other classifications for facilities handling various types of recyclable materials that meet the exception of N.J.S.A. 40A:11-5(s). The classifications are as follows:

<u>Class A. Recycling Center</u>	Glass, tin-plated steel cans, plastic, aluminum, newspaper, corrugated cardboard, newsprint and various other paper grades
<u>Class B. Recycling Center</u>	Concrete, asphalt, tree stumps, tree parts, logs and tires
<u>Class C. Recycling Center</u>	Brush, vegetative growth, leaves and grass
<u>Class D. Recycling Center</u>	Electronic parts (computers), used oil, fluorescent light bulbs and similar lighting applications

Materials approved for acceptance at Recycling Centers are governed by regulations found at N.J.A.C. 7:26A-1.1 et seq. The regulations may be found on the website at: www.state.nj.us/dep/dshw/resource/rules.

If a local contracting unit concludes that other types of material (street sweepings, pond sediment, etc.) can qualify under the “marketing” exemption of N.J.S.A. 40A:11-5(s), it can apply to the Bureau of Resource Recovery and Technical Programs in the Division of Solid and Hazardous Waste for a determination.

EXECUTIVE ORDER NO. 11

Signed on Earth Day 2006

Creating the post of Director of Energy Savings and outlining significant steps to increase energy efficiency in state government. The Director of Energy Savings will design and implement a program to increase efficiency, reduce usage, and improve the procurement of energy for the hundreds of facilities owned by the state. The director will also take steps to establish New Jersey as a leader in its responsible stewardship of natural resources. Whenever possible the state will purchase products that are made from renewable materials and composed of low or no toxicity materials. Furthermore, all state brochures and pamphlets will be printed on recycled paper whenever possible.

WHEREAS, New Jersey is a national leader in promoting energy efficiency, renewable energy, and environmental protection and is dedicated to reducing energy usage, which decreases emissions of greenhouse gasses and improves the health and welfare of the State's citizens; and

WHEREAS, increasing greenhouse gas emissions have been documented to result in global warming that is causing a rise in sea level, which in turn will affect the natural resources of the 127 miles of New Jersey's coast and negatively impact billions of dollars of existing infrastructure; and

WHEREAS, New Jersey State government controls hundreds of buildings throughout the State and spends nearly \$128 million annually on energy for its various facilities; and

WHEREAS, establishing the position of Director of Energy Savings within the Department of Treasury will assist in reducing the State's energy expenses and benefit the environment; and

WHEREAS, reducing energy usage through energy efficiency and increased use of renewable energy will improve the State's economy by exerting downward pressure on natural gas prices and otherwise lowering the cost of energy, creating local jobs, and stemming the flow of energy dollars to out-of-state entities; and

WHEREAS, energy savings and environmental protection gains can be achieved through changes in the purchasing patterns of State government, which wields considerable purchasing power; and

WHEREAS, the increased purchase of energy efficient, less toxic, and recycled products and services by State government is considered one of

the best ways to bolster these markets, as well as the economic viability of New Jersey; and

WHEREAS, State government should assume a leadership role in promoting the efficient use of energy and natural resources in the interest of long-term protection and enhancement of our State's natural beauty;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created within the Department of Treasury the position of Director of Energy Savings. The Director of Energy Savings shall be appointed by the Governor and shall report to the Treasurer.
2. The Director of Energy Savings shall be responsible for implementing a program to increase energy efficiency, reduce energy usage, and improve the procurement of energy for all State facilities. Specifically, the Director of Energy Savings shall:
 - a. Oversee energy audits to be conducted at State buildings, centers, and facilities and subsequent implementation of the recommendations contained in the audits in the most cost-effective manner available. These audits shall, at a minimum, analyze energy efficiencies and the feasibility of installing on-site renewable energy systems that can be cost-effectively implemented with a 10-year payback period;
 - b. Provide an annual report to the Governor outlining the environmental results and cost savings to the State;
 - c. Take the action necessary to enable the State to partake in the bulk purchase and energy contract program to maximize the State's purchasing power;
 - d. Assist in implementing the procurement practices set forth in this Order;
 - e. Work with the Economic Development Authority, the Office of Economic Growth, the Commission on Science and Technology, and the Board of Public Utilities to develop a plan for promoting economic development around renewable energy and advanced energy technologies;
 - f. Coordinate with the agencies that own, lease, occupy or maintain State buildings to implement immediate energy efficiency practices;
 - g. Evaluate and determine whether the State should participate in the Board of Public Utilities' Clean Power Choice program; and

- d. State agencies shall make best efforts to use both sides of the paper stock (*i.e.*, two-sided or duplex copies) when producing or copying documents.
 - e. In all product procurements, State agencies shall make best efforts to purchase low toxicity products, PBT-free or reduced-PBT products, and other products manufactured through environmentally sustainable methods. In cases where a PBT-free alternative is not available, the State agency shall include specifications to encourage product manufacturers to take back and recycle used PBT-containing products.
6. In creating any new specification, and prior to the renewal of any expired specification, each State agency shall revise or eliminate any standards or provisions unrelated to performance that present barriers to the purchase of recycled products (e.g., unnecessary brightness standards or their equivalents for paper and paper products shall be lowered to remove any impediments that these standards may pose to the purchase of recycled paper or recycled paper products), energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods.
 7. The Director of the Division of Purchase and Property shall have the authority to extend any existing contracts under their current terms when the Director determines such extension to be in the best interests of the State.
 8. Each State agency shall submit an annual report to the Division of Purchase and Property by August 31 of each year that details the types, volume and dollar amounts of recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods purchased during the previous fiscal year. This report shall be submitted either electronically or on paper in accordance with subsections (c) and (d) of section 5 of this Order.
 9. State agencies shall transition to energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods as soon as possible but in a manner that avoids wasting of existing inventories and allows the phase-out of products inconsistent with this Order.
 10. The Office of Clean Energy in the Board of Public Utilities and the Department of Environmental Protection shall provide technical assistance to the Director of Energy Savings, State agency coordinators, and the Division of Purchase and Property in support of implementation of this Order and shall promote innovative research and development to identify new recycled products, energy efficient products, renewable energy

products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods to be purchased by State agencies.

11. This Order shall not apply whenever inclusion in a contract of a provision or provisions of this Order would violate the terms, conditions, or limitations of any grant, funding or financial assistance from the federal government or any agency thereof.
12. This Order shall take effect immediately.

Addendum

Construction Products- Unless otherwise noted, in accordance with United States Environmental Protection Agency's (hereinafter "USEPA") Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Asphalt pavement or asphalt pavement patching materials made with recycled asphalt shingles - New Jersey Department of Transportation (hereinafter "NJDOT") specification

- Building insulation products
- Carpet
- Carpet cushion
- Cement and concrete
- Consolidated and reprocessed latex paint
- Floor tiles
- Flowable fill
- Glassphalt - NJDOT specification
- Laminated paperboard
- Patio blocks
- Railroad grade crossing surfaces
- Reclaimed asphalt pavement (RAP) - NJDOT specification
- Recycled concrete aggregate (RCA) - NJDOT specification
- Recycled plastic lumber - American Society for Testing and Materials specification
- Rubber modified asphalt
- Shower and restroom dividers/partitions
- Structural fiberboard

Landscaping Products- Unless otherwise noted, in accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Garden and soaker hoses
- Hydraulic mulch
- Lawn and garden edging

Mulch, compost and other soil amendments made from municipal solid waste, sludge, yard waste, food waste, clean wood scrap and other organic materials - NJDEP solid waste and recycling rules

Plastic lumber landscaping timbers and posts

Nonpaper Office Products- In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Binders, clipboards, file folders, clip portfolios, and presentation folders
- Office recycling containers
- Office waste receptacles
- Plastic desktop accessories
- Plastic envelopes
- Plastic trash bags
- Printer ribbons
- Toner cartridges
- Soy-based inks

Paper and Paper Products- In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Commercial/industrial sanitary tissue products
- Miscellaneous papers
- Newsprint
- Paperboard and packaging products
- Printing and writing papers

Park and Recreation Products- In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

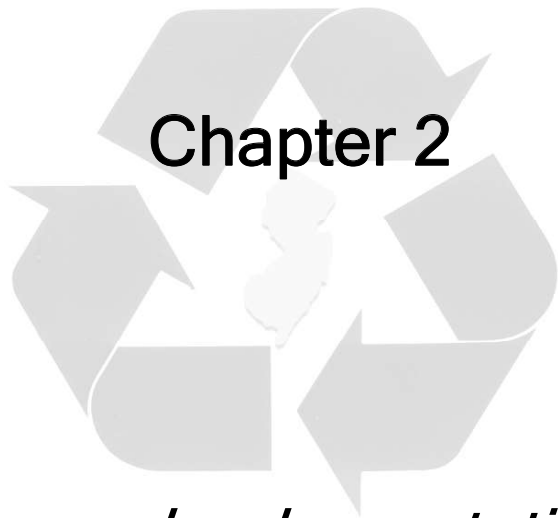
- Park benches and picnic tables
- Plastic fencing
- Playground equipment
- Playground surfaces
- Running tracks

Transportation Products- Unless otherwise noted, in accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Channelizers
- Delineators - NJDOT specification
- Flexible delineators
- Parking stops
- Traffic barricades
- Traffic cones - NJDOT specification

Miscellaneous Products- In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Awards and plaques
- Industrial drums
- Manual-grade strapping
- Mats
- Pallets
- Signage
- Sorbents



Chapter 2

Implementation

Let's look at some basics;

Recycling is the law in New Jersey.

The “New Jersey Statewide Mandatory Source Separation and Recycling Act”, PL.1987, c. 102 (NJSA 13:1E-99.11 et seq.) is the formal name for the Law.

What Is Recycling?

Recycling is a three-step process.

- Collecting used materials is the important first step.
- The second step involves using recovered materials as feedstock in the manufacture of new products.
- The final step is purchasing and using the recycled products.

In general terms what is a Recycling Coordinator?

A person who plans, organizes, and oversees the recycling program in a municipality, school, or in a commercial, institutional, or industrial facility.

What are the basic activities of a Recycling Coordinator?

If you worked for a town or business your basic activities could be divided into 4 basic activities:

- Legislative
 - Make or suggest rules or procedures for your employer
- Project planning
 - Plan the activities
- Program development and implementation
 - Get the program up and running
- Administrative
 - Manage the recycling activities

Most Recycling Coordinators have a variety of duties and responsibilities.

You should ...

- Become familiar with applicable local ordinances and state and federal laws to design and administer a successful program
- Keep up to date on changes to county and local ordinances, regulations, and laws so that the recycling program is compliant

You also...

need to know where to go to get the information

- The Internet, Libraries
- Conferences, Trade groups
- Counterparts in neighboring counties, municipalities, or like businesses
- Regional roundtables
- Journals or newsletters
- Local, state (ANJR), and national recycling organizations

The ‘Law’ requires that one or more persons be designated as the municipal recycling coordinator for each municipality.

For a complete list of the Municipal Responsibilities under the “New Jersey Statewide Mandatory Source Separation and Recycling Act” found in Chapter 1.

So what then is a Municipal Recycling Coordinator (MRC)?

Municipal Recycling Coordinators plan, develop, implement, and coordinate the recycling program of a local jurisdiction. They are usually closely involved with day-to-day collection issues in addition to education efforts and enforcement

Smaller communities often delegate recycling responsibilities to municipal managers, council members, planners, health officers, public works or solid waste directors.

Many municipalities, moderately-sized and large cities in particular, employ a full-time Recycling Coordinator

Examples of job duties

- Plans, coordinates, and develops the recycling program for the efficient collection and marketing of recyclable material
- Develops and implements plans for:
 - promoting the recycling program
 - enforcing the recycling program
- Writes recycling proposals and prepares drafts of recycling contracts
- Coordinates recycling program activities with the collection of other solid waste materials, whether by private contractor or by the municipality
- Oversees the work performed onsite by contractors or public employees
- Inspects general quality of work and/or compliance with contractual agreement and/or adherence to specifications
- Develops and maintains productive relations with government, professional and civic groups, and industry personnel
- Prepares cost estimates on the cost and revenue from the program
- Establishes and maintains records and files
- Prepares applications for grants and submits Annual Recycling Tonnage Report
- Speaks before various groups to apprise them of the purpose and goals of the recycling program and to elicit their support
- Serves as an advocate for increasing awareness and advancing recycling through education, reasonable legislative action and increased funding at all levels
- Drafts recycling regulations, ordinances or resolutions

Although the actual duties and responsibilities of a MRC varies greatly, the New Jersey Department of Personnel (NJDP) has developed at least three Job Descriptions for the position.

07622 Municipal Recycling Coordinator
07823 Municipal Recycling Coordinator/Public Works Inspector
03043 Recycling Program Aide

These job descriptions can be found on the NJDOP website
<http://www.state.nj.us/personnel/jobs/index.htm>

The “Law” also requires that the municipality adopt a mandatory source separation and recycling ordinance (13:1E-99.16b. and 99.17). This ordinance must include, at a minimum: the designation of materials mandated for source separation and recycling from all residential, commercial and institutional generators; responsibilities of generators for the collection and recycling of those materials; method of enforcement for the mandate, including delegation of enforcement powers and penalties for non-compliance. The ordinance may also include a requirement that all registered solid waste haulers bid on recycling services, if this provision is included in a County Recycling Plan.

For a complete list of the Municipal Responsibilities under the “New Jersey Statewide Mandatory Source Separation and Recycling Act” found in Chapter 1

As the MRC you may be called upon to draft Ordinances and Resolutions.

What is an Ordinance? - any act or regulation of a county or municipality required to be reduced to writing and *read at more than one meeting and published*

What is a Resolution? - any act or regulation of a county or municipality required to be reduced to writing, *but which may be finally passed at the meeting which it is introduced.*

An Ordinance is formal legislation that when enacted, if not in conflict with any higher form of law, has the full force and effect of law within the boundaries of the municipality or county to which it applies.

The difference between an ordinance and a resolution is that the latter requires less legal formality and has a lower legal status.

Ordinances and Resolutions contain:

“Recitals” are detailed statements giving facts and figures or a detailed account or description of something

Whereas: the Public Works Department...

and a

“Directive” is the specific actions to be taken and directions to be followed in implementing a policy which was detailed in the recitals

Now Therefore Be It...

Recitals & Directives should be written clearly and contain all information on why the Ordinance or Resolution is being presented.

You should be able to read a well-written Ordinance or Resolution a hundred years from now and know exactly what it was for and why it was presented.

Ordinances

- Ordinance should contain a section that deals with conflicts with the new language in the Ordinance and other existing Ordinances
“All other Ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency”
- Contain section that stipulates when the Ordinance becomes effective
“That Ordinance shall take effect after final passage and upon expiration of twenty (20) days following publication unless otherwise provided by resolution of the Township Council.”
- A section that establishes penalties and fines for violation of the Ordinance.

Procedure for Drafting an Ordinance

This procedure varies from Town to Town, but generally:

- Business Administrator or Department Head prepares the draft
- The draft is approved by the BA and Township Clerk for form and content
- The Township Attorney approves legality and then it is presented to Township Council for action

Procedure for Passing Ordinances

- Requires a “First Reading” at a regular meeting
- Ordinances must be published in the “Official Newspaper”
- A Public Hearing at a regular meeting
- A Final Vote usually at the same meeting as the Public Hearing
- Becomes effective usually 20 days after the Final Passage

Example of Ordinances

- Revenue Measures
 - establishing salaries
 - sale of Bonds or incurring of indebtedness
- Administrative Legislation
 - Personnel Policies
 - Departmental duties
- General Legislation
 - Amend existing Code
 - Stormwater, Recycling/Solid Waste Regulations

Example of Resolutions

- Authorization/Approval
 - submitting grants
 - advertise for bids
 - accept bids
 - authorize contracts
 - approve minutes
- Commemorative/Recognition

Procedure for Preparing and Submitting a Resolution

This procedure varies from Town to Town, but generally:

- Department Head prepares the draft
- The draft is approved by the BA factual content
- The Township Attorney approves for form and legality and then it is presented to Township Council for action
- Unlike an Ordinance, Resolutions normally require two meetings to be passed. Committee/Work Session/Caucus Meeting and voted on at the Regular Meeting.

As the MRC you may be called upon to write specifications, proposals or prepares drafts of contracts for the purchase or sale of recyclables or other Goods or Services.

The Local Public Contracts Law (LPCL), N.J.S.A. 40A:11-1 et seq., establishes for local governments a common set of laws and rules for purchasing and awarding contracts for Good or Services.

LPCL information can be found at:

<http://www.nj.gov/dca/lgs/lpcl/index.shtml#ContractsLaw>

The terms and definitions found in the following section are to acquaint the reader with certain terms and concepts used in public procurement and should not be considered legal advice. The reader should always refer to the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and their local government's purchasing policies and procedures.

Some common terms used in Procurement.

What are "Goods and services" or "goods or services"? any work, labor, commodity, equipment, materials or supply of a tangible or intangible nature, provided or performed through a contract awarded by a contracting agent.

What is a "Purchase"? a transaction, for a valuable consideration, creating or acquiring an interest in goods, services and property, except real property or any interest therein.

What is a "Price Quote" (Quotation)? the response to a formal or informal request made by a contracting agent by a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Currently (2006) the Quotation threshold amount is \$3,150 and \$4,350 for local units that have appointed a Qualified Purchasing Agent.

What is the "Bid threshold?" the dollar amount above which a contracting unit shall advertise for and receive sealed bids. Currently (2006) the amount is \$21,000 and \$29,000 for local units that have appointed a Qualified Purchasing Agent.

What is a "Bid"? an offer to buy goods or services at a stated price. It is the promises made by a service provider that wants to perform work for another party.

Why a Bidding Process?

- To guard against favoritism, improvidence extravagance and corruption.
- Secure for the taxpayer the benefits of unfettered competition.
- Place all bidders on equal footing.

What is “Lowest responsible bidder or vendor”? the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible.

"Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.

"Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.

What is a “Contract”? a legally binding Agreement between a vendor who agrees to provide or perform goods or services and a contracting unit which agrees to compensate a vendor.

What are Specifications? Clear and complete description of the product or service the vendor has to produce/provide to meet the acceptable requirements of the contracting unit.

Why Use Specifications?

- Achieve the objects of economy and efficiency
- Insure maximum value for public funds spent
- Allow qualified vendors to compete on equal basis
- Minimize disputes
- Determine compliance to desired Goods or Services.

Specifications should contain a Scope of Work

- The Scope of Work must be written in clear, not confusing, equitable (fair) language.
- The Scope of Work should contain definitions to eliminate confusion when describing the goods or services requested.

When preparing a Scope of Work consider the following 5 Ws & 1H:

- Who -
 - Is requesting the Item?
 - Is the user?
- What -
 - Has been requested?
 - Quantity is needed? Is its intended use? Are conditions of use?
 - Job(or service) must it do?
 - Size, color, etc. must it be?
- When -
 - Is it needed?
- Where -
 - Is it going to be used?
- How -

- Must it be powered?
- Must it do specific tasks?
- Must the service be performed?
- Why -
 - Is the item or service needed?

Remember - You can only purchase Goods and Services with an approved Purchase Order.

Business Registration of Public Contractors Required (BRC)

All business organizations that do business with a local contracting agency are required to be registered with the State and provide proof of that registration to the contracting agency before the contracting agency may enter into a contract with the business. P.L. 2004, c.57.

There has been some confusion regarding the Marketing of Recyclable Material. The following are four examples of Marketing and LPCL.

- If you are bidding for recycling collection **and** marketing, the bid must conform to the requirements of the **Local Public Contracts Law**.
- If you contract only to **sell** recyclables, you may **negotiate** directly with a buyer, and don't need to go out to bid.
- If you choose to publicly solicit bids for buyers of recyclables, you must follow the requirements of the **Local Public Contracts Law**.
- If you are bidding for recycling collection **and** garbage collection combined, you must follow the requirements of the **Local Public Contracts Law and the Uniform Bid Specifications for Solid Waste**.

For additional clarification on the Marketing of Recyclable Materials refer to the document provided by Division of Local Government Services found in the Chapter 1.

Pay-to-Play (P2P)

On January 1, 2006, P.L. 2004, c.19, known as the "New Jersey Local Unit Pay-To-Play" law (N.J.S.A 19:44A-20.4 et seq.) took effect. The Law affects all "municipalities and counties, and their agencies and instrumentalities" (i.e., all contracting units subject to the Local Public Contracts Law) enter into contracts for goods and services with a value over \$17,500.

The Law affects how all municipalities and counties award contracts in excess of \$17,500 for goods and services.

The Law reflects the following principles for contracts having an anticipated value in excess of \$17,500:

- A municipal or county government agency cannot award a contract without using a fair and open process if the contractor...

- ...is a contributor to a candidate committee or a political party committee where a member of the party is serving in an elective public office of that municipality or county, and, either...
- ...made “reportable” contributions (those in excess of \$300) during the year prior to the award, and/or...
- ...makes contributions during the life of the contract.

The Law does not alter the provisions of contracting laws regulating agency procurement for goods and services that are subject to public bidding.

Exemptions from public bidding may be procured through either a fair and open process or a non-fair and open process pursuant to this Law.

“Fair and open process” means that the provisions of the Local Public Contracts Law that apply to public bidding and the competitive contracting process fully meet when awarding a Contract.

When public bidding or the competitive contract process is used in accordance with law, the fair and open standard is met. An alternative fair and open process can only be used when goods and services are exempt from public bidding.

In practical terms, the minimum requirements of a fair and open process are:

- Publicly advertised (either conventionally in newspapers OR posted on the entity’s website) with “sufficient time to give notice,” and
- Awarded under “a process that provides for public solicitation of proposals OR qualifications,” and
- Established on the basis of an award and disclosure process documented in writing prior to any solicitation, and
- Publicly opened and announced when awarded

For additional information on the “Pay-to-Play Law” refer to the Division of Local Government Services website at www.nj.gov/dca/lgs/p2p

The Public Budget Process

A public budget has four basic dimensions.

- First - it is a political instrument that allocates scarce public resources among the social and economic needs of jurisdiction.
- Second - it is a managerial and/or administrative instrument.
 - It specifies the ways and means of providing public programs and services.
 - It establishes the costs and/or criteria by which activities are evaluated for their efficiency and effectiveness.
 - It is the budgeting process that ensures all of the programs and activities of a jurisdiction will be reviewed or evaluated at least once during each budget cycle.
- Third - it is an economic instrument that can direct a community's economic growth and development.
- Fourth - it is an accounting instrument that holds government officials responsible for the expenditure of the funds with which they have been entrusted. Budgets also hold governments accountable in the aggregate.

The very concept of a budget implies that there is a ceiling or a spending Limitation, which literally (but theoretically) requires governments to live within their means.

Simply put a budget is a financial plan involving the estimation of expenditures and the proposed method of financing these expenditures through various revenue sources. It inherently outlines the levels of services to be performed and estimates the cost of providing these services by category.

The budget is also the document that details the amount of progress to be made toward achieving goals.

A municipal budget constitutes two functions of authority.

- First, it establishes the appropriations necessary to meet the estimated expenditures.
- Second, it provides the authority to tax to provide revenue needed to bring the budget into balance.

Thus, until a budget is adopted, there is no authority to spend or tax. Since it must be adopted annually, the budget is the most important action of a municipality.

The basis for municipal budgeting in New Jersey is referenced in the Local Budget Law (N.J.S.A. 40A:4 et. seq) and the Budget Manual for New Jersey Municipalities published by the Division of Local Government Services (DLGS).

YOUR BUDGET

There are two terms you may hear applied to budgets, Capital and Operating.

The Capital budget is defined by NJSA 40A:4-43 as plans for the expenditure of public funds for capital purposes, showing as income the revenues, special assessments, free surplus, and down payment appropriations to be applied to the cost of a capital project or projects, expenses of issuance of obligations, engineering supervision, contracts and any other related expenditures

NJAC 5:31-1.2 adds additional definitions:

"Capital budget" means the first year of a capital program.

"Capital program" means a projected, multi-year plan and schedule for capital projects, which shall set forth among other things all prospective financing sources including, but not limited to, proceeds of bond sales, grants and budget appropriations.

"Capital project" means any of the following activities or undertakings which an Authority is empowered to bond for, with an estimated useful life of five years or more and a prospective individual or (when added to the cost of other such items as are listed below) cumulative cost in any year of \$500 or more, regardless of the financing sources:

1. Acquisition and/or development of land;
2. Acquisition of equipment, furnishings or other personal property;
3. Acquisition, construction, improvement and/or renovation of buildings, roads, utilities, structures improvements or public works;
4. Any other matter for which an authority is empowered to issue bonds.

In most cases Capital monies are earmarked for the purchase of equipment and improvements to and construction of road, sewers, drains and buildings.

Capital Budgets do not directly appropriate funds. The appropriation of funds is made a through the adoption of a Bond Ordinance.

The Operating Budget deals with the day to day activities and expenses of local governments which are paid for out of revenues from taxes, fees and other sources or revenue.

Each year you may be asked to prepare a budget - remember *a Budget is your plan* - it contains goals and objectives - once you develop your plan on how your recycling program is to function during the next Fiscal Year (FY) you establish a cost for each of your goals or objectives.

Once your budget is approved you can spend the funds to implement the plan you presented.

The Fiscal Year (FY) is a 12 month period that, in most local governments, runs from January 1 through December 31. In certain others it runs from July 1 through June 30.

At the beginning of the Fiscal Year you receive a Temporary Budget that is 26.25% of your previous year's adopted budget. In preparing your Temporary Budget you should take into account seasonal obligations that need to be addressed at the start of your community's Fiscal Year.

Remember your temporary budget is based on the **last fiscal year**. So if you have a new program it will not be funded until this year's FY is adopted.

Your Budget is generally presented in two Statutory Line (Control) Items: Salary & Wages and Other Expense.

Salary and Wages contains sub-accounts such as:
Base Salary, Overtime, Part Time Help

Other Expense (O&E) sub-accounts may be:
Office Supplies, Radio Maintenance, Mechanics Tools, Equipment Repair,
Misc. Miscellaneous Other Expense.

ENCUMBRANCES (spending your Budget funds)

The Local Public Contracts Law N.J.S.A 40A:11 et seq. establishes rules for the Purchase of Goods and Services by Public Agencies.

EXPENDITURES

You can only spend current FY funds for "goods or services" purchased during the current FY.

ANNUAL MUNICIPAL RECYCLING TONNAGE REPORT

The Law requires that each Municipality submit an annual municipal recycling tonnage report to the NJDEP (13:1E-99.16e.).

The NJDEP provides an annual guidance document and on-line reporting forms for this requirement. This report must detail all recycling that occurred in the municipality, from all sectors (residential, commercial and institutional) subject to the ordinance. The NJDEP provides several reminders regarding this report and the governing body resolution which must accompany this report. Those municipalities which do not report are barred from receiving a recycling grant, may jeopardize receiving other NJDEP grants, and will be referred to NJDEP Enforcement for appropriate action

Compiling the information for this report may be one of the most tedious, frustrating and important tasks you as MRC will be called upon to perform.

More Coming Soon!

EXEMPTIONS FROM SOURCE SEPARATION REQUIREMENTS

13:1E-99.16d allows certain generators to be exempt from source separation requirements in certain circumstances. A municipality **may** exempt commercial and institutional entities from source separation regulations in those instances where the designated materials are otherwise recycled by the commercial or institutional generators. **Only** the municipality has this authority, not the provider of the recycling or solid waste service to grant an exemption. The exemption requires that adequate proof that the recycling is provided, and the generator is responsible for reporting, on at least an annual basis, to the municipality on the total tons of designated materials recycled.

Chapter 4 contains examples of Rules and Ordinances for exemptions

More Coming Soon!

RECYCLING AT MULTIFAMILY HOUSING

13:1E-99.13a. requires the adoption of model ordinance on recycling in multifamily housing. This ordinance would contain standards governing the inclusion, in all new multifamily housing developments which require subdivision or site plan approval, of collection or storage facilities which allow for the source separation of all recyclable materials required by the district recycling plan adopted pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13). A "multifamily housing" shall mean housing in which three or more units of dwelling space are occupied, or are intended to be occupied, by three or more persons who live independently of one another.

Chapter 4 contains examples of a storage facility for recyclable material.

More Coming Soon!

COMMERCIAL ESTABLISHMENTS

Mom & Pop

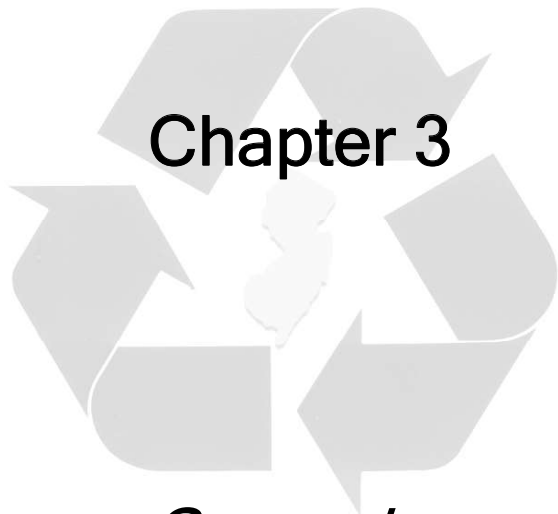
Big Box Stores

Working with...

Still in the data collection and research phase

SCHOOLS

Still in the data collection and research phase



Chapter 3

Synergies

Intersecting responsibilities between Storm Water Management requirements, Recycling requirements, and Clean Communities.

Annual notification

According to storm water management practices, each municipality must annually inform its residents about storm water issues. The recycling regulations require municipalities to inform their residents twice a year about recycling. By combining the storm water information with the recycling information, printing, mailing, and management costs would be reduced and residents would be getting varied environmental information in one mailing.

Annual event

Storm water regulations require an annual event. Many towns already have an Earth Day celebration, or a "Insert municipality name" Day or other public centered activity. They already use this event as a way to reinforce recycling and anti-littering activities. Storm water information can be disseminated at these events as well.

Enforcement

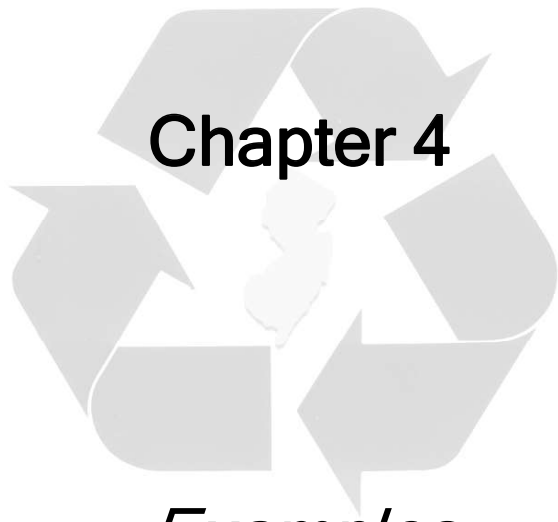
Enforcement is mentioned many times in the storm water, management information. By requiring the inspectors and code enforcement officials to do storm water and recycling/solid waste inspections at the same time, economy of scale is implemented. Local ordinances have to give inspectors and enforcement officials the ability to write summonses. Part time inspectors are a cost effective solution to the enforcement requirements.

Training

All employees have training requirements for their jobs. BBP, Right-to-know, lock-out tag-out and harassment training need to be refreshed annually. Training is a very specifically described component of compliance with storm water regulations. Training on litter ordinances for Clean Communities and for recycling ordinances for recycling could easily be added to the training schedule.

Ordinances

The most obvious connection between storm water and Clean Communities is through the litter ordinance that must be adopted. The goal of a strong litter ordinance is the same goal as exists for Clean Communities: less litter. The yard waste collection and containerized yard waste ordinances relate to recycling issues. Vegetative waste is a large part of the recycling number. The storm water ordinances are specific as to yard waste.



Chapter 4

Examples

Model Ordinances

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 12 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF WOODBRIDGE ENTITLED "HEALTH AND SANITATION"

Chapter 12-130 is amended to include article "B' as follows:

B. Commercial Establishment Exemption

1. N.J.S.A. 13:1E-99 provides that a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of this ordinance in accordance with the Recycling Act under certain conditions.
2. A commercial or institutional premises within the township may make written application to the Recycling Coordinator for exemption from the source separation requirements providing the following conditions are met.
 - (i) The applicant's commercial waste hauler must have a transfer station permit and the permit must include a specific provision covering materials separation, and
 - (ii) The applicant's commercial waste hauler must report to the Recycling Coordinator the tonnage of recyclables recovered annually from waste originating, in the township.
3. Approval of Applications. The Recycling Coordinator is hereby empowered to approve applications for exemptions from the source separation requirements of this ordinance.
4. The Recycling Coordinator shall maintain a record of commercial waste haulers who meet the requirements of 156-1.1A as provided by the Middlesex County Department of Solid Waste Management.
5. In the event an eligible commercial waste hauler becomes ineligible for any reason, including but not limited to loss of transfer station permit, the Recycling Coordinator shall notify all exempt commercial and institutional premises using that hauler in writing of the haulers ineligibility. Exempt premises shall provide the Recycling Coordinator, within thirty (30) days of receipt of such notification, evidence that waste generated at the premises is being hauled by an eligible commercial hauler. Failure to comply with this provision shall result in loss of the exemption for the premises.
6. In the event an exempt commercial or institutional premises voluntarily changes commercial waste haulers, the premises must notify the Recycling Coordinator, within thirty (30) days, of such change in the form of a written application for exemption from the source separation requirements. Failure to comply with this provision shall result in loss of the exemption for the premises.

Model Ordinances

DRAFT

Middlesex County Exemption Guidelines

- ◆ All existing exemptions should be revoked and reapplied for consistent with the County guidelines.
- ◆ The mixed waste and recyclables taken from an eligible location may only be taken to a licensed “Transfer Station/MRF”. That facility must have the ability to separate out for recycling all mandated recyclables that were commingled with the garbage.
- ◆ Exemptions should be issued/renewed on a yearly basis - from beginning of March until the end of April
- ◆ No exemption renewal should be issued if the recycling tonnage report is not received by the beginning of March
- ◆ The generator must specifically request the exemption and receive, in writing, notice that it has been granted. The exemption request should be accompanied by the following information
 - A letter from their hauler agreeing to have the material separated.
 - A letter from the receiving facility including the valid NJDEP permit number that states the material will be separated.
 - Explain why your particular operation, circumstance or facility makes adhering to the source separation requirements of the recycling plan impractical.
 - What are the estimated monthly and yearly tonnages of solid waste and designated recyclables expected to be generated by your facility?
 - What materials will the materials recovery facility be recycling for you?
 - How have you disposed of your solid waste and handled recyclables up to the date of the application?
 - Have you been cited for any violation with reference to the solid waste or recyclables generated from your facility?
 - If the answer to the previous question is affirmative, list all such citations and the dispositions thereof.
 - The application shall be certified or under oath so that in the event there is a deliberate misstatement, penalties may be assessed against the applicant.
- ◆ If the generator switches haulers, the exemption is no longer valid and must be reapplied for.
- ◆ The generator must be able to show the exemption notice and a copy of his/her waste removal contract when the exemption is claimed to the County Public Health Department recycling inspector.
- ◆ Any exemptions granted will have to be material specific.
- ◆ Municipalities may refuse to amend their ordinance to provide the exemption or may change their ordinance to eliminate the exemption if they are not satisfied that all requirements of the exemption are being met.

Model Ordinances

- ◆ Exemptions pertain to commercial and institutional establishments only, not residential premises. Residential premises include single-family homes, garden and high-rise apartments, condos, townhouses, and other multi-family units.
- ◆ Properly licensed haulers utilizing a properly licensed Transfer Station/MRF who service commercial and institutional generators may not collect commingled garbage and recyclables without the generator having first obtained a duly authorized exemption from their respective municipality. Haulers servicing non-exempted generators (including residential/multi-family locations which are not allowed exemptions) shall not collect and mix in one vehicle the generator's garbage and source separated recyclables. Those haulers found to be mixing a non-exempted generator's garbage and recyclables will be in violation of the County plan and subject to enforcement action and the imposition of penalties issued by the County Department of Public Health as specified in Appendix VI.

Model Ordinances

Morris County Exemptions From Source Separation Recycling

In accordance with State Law (N.J.S.A. 13:1E-99.16d) the County Plan is required to provide guidelines to municipalities to assess the granting of exemptions for commercial and institutional establishments from the source separation requirements of the Plan, if such establishments can otherwise provide for the recycling of designated mandated materials. On November 28, 1990 the Board of Chosen Freeholders approved a resolution providing for an Amendment to the Plan which included these guidelines.

In considering applications for exemptions, municipalities should recognize that source separation is the general rule and preferred means to separate recyclable materials from the solid waste stream as set forth by the State Recycling Act and the County's Plan. Consideration for granting exemptions should be based upon specific situations where a generator demonstrates special reasons or situations which support difficulty or inability to source separate. The municipality should prepare an application which must be executed by the applicant.

At a minimum, the municipality should include the following data requests in its application:

- Explain why your particular operation, circumstance or facilities make adhering to the source separation requirements of the recycling plan impractical.
- List all the reasons you seek an exemption to source separation.
- What is the location, name and NJDEPE facility number of the materials recovery facility you will be using to do the recycling of the designated materials?
- Give the name and address of your solid waste collector.
- What are the estimated monthly and yearly tonnages of solid waste and designated recyclables expected to be generated by your facility?
- What materials will the materials recovery facility be recycling for you?
- How have you disposed of your solid waste and recyclables up to the date of the application?
- Have you been cited for any violation with reference to the solid waste or recyclables generated from your facility?
- If the answer to the previous question is affirmative, list all such citations and the dispositions thereof.
- With reference to the NJDEP facility you will be using if the exemption is granted, describe in detail your prior experience with the operator of said facility and indicate the reliability of said operation, insofar as your past experience with the operator.

The application shall also include a provision of any exemption granted that the applicant and the operator shall provide the municipality and County the following: a) quarterly recycling tonnages as well as the tonnages and proofs that

Model Ordinances

the residual solid waste is being disposed of through the Morris County Solid Waste Management System; b) the application and all correspondence relating thereto shall be filed with the municipality and the County including, but not by way of limitation, correspondence and reports from the generator, the operator and the municipality.

Any exemption granted by the municipality shall be granted for a limited period of one year and thereafter, the generator should reapply each year to the municipality for the exemption. The reapplication should indicate the continuing need for the exemption, a statement that there have been no violations. If there are violations, address each violation specifically setting forth what remedial action has been taken to avoid future violations.

The application shall be certified or under oath so that in the event there is a deliberate misstatement penalties may be assessed against the applicant.

The application, in addition to any other information sought by the municipality, should also include the name and address of the applicant, and should describe its facility and the nature of the waste generated. If the commercial establishment or institution has more than one location, it should list all other locations, describe the waste generated there, and set forth its program for meeting the recycling requirements at its other facilities. The generator shall indicate the location for which it seeks the exemption.

Model Ordinances

Please note that this is a DRAFT of a not-yet proposed Rule

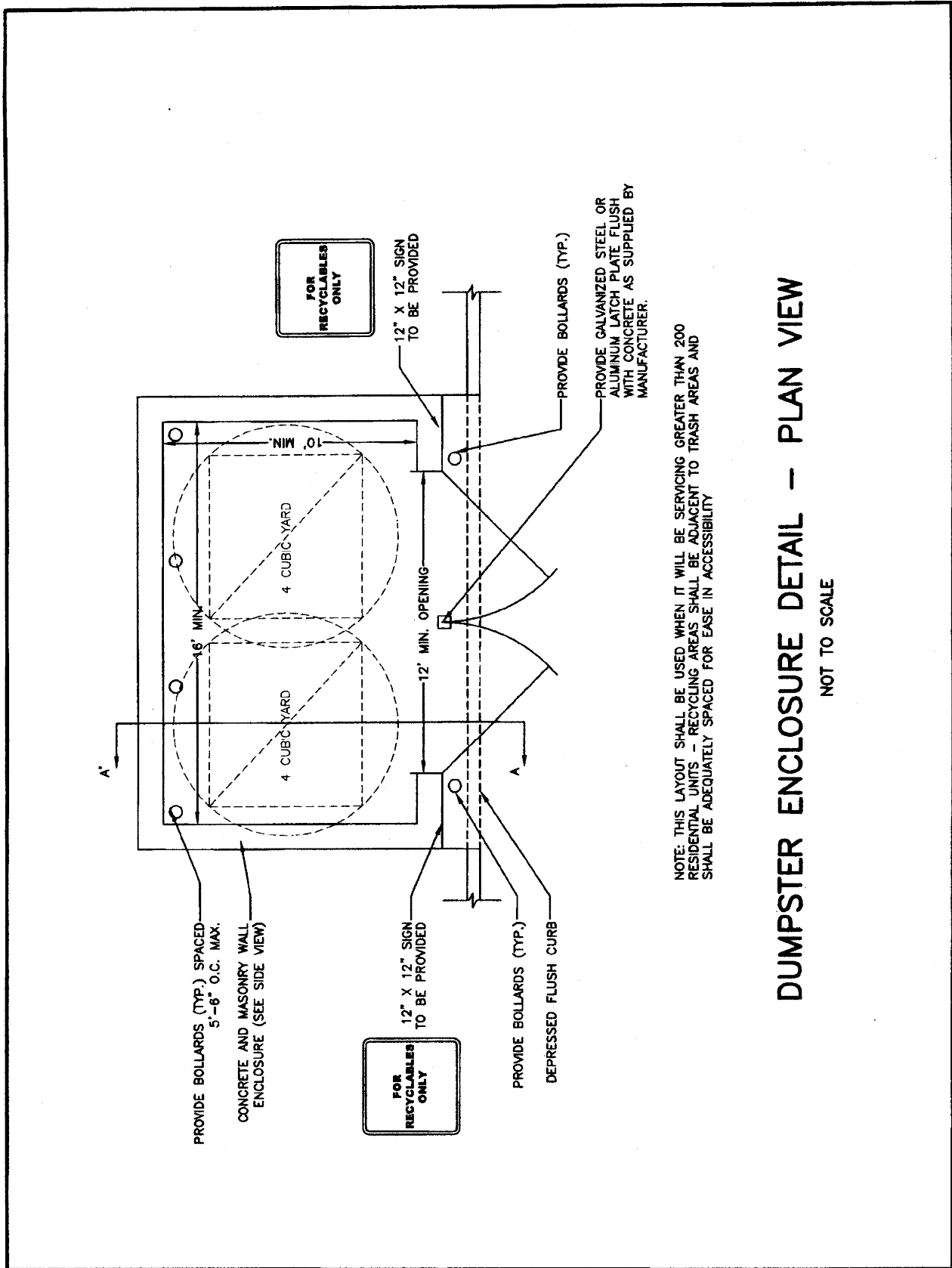
N.J.A.C. 7:26A-11.5 Source Separation exemption

- (a) The governing body of a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of its recycling ordinance.
1. The municipal coordinator shall review the applicant's documentation of alternate provision for the recycling of those materials designated in the district recycling plan that may be found in the solid waste generated at that location.
 2. The municipal coordinator shall review the written reports submitted by the providers of this alternate service, and, where required, the generators' annual written reports, of the total number of tons recycled.
 3. The municipal coordinator shall ascertain that the recycling facilities receiving the exempted waste are permitted to perform that recycling.
 4. If found to be sufficient to meet the requirements for issuance of an exemption, as detailed in an applicable municipal ordinance, the municipal recycling coordinator (or other municipal official as may be identified in the applicable municipal ordinance) shall issue the exemption approval in writing.
 5. The municipal coordinator keep a record of all generators who have received the exemption, and the destination of the waste or identity of the waste transporters handling the waste, and shall report this list annually to the applicable county recycling coordinator.
 6. The municipal coordinator (or other designated municipal official) shall revoke the exemption of a generator upon failure to meet the conditions of the exemption.

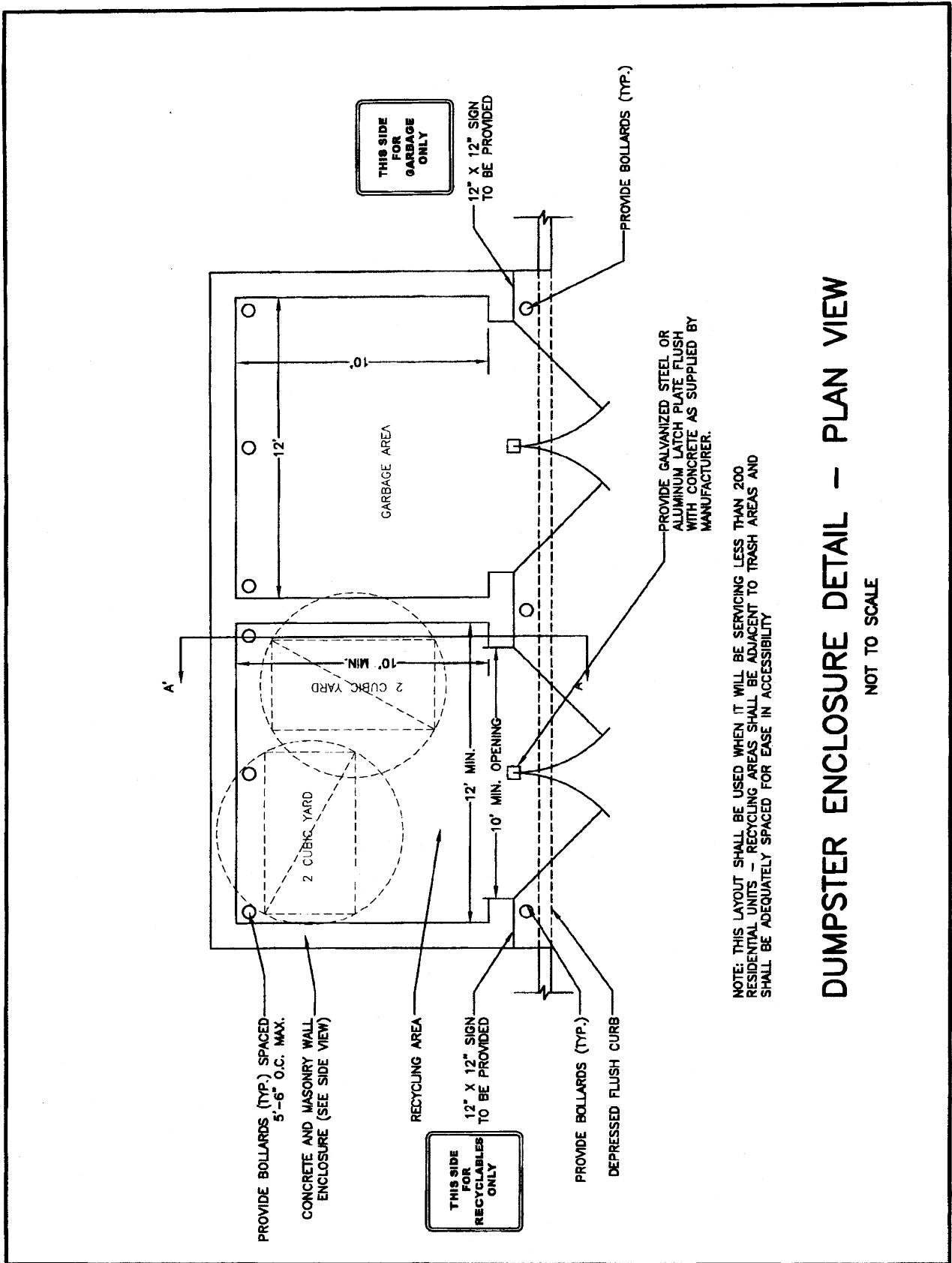
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Model Ordinances

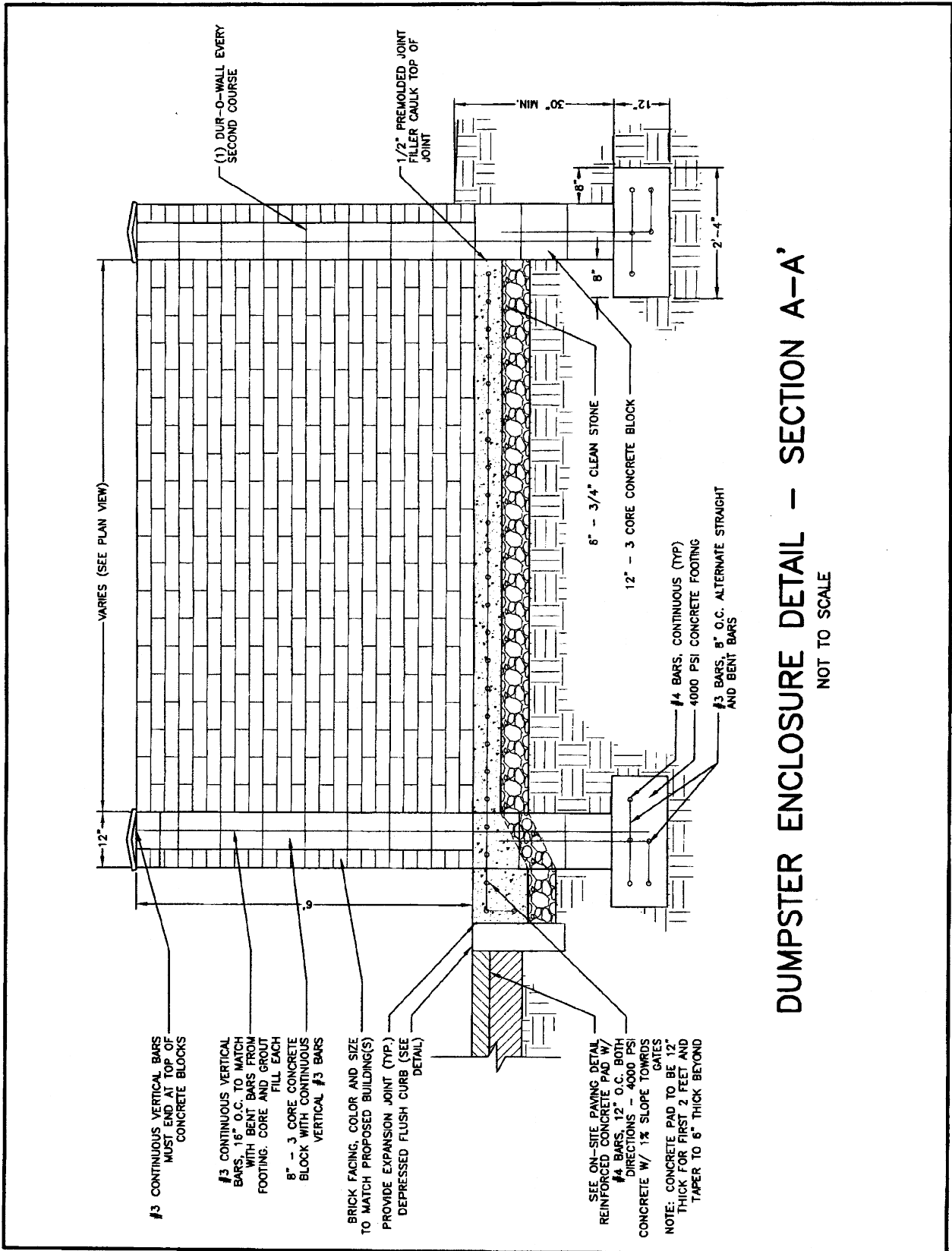
Multifamily Recycling Enclosure Plan



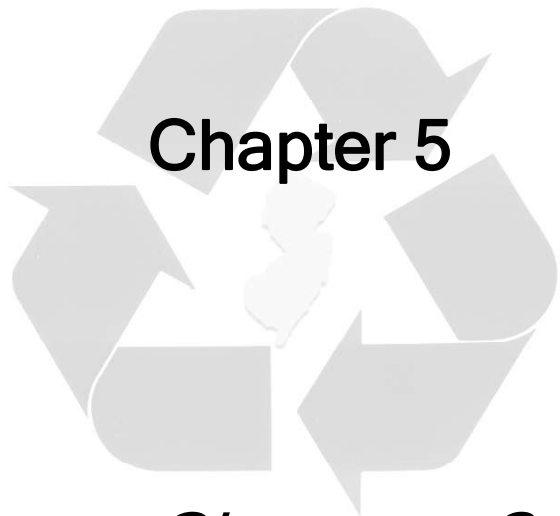
Multifamily Recycling Enclosure Plan



Multifamily Recycling Enclosure Plan



DUMPSTER ENCLOSURE DETAIL - SECTION A-A'
NOT TO SCALE



Chapter 5

Glossary - Sources

Acronyms

ANJR - Association of New Jersey Recyclers	sets accounting standards for state and local governments.
ACO - Administrative Consent Order	HHW - Household Hazardous Waste
AO - Administrative Order	OPRA - Open Public Records Act
AONOCAPA - Administrative Order Notice of Civil Administrative Penalty Assessment	IPC(F) - Intermediate Processing Center (Facility) (In NJ applied to Recycling processing facilities)
BAT - Best Available Technology	LPCL - Local Public Contract Law
BDAT - Best Demonstrated Available Technology	MRC - Municipal recycling Coordinator
BRC - Business Registration Certificate	MRF - Materials Recovery Facility (In NJ applied to Solid Waste processing facilities)
CAA - Clean Air Act	MSW - Municipal Solid Waste
CEHA - County Environmental Health Act	NOCAPA - Notice of Administrative Penalty Assessment
C&D - Construction & Demolition Debris	NOV - Notice of Violation
CRP - Certified Recycling Professional	NRC - National Recycling Coalition
CPWM - Certified Public Works Manager	NRDC - National Resources Defense Council
DCA - Department of Community Affairs	OCC - Old Corrugated Containers
DEP - The New Jersey Department of Environmental Protection	PAYT - Pay As You Throw
DOE - US Department of Energy	Plastics Acronyms:
EIS - Environmental Impact Statement	PET or PETE - Polyethylene Teraphthalate, used most often for soda bottles (#1 plastics)
EPA - U.S. Environmental Protection Agency	HDPE - High Density Polyethylene, used for milk jugs, detergent containers, etc. (#2 plastics)
EPP - Environmentally Preferable Purchasing	PVC - Vinyl or Polyvinyl Chloride, often used for cleaning product containers (#3 plastics)
FY - Fiscal year	LDPE - Low Density Polyethylene, used for plastic bags, lids and some containers (#4 plastics)
GAAP - Generally Accepted Accounting Principles, which are the rules, procedures and practices that define accepted accounting practices.	
GASB - Government Accounting Standards Board, an independent organization that	

Acronyms

PP - Polypropylene, often used for yogurt and butter containers (#5 plastics)

PS - Polystyrene, used most often for food storage and food serving products (#6 plastics)

QUA - Qualified Purchasing Agent

RACT - Reasonable Available Control Technology

RCRA - Resource Conservation and Recovery Act of 1976 (the federal legislation to regulate hazardous waste and eliminate open dumping)

RDF - Refuse Derived Fuel

SWAC - Solid Waste Advisory Committee

SWST - Solid Waste Services Tax (NJ)

TPD - Tons Per Day

TPY - Tons Per Year

UST - Underground Storage Tank (LUST - Leaking Underground Storage Tank)

VOC - Volatile Organic Compound

WTE - Waste-To-Energy

General Definitions

Agricultural Waste refers to solid waste that is generated by the rearing of animals or the production and harvest of crops or trees.

Aluminum Cans refers to containers and packaging such as beverage cans or food and other nonfood cans. Examples of recycling include processing cans into new aluminum products (containers or foil).

Baler - refers to a machine which compacts waste or recycling materials to reduce volume, usually into rectangular bundles.

Beneficial Use - refers to the reuse of residual waste if the use does not threaten public health, safety, welfare, or the environment.

Biodegradable - refers to waste material composed primarily of constituent parts that occur naturally, are able to be decomposed by bacteria or fungi, and are absorbed into the ecosystem. Wood, for example, is biodegradable, while plastics are not.

Bi-Metal Can - refers to a can made from two or more metals, usually steel and tin or aluminum. Generally used to refer to beverage cans with steel bodies and aluminum tops, whereas "steel"; or "tin" generally refer to steel cans coated with tin.

Broker refers to an individual or group of individuals who act as an agent or intermediary between the sellers and buyers of recyclable materials.

Brush and Branches refers to the natural woody material collected from yard trimmings. Whole trees, such as Christmas trees, are included. *Excludes* leaves and grass. Examples of recycling include processing brush and branches into compost additive or mulch.

Bulky Waste refers to those items that are large enough to warrant special collection services separate from regular residential curbside collection. Examples include major appliances and furniture.

Buy-Back Center refers to a facility where individuals or groups of individuals exchange recyclables for payment.

(New Jersey) Clean Communities is a statewide litter-abatement program created by the passage of the Clean Communities Act in 1986. It's managed by the New Jersey Dept. of Treasury, New Jersey Dept. of Environmental Protection and the New Jersey Clean Communities Council.

Collector refers to public or private haulers that collect non-hazardous waste and recyclable materials from residential, commercial, institutional, and industrial sources. **Also see Hauler.**

Collection Service refers to method by which solid waste and or recyclables are collected.

General Definitions

Municipal Service refers to the services provided by employees of a local or county government.

Private Service refers to the services provided by employees of a private firm, including contract service, franchise service, and subscription service.

Contract Service refers to the services provided when a single firm is hired by a local or county government to provide collection services of specified materials to a group of customers; the firm has the exclusive right to serve all eligible customers in a specified territory. *The firm is paid by the local government, submitting only one invoice per month to the government.* Any billing of customers that takes place is done by the local government.

Franchise Service, *Exclusive*: Exclusive franchise service is the same as contract service, except the selected firm bills customers directly for services provided.

Franchise Service, *Nonexclusive*: The same as exclusive franchise service, except that more than one firm is authorized to provide service in a given geographical territory.

Subscription Service: refers to the type of service there is free competition between any licensed firm to obtain the business of any potential customer. There is typically no rate regulation whatsoever, and the prices are set by the market forces of supply and demand.

Commercial Establishment - refers to properties used primarily for commercial (sales, marketing, distribution, service) or industrial purposes. *Many communities have different definitions of a Commercial Establishment, check with your local jurisdiction.*

Commercial Waste refers to waste generated by businesses, such as office buildings; retail and wholesale establishments; and restaurants. Examples include old corrugated containers, food scraps, office papers, disposable tableware, paper napkins, and yard trimmings.

Compactor - Any power-driven mechanical equipment designed to compress waste materials. Usually attached to an enclosed rolloff container.

Compactor Truck - A large truck with an enclosed body that has special hydraulic equipment for loading, compressing, and distributing waste materials within the body.

Composting refers to the controlled aerobic decomposition of organic matter by microorganisms (mainly bacteria and fungi) into a humus-like product.

Aerobic refers to decomposition in the presence of oxygen.

Anaerobic refers to decomposition in the absence of oxygen.

General Definitions

Backyard Composting refers to the diversion of food scraps and yard trimmings from the municipal waste stream through the onsite controlled decomposition of organic matter by micro-organisms (mainly bacteria and fungi) into a humus-like product. Backyard composting is *excluded* from recycling activities. Rather, it is considered source reduction because the composted materials never enter the municipal solid waste stream.

Compost Facilities refers to an offsite facility where the organic component of municipal solid scraps is biologically decomposed under controlled conditions; an aerobic process in which organic materials are ground or shredded and then decomposed to humus in windrow piles or in mechanical digesters, drums, or similar enclosures.

Concrete/Asphalt and Masonry/Paving Materials Asphalt or asphalt-based roofing shingles, concrete, brick, cinder block, ceramic materials stones, other masonry materials and paving materials.

Construction and Demolition (C&D) Debris refers to waste that is generated during the construction, remodeling, repair, or demolition of buildings, bridges, pavements, and other structures. C&D debris includes concrete, asphalt, lumber, steel girders, steel rods, wiring, dry wall, carpets, window glass, metal and plastic piping, tree stumps, soil, and other miscellaneous items related to the activities listed above. This category also includes natural disaster debris.

Cost refers to the dollar value of resources used for an operation during a given period.

Avoided Cost (Cost Avoidance) is the reduction in costs of one activity made possible by the operation of a different activity. In solid waste management, avoided costs often mean savings realized in the cost of collecting, transferring, transporting, and disposing garbage that is made possible by waste reduction, recycling and composting.

Direct Costs are costs that can be linked specifically to an activity, program or department.

Environmental Costs are the cost or value of a resource that includes all indirect, direct, value and costs of that resource.

Fixed Costs are costs that do not change with the level of a given activity over a specific time period. In solid waste management, they often include interest, depreciation, overhead and many salaried positions that cannot be changed quickly in response to changes in program operations or service levels.

Hidden Costs are costs of activities or resources that appear to be free, or are understated, because the actual expense is incurred or recorded by another agency or organization.

General Definitions

Indirect Costs are costs that are not exclusively related to one activity or program. Indirect costs for solid waste can include accounting, collections, payroll, personnel, legal, purchasing, information systems, record keeping, custodial, management, and expenses related to governing bodies of an organization.

Marginal Cost is the change in total costs resulting from a specific decision or change in activity; also called incremental cost.

Net Cost of a solid waste management activity is its full cost, minus its byproduct revenues.

Operating Costs are regularly recurring costs of resources that are used over a relatively short period of time (usually less than one year).

Opportunity Cost is the value placed on activities or alternatives foregone when a decision is made to employ or allocate a resource.

Overhead Costs are the management and support costs of running an organization. They cannot be tied to a particular activity or program, so they are allocated to all departments or programs using a variety of formulas. They are one kind of indirect cost.

Sunk Costs are costs that cannot be recovered at the time a decision is made and, therefore, are irrelevant to any cost-benefit calculation.

Variable Costs change with the level of a given activity, such as recycling collection or garbage disposal. They are often operation, maintenance and other costs that can be reduced quickly in response to lower waste disposal tonnage.

Crumb Rubber refers to ground rubber pieces the size of sand or silt used in rubber or plastic products, or processed further into reclaimed rubber or asphalt products.

Cullet - refers to clean, color-sorted, crushed glass that is used in glass making to speed up the melting of silica sand. The use of cullet reduces energy costs of glass manufacturing.

Depreciation is an accounting method for allocating costs of capital outlays over the useful life of a resource. Useful life is a projection of how long a resource is expected to provide services; it may differ significantly from the actual amount of time the resource is used.

Disposal refers to the incineration, deposition, dumping, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged into the waters.

General Definitions

Disposal Facilities refers to repositories for solid waste including landfills and combustors intended for permanent containment or destruction of waste materials. *Excludes* transfer stations and composting facilities.

Drop-Off Center refers to a method of collection whereby recyclable or compostable materials are taken by individuals to a collection site and placed in designated containers.

End-market (NJ Definition) 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.

End User refers to facilities that purchase or secure recovered materials for the purpose of recycling. Examples include recycling plants and composting facilities. *Excludes* waste disposal facilities.

Environmentally Preferred Purchasing (EPP) is a concept that melds procurement and environmental sustainability into an environmentally conscious purchasing, strategy, advocates multifaceted environmental purchasing.

Ferrous Metals refers to magnetic metals derived from iron (steel). Products made from ferrous metals include major and small appliances, furniture, and containers and packaging (steel drums and barrels). Examples of recycling include processing tin/steel cans, strapping, and ferrous metals from appliances into new products.

Food Processing Waste refers to food residues produced during agricultural and industrial operations.

Food Scraps refers to uneaten food and food preparation wastes from residences and commercial establishments (grocery stores, restaurants, and produce stands), institutional sources (school cafeterias), and industrial sources (employee lunchrooms). *Excludes* food processing waste from agricultural and industrial operations. Examples of recycling include composting and using food scraps to feed pigs, but *excludes* source reduction activities such as backyard (onsite) composting and use of food items for human consumption (food banks).

Full Cost Accounting is a systematic approach for identifying, summing, and reporting the actual costs of solid waste management, taking into account past and future outlays, overhead costs and operating costs. It does not include externalities that are not reflected in current market prices. **ALSO SEE US EPA Full Cost Accounting for Municipal Solid Waste Management A Handbook. (EPA530-R-95-041).**

Future Outlay refers to an expenditure of cash in the future that is obligated by current or prior activities

Generators refer to producers of municipal solid waste such as residences, institutions, commercial businesses, and industry.

General Definitions

Glass Containers refers to containers and packaging such as beer and soft drink bottles, wine and liquor bottles, and bottles and jars for food, cosmetics, and other products. For the purpose of recycling, container glass is generally separated into color categories (clear, green, and amber or brown). Examples of recycling include processing glass into new containers, construction materials (aggregate), or fiberglass (insulation).

Grass refers to lawn clippings. *Excludes* leaves, brush, and branches.

Grasscycling refers to the source reduction activity whereby grass clippings are left on the lawn after mowing.

Hauler refers to a waste collection company that provides complete refuse removal services. Many will also collect recyclables. Includes both private and public entities. **Also see Collector.**

Household Batteries refers to any type of button, coin, cylindrical rectangular or other shaped enclosed device or sealed container which was utilized as an energy source for commercial, industrial, medical, institutional or household use. *Does not include Lead Acid Batteries from vehicles.*

Household Hazardous Waste (HHW) refers to hazardous products that are used and disposed of by residential - rather than industrial -consumers. These products include some paints, stains, varnishes, solvents, and pesticides, and other materials or products containing volatile chemicals that catch fire, react, explode under certain circumstances, or that are corrosive or toxic. HHW is derived from municipal solid waste (MSW) with the exception of used oil which is *excluded* from the category of MSW. Examples of recycling include processing HHW components into new products after they have been diverted from the waste stream. (Diversion from the waste stream only does not constitute recycling i.e., through collection or drop-off programs).

Incinerator refers to a furnace for burning solid waste under controlled conditions.

Incineration means reducing the volume of solid wastes by the use of an enclosed device using controlled flame combustion. Strictly speaking, only the organic materials are combusted, but the non-combusted materials can also undergo a transformation under the influence of the heat released (e.g. glass melts into slag, and chlorine can react with organic material to form micro-pollutants

Industrial Process Waste refers to residues produced during manufacturing operations.

Industrial Sludge refers to the semi liquid residue remaining from the treatment of industrial water and wastewater.

Industrial Waste refers to non-hazardous wastes discarded at industrial sites from packaging and administrative sources. Examples include corrugated boxes, plastic film,

General Definitions

wood pallets, lunchroom wastes, and office paper. *Excludes* industrial process wastes from manufacturing operations.

Integrated Solid Waste Management refers to the incorporating multiple approaches to manage the entire municipal solid waste stream. In an integrated system, increased activity in one activity, recycling for example, creates savings that can be captured in another activity, such as garbage collection, transfer and disposal.

Institutional Waste refers to waste generated at institutions, such as schools, libraries, hospitals, and prisons. Examples include cafeteria and restroom trashcan wastes, office papers, classroom wastes, and yard trimmings. *Excludes* regulated medical.

Intermediate Processing Center (Facility) (IPC), in New Jersey, refers to a Permitted Facility where incoming recyclable materials, which have been source separated by the generator prior to collection, are received for onsite processing and separation utilizing manual or mechanical methods for the purposes of marketing the recyclable material and the disposal of the residual solid waste at an authorized solid waste facility.

Large Generator refers to commercial businesses, institutions, or industries that generate sufficient quantities of municipal solid waste and recyclables to warrant self-management of these materials. Examples of large generators include supermarkets, restaurants, hardware stores, shopping malls, warehouses, amusement parks, convention centers, and office and apartment complexes.

Landfill - refers to a method for final disposal of solid waste on land. The refuse is spread and compacted and a cover of soil applied so that effects on the environment (including public health and safety) are minimized. Under current regulations, landfills are required to have liners and leachate treatment systems to prevent contamination of ground water and surface waters.

Leachate - refers to liquid that passes through, and escapes from, a landfill. The liquid is created from the rainfall and liquids present in the deposited waste that percolates down through the soil and garbage carrying many toxins with it as it travels to areas surrounding the landfill.

Lead-Acid Batteries refers to batteries used in automobiles, trucks, and motorcycles. They contain plastic, lead (a toxic metal), and sulfuric acid.

Leaves refer to the foliage of a plant.

Liquidated Damages refers to reasonable estimates of damages likely to result from a breach of contract. They are not penalties for failure to perform.

Liquid Waste(s) refers to Bulk liquid and semiliquids or a mixture consisting of solid matter suspended in a liquid media which is contained within, or is discharged from, any one vessel, tank. Including septic tank clean-out wastes and liquid sewage sludge combined with water and dissolved materials.

General Definitions

Major (Large) Appliances refers to many different types, sizes, and styles of ovens, microwave ovens, air-conditioners, refrigerators, freezers, washers, dryers, dishwashers, water heaters, dehumidifiers, or trash compactors manufactured for household, commercial, or recreational use. Steel is the predominant material used in the manufacture of large appliances. Other materials found in appliances (in varying amounts) include, copper, brass, aluminum, glass, rubber, and paperboard. **Also see White Goods and Bulky Waste.**

Material Recovery Facility (MRF), in New Jersey, refers to a Permitted Solid Waste Facility where incoming waste is not source separated by the generator prior to collection, and is received for onsite processing and separation utilizing manual or mechanical methods for the purposes of recovering recyclable materials for disposition and recycling prior to the disposal of the residual solid waste at an authorized solid waste facility.

Medical Waste refers to any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, excluding hazardous waste identified or listed under 40 CFR Part 261 or any household waste as defined in 40 CFR Subsection 261.4 (b)(1).

Mill-Ready Cullet refers to crushed and whole contaminant-free scrap container glass that complies with the proper Institute of Scrap Recycling Industries, Inc. glass specifications.

Mixed Glass refers to recovered container glass that is not sorted into specific categories (color and grade).

Mixed Metals refers to recovered metal that is not sorted into specific categories (aluminum cans, tin/steel cans, other ferrous, and other nonferrous).

Mixed Municipal Solid Waste refers to municipal solid waste that is not sorted into specific categories (plastics, glass, and yard trimmings).

Mixed Plastic refers to recovered plastic that is not sorted into specific categories (HDPE, LDPE, and PETE).

Mulching refers to the process by which the volume of organic waste is reduced through shredding or grinding.

Multi-Family refers to a building or group of buildings having multiple dwelling units per structure or multiple structures on common land. Multi-family buildings are usually those having three or more units per structure and are rented or leased. *Many communities have different definitions of multifamily household check with your local jurisdiction.*

Multi-Family Recycling refers to recycling activities at Multi-Family buildings.

General Definitions

Municipal Solid Waste (MSW) *General Definition* refers to wastes such as durable goods, nondurable goods, containers and packaging, food scraps, yard trimmings, and miscellaneous inorganic wastes from residential, commercial, institutional, and industrial sources, such as appliances, automobile tires, old newspapers, clothing, disposable tableware, office and classroom paper, wood pallets, and cafeteria wastes.

Municipal Solid Waste (MSW) *From N.J.A.C 7:26 - NJ Solid Waste Regulations* refers residential, commercial and institutional waste generated within a community.

(Total) Municipal Solid Waste Stream *From N.J.S.A 13:1E-99.13 - Statewide Mandatory Source Separation and Recycling Act* 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 recyclable materials recycled; and **"total solid waste stream"** means the aggregate amount of solid waste generated within the boundaries of any county from all sources of generation, including the municipal solid waste stream.

Solid Waste Types - *by New Jersey ID Number*

- 10 Municipal** (household, commercial and institutional): Waste originating in the community consisting of household waste from private residences, commercial waste which originates in wholesale, retail or service establishments, such as, restaurants, stores, markets, theaters, hotels and warehouses, and institutional waste material originated in schools, hospitals, research institutions and public buildings.
- 12 Dry sewage sludge:** Sludge from a sewage treatment plant which has been digested and dewatered and does not require liquid handling equipment.
- 13 Bulky waste:** Large items of waste material, such as appliances and furniture. Discarded automobiles, trucks and trailers and large vehicle parts, and tires are included under this category.
- 13C Construction and Demolition waste:** Waste building material and rubble resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements and other structures. The following materials may be found in construction and demolition waste: treated and untreated wood scrap; tree parts, tree stumps and brush; concrete, asphalt, bricks, blocks and other masonry; plaster and wallboard; roofing materials; corrugated cardboard and miscellaneous paper; ferrous and nonferrous metal; non-asbestos building insulation; plastic scrap; dirt; carpets and padding; glass (window and door); and other miscellaneous materials; but shall not include other solid waste types.
- 23 Vegetative waste:** Waste materials from farms, plant nurseries and greenhouses that are produced from the raising of plants. This waste includes such crop residues as plant stalks, hulls, leaves and tree wastes processed through a wood chipper. Also included are non-crop residues such as leaves, grass clippings, tree parts, shrubbery and garden wastes.
- 25 Animal and food processing wastes:** Processing waste materials generated in canneries, slaughterhouses, packing plants or similar industries, including animal manure when intended for disposal and not reuse. Also included are dead animals. Animal manure, when intended for reuse or composting, is to be

General Definitions

managed in accordance with the criteria and standards developed by the Department of Agriculture as set forth at N.J.S.A. 4:9-38.

- 27 Dry industrial waste:** Waste materials resulting from manufacturing, industrial and research and development processes and operations, and which are not hazardous in accordance with the standards and procedures set forth at N.J.A.C. 7:26G. Also included are nonhazardous oil spill cleanup waste, dry nonhazardous pesticides, dry nonhazardous chemical waste, and residue from the operations of a scrap metal shredding facility.
- 27A** Waste material consisting of asbestos or asbestos containing waste.
- 27I** Waste material consisting of incinerator ash or ash containing waste.

Municipal Solid Waste (MSW) - Categories used for NJ Tonnage Report Calculation:

NJDEP Category Number for Recycled Materials	Name Recycled Materials
01	Corrugated
02	Mixed Office Paper
03	Newspaper
04	Other Paper/Mag/JunkMail
05	Glass Containers
06	Aluminum Containers
07	Steel Containers
08	Plastic Containers
12	Anti-freeze
16	Used Motor Oil
17	Brush/Tree Parts
18	Grass Clippings
19	Leaves
21	Batteries (Dry Cell)
23	Food Waste
25	Other Glass
26	Other Plastic
29	Textiles
The following are identified as Bulky:	
09	Heavy Iron
10	Nonferrous/Aluminum Scrap
11	White Goods & Light Iron
13	Batteries (Automobile)
14	Automobile Scrap
15	Tires
20	Stumps
22	Concrete / Asphalt / Brick / Block
24	Other Material Not Listed
27	Oil Contaminated Soil
28	Process Residue
30	Wood Scraps

General Definitions

Natural Disaster Debris refers to wastes resulting from earthquakes, floods, hurricanes, tornados, and other natural disasters. *Excludes* wastes resulting from heavy storms. Natural disaster debris may be classified as construction and demolition debris.

Nonferrous Metals refers to nonmagnetic metals such as aluminum, lead, and copper. Products made from nonferrous metals include containers and packaging such as beverage cans, food and other nonfood cans; nonferrous metals found in appliances, furniture, electronic equipment; and non-packaging aluminum products (foil, closures, and lids from bimetal cans). **Also see Other Nonferrous Metals**

Non-Traditional Recyclable Material originally referred to source separated recyclable material including food wastes, electronics, computers, tires, textiles, roof shingles, oil filters, plate glass, antifreeze, latex paints, thermostats, lamps (light bulbs), oil-based finishes, batteries, Petroleum Contaminated Soil and like materials processed at Class B or C facilities.

Other Glass refers to glass from furniture, appliances, and consumer electronics.. Examples of recycling include processing glass into new glass products such as containers, construction materials (aggregate), or fiberglass (insulation).

Other Nonferrous Metals refers to nonferrous metals (lead, copper, and zinc) from appliances, consumer electronics, and non-packaging aluminum products (foil, closures, and aluminum lids from bimetal cans). **Also see Nonferrous Metals**

Other Recyclables refers to household hazardous waste, oil filters, fluorescent tubes, mattresses, consumer electronics, circuit boards, and other miscellaneous recyclable items found in municipal solid waste that cannot be otherwise categorized.

Paper refers to paper products and materials such as old newspapers, old magazines, office papers, telephone directories, old corrugated containers, bags, and some paperboard packaging. Examples of recycling include processing paper into new paper products (tissue, paperboard, hydromulch, animal bedding, or insulation materials).

Computer Paper/Printout refers to a type of paper used in manifold business forms and produced in rolls and/or fan folded. It is used with computers and word processors to print data, information, letters, advertising, etc.

Corrugated Cardboard refers to structural paper material with an inner core shaped in rigid parallel furrows and ridges. Does not refer to linerboard or paperboard such as that used for cereal boxes. **SEE Old Corrugated Containers (OCC)**

Mixed Paper refers to recovered paper that is not sorted into specific categories (old magazines, old newspapers, and old corrugated containers).

Office Paper (OFF) refers to high-grade papers such as copier paper, computer printout, and stationery. These papers are almost entirely made of uncoated

General Definitions

chemical pulp, although some amounts of groundwood are used. It should be noted that this category of paper also is generated at locations other than offices, such as homes and institutions (schools).

Old Corrugated Containers (OCC) refers to corrugated containers made from unbleached, unwaxed paper with a ruffled (corrugated) inner liner. **SEE Corrugated Cardboard**

Old Magazines refers to dry, coated magazines, catalogues, and similar printed materials.

Old Newspaper (ONP) refers to periodicals printed on newsprint. Includes groundwood inserts (advertisements). Examples of recycling include processing old newspapers into new paper products (newspaper, paperboard, boxboard, or animal bedding).

Other Paper refers to paper from books, third class mail, other commercial printing, paper towels, paper plates and cups, other non-packaging paper (posters, photographic papers, cards, and games), milk cartons, folding boxes (cereal boxes), bags, wrapping papers, and other paper and paperboard products.

Paper Processor refers to an intermediate operating facility where recovered paper products and materials are sorted, cleaned of contaminants, and prepared for final recycling. Examples include paper stock dealers and paper packers.

Paper Recycling

High-Grade Paper

High-grade paper is usually generated in office environments and can earn recycling revenues when present in sufficient quantity. Types of high-grade paper include:

Computer paper (also known as Computer Print Out or CPO) - Can be all white or have a white main fiber with bright green or blue bars.

White ledger - Most white office paper, including white computer paper, copy machine paper, letterhead, white notebook paper, and white envelopes. Common contaminants include glossy paper, wax-coated paper, latex adhesive labels, envelopes with plastic windows, and carbon paper.

Tab cards. Usually manila-colored computer cards; may be other colors but must be separated by color to be valuable as a high-grade paper,

Other Papers

These papers are less valuable than high-grade paper in terms of recycling, although they still can be cost-effective to recycle in many cases. Examples of other types of paper include:

General Definitions

Colored ledger - most non-white office paper, including carbonless paper, file folders; tablet paper, colored envelopes, and yellow legal paper

Corrugated Cardboard (also known as Old Corrugated Cardboard or OCC) - Includes unbleached, un-waxed paper with a ruffled (corrugated) inner liner. It usually does not include linerboard or pressboard, such as cereal boxes and shoe boxes, for most businesses, cardboard is a cost-effective material to recycle.

Newspaper (also known as Old News Print or ONP) - It is most valued when separated from other paper types, but can be recycled as mixed waste paper.

Miscellaneous waste paper - Encompasses most types of clean and dry paper which do not fall into the categories mentioned above, including glossy papers, magazines, catalogs, telephone books, cards, laser-printed white ledger, windowed envelopes, paper with adhesive labels, paper bags, wrapping paper, packing paper, sticky-backed notes, and glossy advertising paper, This mixed paper has limited value in existing markets.

Mixed waste paper - Paper that is un-segregated by color, quantity, or grade (e.g., combination of white ledger, newsprint, colored paper, envelopes without windows, computer paper, glossy paper, etc.). Mixed paper generally sells below the price of the least valuable paper in the mix.

Pay-As-You-Throw (PAYT) refers to a system under which residents pay for municipal solid waste management services per unit of waste (by weight or volume) collected rather than through a fixed fee.

Performance Bond refers to a guarantee that protects an organization or individual in the event that a contractor fails to perform services required by contract.

Petroleum Contaminated Soil refers to non-hazardous soils containing petroleum hydrocarbons resulting from spills, leaks or leaking underground storage tanks used for gasoline or any other commercial fuel and which are recycled in accordance with the requirements of N.J.A.C. 726A-1.1 m.

Plastic Codes/Types

#1 - PET or PETE - Polyethylene Teraphthalate, used most often for soda bottles

#2- HDPE - High Density Polyethylene, used for milk jugs, detergent containers, etc.

#3 - PVC - Vinyl or Polyvinyl Chloride, often used for cleaning product containers

General Definitions

#4- LDPE - Low Density Polyethylene, used for plastic bags, lids and some containers

#5 - Polypropylene, often used for yogurt and butter containers

#6 - Polystyrene, used most often for food storage and food serving products

Other Plastic refers to plastic from appliances, furniture, trash bags, cups, eating utensils, sporting and recreational equipment, and other non-packaging plastic products.

Plastic Processor refers to an intermediate operating facility where recovered plastic products and materials are sorted, cleaned of contaminants, and prepared for final recycling. Examples include plastics handlers and plastics reclaimers.

Post-consumer Materials/Waste refers to recovered materials that have been used as a consumer item and are diverted from municipal solid waste for the purpose of collection, recycling, and disposition (aluminum beverage cans, plastic bottles, old newspapers, and yard trimmings). *Excludes* materials from industrial processes that have not reached the consumer, such as glass broken in the manufacturing process or overissues of newspapers and magazines.

Pre-consumer Materials/Waste refers to materials generated in manufacturing and converting processes, such as manufacturing scrap and trimmings/cuttings. Also includes print overruns, over-issue publications (newspapers and magazines), and obsolete inventories.

Processors refers to intermediate operators that handle recyclable materials from collectors and generators for the purpose of preparing materials for recycling (material recovery facilities, scrap metal yards, paper dealers, and glass beneficiation plants). Processors act as intermediaries between collectors and end users of recovered materials.

Pickup Charge refers to the fee assessed by a waste hauler to empty a front or rear-load dumpster. Usually this is a flat service fee regardless of weight or volume contained in the dumpster.

Pull Charge refers to the fee assessed by a waste hauler to pick up a rolloff, compactor or box at the generator's facility, haul it to a disposal site, empty it and replace with another container.

Putrescible Waste includes household food waste; green waste and certain wastes arising from commercial and industrial sources. This kind of waste will easily decompose and breakdown causing the formation of foul-smelling incompletely oxidized products.

General Definitions

Non-Putrescible Waste includes certain wastes arising from residential, commercial and industrial sources that can be stored for long periods without decomposing or odoriferous release and does not produce leachate.

Rear Loader refers to a refuse truck that has power-driven loading equipment at the rear of the vehicle.

Recycling refers to the series of activities by which discarded materials are collected, sorted, processed, and converted into raw materials and used in the production of new products. *Excludes* the use of these materials as a fuel substitute or for energy production.

Recycling Coordinator refers to the person who plans, organizes and oversees the recycling program established in a commercial, municipal, institutional or industrial facility or in a municipal residential curbside collection program.

Redemption Program refers to a program where consumers are monetarily compensated for the collection of recyclable materials, generally through pre-paid deposits or taxes on beverage containers. In some states or localities, legislation has been passed to implement redemption programs to assist in the prevention of roadside litter (bottle bills).

Residential Waste refers to waste generated by single and multi-family homes including old newspapers, clothing, disposable tableware, food packaging, cans and bottles, food scraps, and yard trimmings.

Residues refer to the materials remaining after processing, incineration, composting, or recycling have been completed. Residues are usually disposed of in landfills.

Resource Recovery refers to the processing that provides for the extraction and utilization of materials or energy from municipal waste that is generated off site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term does not include compost, methane gas extraction from a municipal waste landfill or recycling facility.

Reuse refers to the use of a product or component of municipal solid waste in its original form more than once. Examples include refilling glass or plastic bottles, repairing wood pallets, using corrugated or plastic containers for storage, and returning milk crates.

Roll off - refers to a 10 to 50 cubic yard container with an open top for collection of solid waste. The container is picked up by a special truck and hauled to landfill to be emptied.

Self-Haul - refers to collection of recyclables or solid waste using municipal employees.
Also see Collection Service - Municipal Service.

General Definitions

Single Stream refers to the method of collecting the entire residential recycling stream together in one non-compartmentalized vehicle. Mixed paper and commingled containers are collected together and delivered to the materials recovery facility (MRF). A single-stream program integrates the separation and collection components of recycling; all recyclable materials are collected in one “stream.”

Small (Minor) Appliances refers to many different types, sizes, and styles of electric fans, coffee makers, electric irons, food mixers, etc. Aluminum and plastic are the predominant materials used in small appliances.

Source Reduction refers to the design, manufacture, purchase, or use of materials, such as products and packaging, to reduce the amount or toxicity of materials before they enter the municipal solid waste management system, such as redesigning products or packaging to reduce the quantity of materials or the toxicity of the materials used; reusing products or packaging already manufactured; and lengthening the life of products to postpone disposal. Examples include donating food to food banks, diverting food scraps and yard trimmings through backyard (onsite) composting, and reusing plastic pallets. **Also See Waste Prevention.**

Solid Waste Services Tax (SWST) (N.J.S.A. 13:1E-138a) is the tax levied on the owner or operator of every sanitary landfill facility in New Jersey on all solid waste accepted for disposal.

The revenue collected from the Solid Waste Services Tax will be deposited in the Solid Waste Services Tax fund to be administered by the New Jersey Department of Environmental Protection.

Stormwater is runoff from rainwater, melting snow, lawn watering and other similar activities that will carry chemicals, nutrients, sediments, pet droppings, litter and trash, either directly or through storm sewers into rivers, creeks and lakes causing those bodies to become polluted.

Textiles refers to fibers from discarded apparel, furniture, linens (sheets and towels), and carpets. Examples of recycling include converting apparel and linens into wiper rags and processing textiles into new products (linen paper or carpet padding).

Tin/Steel Cans refers to tin-coated steel containers such as cans used for food packaging.

Tipping Fee refers to the charge made by a disposal site operator for the privilege of disposing waste materials.

Tire Processor refers to an intermediate operating facility where recovered tires are processed in preparation for recycling.

General Definitions

Traditional Recyclable Material originally referred to source separated non-putrescible recyclable material including metal, glass or plastic containers, paper, and corrugated and other cardboard which are processed at a Class A facility.

Transfer Station refers to a facility where solid waste is transferred from collection vehicles to larger trucks or rail cars for longer distance transport.

Tree Stumps refers to the portion of a tree remaining after it has been cut. Tree stumps are categorized as yard trimmings when found in municipal solid waste. Otherwise, tree stumps are generally found in, and categorized as, construction and demolition debris.

Unit Pricing refers to the price residents pay for waste management or recycling services per unit of waste collected rather than through a flat fee, also known as pay-as-you-throw or variable rate pricing.

Universal waste - see Definitions from N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 et seq.

Variable Rate Pricing refers to the price residents pay for waste management or recycling services per unit of waste collected rather than through a flat fee, also known as pay-as-you-throw or unit pricing.

Virgin Materials - Natural resources and raw materials traditionally used in industrial and manufacturing processes. Examples of virgin material include wood pulp, plastic resins derived from the petroleum refining process, mined/processed metals, and glass produced using a silica base.

Waste Audit - refers to an analysis of a facility's processes, waste stream, recycling activities and disposal costs used to process detailed information of the solid waste management system.

Waste Characterization Studies refers to the identification and measurement (by weight or volume) of specific categories of municipal solid waste materials (glass, plastic, and metals) for the purpose of projecting landfill capacity, determining best management practices and developing cost-effective recycling programs.

Waste Generation refers to the amount (weight or volume) of materials and products that enter the waste stream before recycling, composting, landfilling, or combustion takes place

Waste Prevention is not recycling, although these two solid waste management strategies are often confused with each other. Recycling is an effective way to manage waste materials once they have been generated. Waste Prevention actually reduces the amount of material used and therefore the amount discarded. **Also see Source Reduction**

Waste Reduction - Design, manufacture, or use of a product to minimize weight of municipal waste that requires processing or disposal, including activities that minimize

General Definitions

the weight or volume or increases durability or recyclability, and the use of products that contain as little material as possible, are capable of being reused or recycled, or have an extended useful life.

Waste Stream refers to the total flow of solid waste from homes, businesses, institutions, and manufacturing plants that must be recycled, incinerated, or disposed of in landfills; or any segment thereof, such as the “residential waste stream” or the “recyclable waste stream.”

Waste-To-Energy Facility/Combustor refers to a facility where recovered municipal solid waste is converted into a usable form of energy, usually through combustion.

White Goods refers to major appliances such as refrigerators, stoves, air conditioners, and washing machines. **Also see Bulky Waste.**

White Ledger refers to printed or unprinted sheets of white ledger, bond, writing paper, and all other papers which have a similar fiber and filler content.

Yard Trimmings refers to grass, leaves, tree branches and brush, and tree stumps from residential, institutional, and commercial sources. Examples of recycling include processing yard trimmings into compost, mulch, or other similar uses, and landspreading leaves (when the depth of the application allows for degradation of the organic plant material).

Yard Trimmings Processor refers to an intermediate operating facility where recovered yard trimmings are sorted, cleaned of contaminants, and prepared for final recycling.

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

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.

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.

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

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

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; 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. Antifreeze;
3. Latex paints;
4. Thermostats;
5. Lamps (light bulbs);
6. Oil-based finishes;
7. Batteries;
8. Mercury-containing devices; and
9. Consumer Electronics.

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 source separated recyclable materials for the purpose of recycling.

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

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.

Consumer electronics means any appliance used in the home or business that includes circuitry. Consumer electronics includes the components and sub-assemblies that collectively make up the electronic products and may, when individually broken down, include batteries, mercury switches, capacitors containing PCBs, cadmium plated parts and lead or cadmium containing plastics. Examples of consumer electronics include, but are not limited to, computers, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

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.

Designated recyclable materials means those recyclable materials, including metal, glass, paper, or plastic, polycoated paperboard packaging, including beverage containers and aseptic packaging, food waste, corrugated and other cardboard, newspaper, magazines, or high-grade office paper designated in a district recycling plan to be source separated in a municipality pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13).

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

Disposition or disposition of designated recyclable materials means the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months of designated recyclable materials for all possible uses except for disposal as solid waste.

District means a solid waste management district as designated by section 10 of P.L.1975, c.326 (C.13:1E-19), except that, as used in the provisions of P.L.1987, c.102 (C.13:1E-99.11 et seq.), district shall not include the Hackensack Meadowlands District.

District recycling plan means the plan prepared and adopted by the governing body of a county and approved by the department to implement the State Recycling Plan goals pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13).

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.

Lamp or universal waste lamp means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

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 (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.

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

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.

Leaf composting facility means a solid waste facility which is designed and operated solely for the purpose of composting leaves and shall also include leaf mulching operations on land deemed actively devoted to agricultural or horticultural use as defined in section 5 of P.L.1964, c.48 (C.54:4-23.5).

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.

Mercury-containing device means any product component which uses elemental mercury, sealed in an ampule or other container, as a functional component. Examples of mercury containing devices include, but are not limited to, mercury switches and thermometers.

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.

Oil-based finishes means any paint or other finish which may exhibit, or is known to exhibit, a hazardous waste characteristic, or which contains a listed hazardous waste, and is in its original packaging, or otherwise appropriately contained and

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

clearly labeled. Examples of oil-based finishes include, but are not limited to, oil-based paints, lacquers, stains, and aerosol paint cans.

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.

Paper means all paper grades, including but not limited to, newspaper, corrugated and other cardboard, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper, and related types of cellulosic material containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants.

Paper product means any paper items or commodities, including but not limited to, paper napkins, towels, construction material, toilet tissue, paper and related types of cellulosic products containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants.

Plastic container means any formed or molded and hermetically sealed, or made airtight with a metal or plastic cap, rigid container with a minimum wall thickness of not less than 0.010 inches, and composed primarily of thermoplastic synthetic polymeric material.

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

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

five United States gallons, with a minimum wall thickness of not less than 0.010 inches, and composed primarily of thermoplastic synthetic polymeric material.

Post-consumer waste material means any finished product generated by a business or consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, recycling and disposition and which does not include secondary waste 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.

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.

Recognized academic institution means any of the following educational or research institutions located in this State: a duly authorized institution of higher education licensed by the Board of Higher Education; a public school operated by a local school district; a private vocational school; or a nonpublic school satisfying the State's compulsory attendance requirements.

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.

Recycled product or product made from recycled material means any nonpaper item or commodity which is manufactured or produced in whole or in part from post-consumer waste material;

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 (Class A, Class B, Class C and/or Class D recyclable material). Recycling centers shall not include recycling depots, manufacturers, or scrap processing facilities.

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

Recycling center for Class A recyclable materials or Class A recycling center means a facility that receives, stores, processes, or transfers Class A recyclable materials as defined in this section.

Recycling center for Class B recyclable materials or Class B recycling center means a facility that receives, stores, processes, or transfers Class B recyclable materials as defined in this section.

Recycling center for Class C recyclable materials or Class C recycling center means a facility that receives, stores, processes, or transfers Class C recyclable materials as defined in this section.

Recycling center for Class D recyclable materials or Class D recycling center means a facility that receives, stores, processes, or transfers Class D recyclable materials as defined in this section.

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 endmarket.

Recycling services means the services provided by persons engaging in the business of recycling, including the collection, transportation, processing, storage, purchase, sale or disposition, or any combination thereof, of recyclable materials;

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.

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.

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 waste plan of the district in which the recycling center is located 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.

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

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 nonferrous 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.

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 separation or source separated means the process by which 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.

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. Thermostats;
4. Lamps;
5. Mercury-containing devices;
6. Oil-based finishes; and

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

7. Consumer electronics.

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.

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.

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.

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

Household 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.

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,

**DEFINITIONS
FROM
N.J.S.A 13:1E-99.12 & N.J.A.C. 7:26A-1 ET SEQ.**

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.

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 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 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.)

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

Vegetative waste composting facility means a solid waste facility which is designed and operated for the purpose of composting leaves, either exclusively or in combination with other vegetative wastes authorized by the department.

Yard trimmings means grass clippings, leaves, wood chips from tree parts, and brush.

Category/Definitions of Recycled Materials
From
NJDEP Division of Solid & Hazardous Waste website

The following are the definitions of revised and expanded categories of recycled materials eligible for tonnage report submission. The definitions are not meant to be all-inclusive, but rather attempt to identify the majority of materials reported in previous submittals, as identified by current markets for those materials. It is recognized that market changes may dictate altering these definitions.

Aluminum Cans (06) - Food and beverage containers made entirely of aluminum.

Antifreeze (12) - An automotive engine coolant consisting of a mixture of ethylene glycol and water, or propylene glycol and water.

Computer Printout/White Ledger (02) - All computer paper, all high grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad).

Concrete, Asphalt, Masonry and Paving Material (22) - Asphalt, concrete, brick, cinder block, "patio blocks," ceramic materials, stones and other masonry and paving materials. Note that the regulations at N.J.A.C. 7:26A allow for asphalt to be handled in two ways: incorporated into the asphalt production process (milled asphalt) ; or asphalt is taken to a Class B recycling center and used to produce construction aggregate. Either form of the material is acceptable for reporting purposes.

Consumer Batteries (21) - Any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional or household use. (Does not include lead-acid batteries from vehicles.)

Corrugated (01) - Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise.

Food Scraps (23) - Food plate waste and food processing wastes. Food processing wastes include food processing vegetative waste (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc.), food processing residuals and animal processing wastes. If the material is transported and processed as animal feed, it may be identified as such.

Glass Containers (05) - All glass containers used for packaging food or beverages.

Heavy Iron (09) - All structural steel or ferrous metal, cast iron components.

Lead-Acid Batteries (13) - Batteries from automobiles, trucks, other vehicles, machinery and equipment. (Does not include consumer batteries.)

Magazines & Junk Mail (04) - All magazine stock, white and colored paper and envelopes.

Category/Definitions of Recycled Materials
From
NJDEP Division of Solid & Hazardous Waste website

Miscellaneous Recyclable Materials (24) - Includes any other non-hazardous material which would otherwise be classified as a solid waste, and is not otherwise defined in this section and documented as recycled.

Mixed Office Paper (02) - Items listed in computer printout/white ledger category when mixed with envelopes, manila folders and colored paper. Material is generated by commercial/institutional sources.

Newspaper (03) - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news).

Other Aluminum Scrap, Non-Ferrous Scrap (10) - All non-container aluminum including auto parts, siding, aircraft parts, lawn chairs, window and door frames, pots and pans, foils and pie plates. Non-ferrous scrap consists primarily of copper and zinc. Copper generally takes the form of cable (utility wires), plumbing, wiring harnesses, motors, house wiring and bulky items.

Other Bulky Materials (24) - Furniture (plastic, wood, or items constructed of a combination of the above materials), wallboard, carpeting, padding, asphalt-based roofing scrap (including shingles, built up roofing, tarpaper, other roofing materials), and insulation.

Other Glass (25) - All non-container glass such as plate glass, drinking glasses, and automotive glass.

Other Paper (04) - All paper that is not corrugated, office, magazines, white and colored bond paper, or newspaper, such as telephone directories, wrapping paper, chip board, books, papers coated with plastic, film or foil, paper contaminated with food, and grocery bags.

Other Plastic (26) - Low density polyethylene (LDPE) film or bags, other film and plastic closures.

Petroleum Contaminated Soil (27) - Non-hazardous soils containing petroleum hydrocarbons resulting from spills, leaks or leaking underground storage tanks used for gasoline or any other commercial fuel, and which are recycled in accordance with the requirements of N.J.A.C 7:26A-1.1 et seq.

Plastic containers (08) - Containers such as polyethylene terephthalate (PETE - #1) soda bottles, high density polyethylene (HDPE - #2) milk, water or detergent bottles, low density polyethylene (LDPE - #4) containers, vinyl (V - #3) or polyvinyl chloride (PVC - #5) bottles and rigid and foam polystyrene (PS - #6).

Category/Definitions of Recycled Materials
From
NJDEP Division of Solid & Hazardous Waste website

Plastic Scrap (26) - Durable goods (appliances, furniture, automobile parts), and plastic pallets (provided they are melted down or chipped, and not simply reused).

Process Residue (28) - Includes ferrous metals ash recovered from any form of incinerator power plant, and any other process residue which is non-hazardous and meets the definition of an ID-27 dry industrial waste. Not included in this definition is sludge.

Scrap Autos (14) - Crushed or shredded automobile or truck bodies, excluding auto shredder residue, or "fluff".

Steel Cans (07) - Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint, and a variety of other household and consumer products.

Stumps, Logs and Tree Parts (20) - Unfinished wood from land clearing projects or storm damage.

Textiles (29) - Cloth material such as cotton, linen, wool, nylon, polyester, etc., derived from clothing, cloth diapers, linens, etc.

Tires (15) - Rubber-based scrap automotive, truck, and specialty tires (e.g., forklift tires).

Used Motor Oil (16) - A petroleum based or synthetic oil whose use includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

White Goods & Light Iron (11) - All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, stainless steel and other non-structural ferrous scrap.

Wood Scrap (30) - Finished and unfinished lumber from construction/demolition projects. Included in this category are telephone poles, railroad ties and wooden pallets.

Yard Trimmings - Leaves (19), grass clippings (18), stumps (20), brush (17), and other lawn and garden trimmings from homes, institutions, commercial or industrial sources.

Sources

Municipal Responsibilities under the “New Jersey Statewide Mandatory Source Separation and Recycling Act” - Guy Watson, NJDEP

Overview of Solid Waste Control Laws and Local Authority & Judicial Forum - Deborah Pinto, NJDEP

General Definitions - various sources including:

Measuring Recycling - A guide for State and Local Governments (EPA530-R97-001)

Practical Recycling Economics -Making the Numbers Work for Your Program- Jim Morris, Wayne DeFeo

Collection Techniques & Options - Online Resource Library - Professional Recyclers of Pennsylvania

Association of New Jersey Recyclers - Website

Multi-Family Recycling - A National Study (EPA530-R-1018)

Commonly Used Acronyms - various sources including:

Collection Techniques & Options - Online Resource Library - Professional Recyclers of Pennsylvania

Practical Recycling Economics -Making the Numbers Work for Your Program- Jim Morris, Wayne DeFeo

Sections dealing with Purchasing and Public Bidding - various sources including:

Lectures and Classes presented by Joseph Valenti Bureau Chief, NJ Division of Local Government Services Department of Community Affairs

Government Budgeting: theory process politics - Albert C. Hyde, Jay M. Shafritz, editors

Permanent Budget Manual for New Jersey Municipalities - NJ Department of Community Affairs

Recycling Enclosure Plan: Somerset County Office of Recycling - Stacy Grillo

Categories used for NJ Tonnage Report Calculation:
Joseph Davis, NJDEP

APPENDIX



State of New Jersey
Department of Environmental Protection

Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner

January 2006

Dear Solid Waste Transporters and Facility Operators:

We are writing to affirm the Department of Environmental Protection's strong commitment to ensuring compliance with New Jersey's mandatory recycling regulations.

The New Jersey Legislature enacted the "Statewide Mandatory Source Separation and Recycling Act" based on the benefits of recycling to the environment and the State's economy. Recycling reduces our reliance on disposal facilities, conserves raw materials, and reduces air and water pollutants including those that contribute to global climate change. It is imperative that solid waste transporters and facility operators comply with the regulations so that the state can achieve its recycling goals.

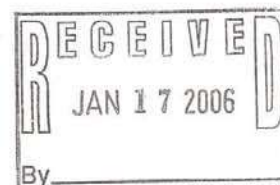
In response to the Recycling Act, and the adoption of the recycling rate goals, New Jersey developed one of the most successful programs in the country. New Jersey achieved the recycling rate goal of 60% in 1995. However, since that time the trend has been downward, and in 2003, the latest year for which complete numbers are available, our Municipal Solid Waste recycling rate had fallen to a paltry 32 percent.

In order for New Jersey to improve its recycling rates, several factors are essential:

- Compliance and cooperation with and among the solid waste industry;
- An effective education and outreach program to the general public for residential recycling and small businesses for commercial recycling;
- Vigilant compliance monitoring by municipal, county and state recycling coordinators, which includes an enforcement component if warranted to compel recycling.

To clarify a common misconception, materials designated as recyclable by counties must be separated from waste at the point of generation and not at the point of disposal. This mandate applies to commercial, institutional and residential sectors. Transport of solid waste commingled with designated recyclable material (those recyclable materials mandated for separation according to respective County recycling plans) that are destined for a disposal site is prohibited,

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Recycled Paper



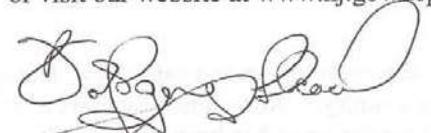
APPENDIX


and the Department and the designated county solid waste enforcement agencies will by necessity strictly enforce against violations.¹

Aside from any exemption, pursuant to N.J.A.C. 7:26-2.4(b) solid waste facilities are not permitted to accept designated recyclable materials commingled with solid waste. Pursuant to N.J.A.C. 7:26-3.4(m), all solid waste must be transported in accordance with the Solid Waste Management Plan developed by the district of waste origin. The Department and its county partners will diligently monitor the transport and processing of solid waste to ensure adherence to these requirements, and violators will be subject to enforcement and the assessment of financial penalties.

Our writing you here is intended to provide a reminder on the requirements of our state law. We very much want to reinvigorate and improve recycling in New Jersey. Solid Waste Transport and Operating companies are needed to be significant partners as we move forward.

To learn what materials are designated recyclables in a particular county, please contact the appropriate solid waste coordinator on the enclosed list. Also I highly recommend you visit our website to review the adopted Solid Waste Management Plan (available January 3, 2006) which provides details on our decreasing recycling rate over the past decade. If you have any other questions, please contact Guy Watson, Bureau Chief, Recycling and Planning at (609) 984-3438 or visit our website at www.nj.gov/dep/dshw/recycle.


Wolf Skacel, Assistant Commissioner
Compliance and Enforcement

Sincerely,

Joseph Seebode, Assistant Commissioner
Site Remediation and Waste Management

c: John A. Castner, Director, County Environmental Management and Waste Enforcement
Frank Coolick, Administrator, Solid and Hazardous Waste Program
Guy Watson, Chief, Bureau of Recycling & Planning

Distribution List:

County Recycling Coordinators
County Solid Waste Coordinators
County Health Officers
Municipal Recycling Coordinators

ceha/solidwaste/transporter-operator/tr0205

¹ While an exemption to this prohibition against the commingling of designated recyclable materials and solid waste exists for commercial and institutional facilities pursuant to N.J.S.A. 13:1E-99.16(D), this exemption is granted on a case-by-case basis, is subject to specific conditions, and must be approved in writing by the municipality in which the material is generated. This exemption to the source separation requirement may be granted only in the case where the commercial or institutional facility generating the waste has contracted with an approved materials recovery facility to remove the county designated materials from the waste for recycling. The facility is responsible for keeping a copy of this municipal exemption letter at the facility at all times, for presentation to solid waste inspectors upon request.