



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Solid and Hazardous Waste  
MAIL CODE 401-02C, P.O. BOX 420  
TRENTON, NJ 08625-0420  
TEL: 609-984-4250  
FAX: 609-777-1951  
[www.state.nj.us/dep/dshw](http://www.state.nj.us/dep/dshw)

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

June 23, 2017

Re: Increasing New Jersey's Recycling Rate

Dear New Jersey Business Owner/Operator,

This year marks the 30<sup>th</sup> anniversary of the enactment of the New Jersey Statewide Mandatory Source Separation and Recycling Act, which made New Jersey the first state in the country to require residential, commercial and institutional recycling.<sup>1</sup> Over the past 30 years, New Jersey has made significant progress in reaching the goal set in the Recycling Act of recycling 50 percent of municipal solid waste, but we are not yet there. With your help, we believe we can reach – and surpass – that goal.

Specifically, regarding recycling, New Jersey businesses are required (in part) to:

- Keep all materials designated for source separation (i.e., separation of recyclable materials from trash at the point of generation), in the municipal recycling ordinance, stored separately from solid waste (7:26A-10.2);
- Place these specified recyclable materials for collection in the manner provided by the ordinance (7:26A-10.2), and;
- Commercial and institutional generators including multifamily housing owners or their agents must report the tonnage of designated recyclable materials collected for recycling from their premises, as directed in the municipal recycling ordinance (7:26A-10.3).

Failure to comply with the above is a violation of your local recycling ordinance and State Solid Waste Regulations and may result in a \$3000.00 fine.

---

<sup>1</sup> N.J.S.A. 13:1E-99.11 et seq., which was signed into law in 1987 and which has been codified into rules (in part) at N.J.A.C. 7:26A-11.1. Hereinafter applicable requirements from N.J.S.A. 13:1E-99.11 and N.J.A.C. 7:26A-11.1 are collectively referred to as 'requirements'. Please see statute and rules for all requirements.

The New Jersey Department of Environmental Protection (DEP) encourages each business to work closely with their respective municipal recycling coordinator in this effort. Such efforts may include joining up with county-wide recycling programs.

DEP requests your assistance in increasing New Jersey's recycling rate by complying with your local recycling requirements, source separating mandated recyclable materials and providing recycling tonnage information for your business to your municipal recycling coordinator.

Should you have any questions regarding this information, please contact your municipal recycling coordinator, listed at:

[http://www.nj.gov/dep/dshw/recycling/recycling\\_coordinators.pdf](http://www.nj.gov/dep/dshw/recycling/recycling_coordinators.pdf)

Thank you for your attention and efforts to assist New Jersey in increasing the rate of recycling in our State. Together, we can reach our goal.

Sincerely,



Mary Jo M. Aiello, Director  
Division of Solid  
and Hazardous Waste

c. Municipal Recycling Coordinators  
County Recycling Coordinators  
CEHA coordinators

# Mandated Recyclables



## Bottles & Cans

**Aluminum Cans.** DO NOT INCLUDE; FOIL, PIE TINS, TRAYS, COOKWARE

**Tin & Bi-Metal Cans**

**Glass Bottles & Jars.** DO NOT INCLUDE; DISHWARE, LIGHT BULBS, CERAMICS, WINDOW GLASS

**Plastic "Pourable Containers".** Neck of bottle smaller than body, #1 #2

Be careful to completely empty any container used for automotive fluids. Any leftover chemicals in containers can be disposed (call 732-683-8686 for appointment) at the Household Hazardous Waste Facility



## Newspapers

**Newspapers and any inserts that come with the paper.** DO NOT INCLUDE ANY NEWSPAPER USED FOR PET WASTE OR HOUSEHOLD PROJECTS



## Corrugated Cardboard

**Waffle section between layers.** DO NOT INCLUDE: FOOD CONTAMINATED CARDBOARD (e.g. pizza boxes) OR WAXED CARDBOARD. Break down boxes.



## Mixed Paper

**Includes: letterhead, colored and white paper, junk mail, soft cover books, chip-board (e.g. cereal boxes).** DO NOT INCLUDE: FOOD WRAPPERS, PAPER CUPS OR PLATES OR ANY OTHER PRODUCT USED FOR FOOD OR PERSONAL HYGIENE. NO HARDCOVER BOOKS (UNLESS COVER & BINDER IS REMOVED)



## Leaves and Grass Clippings

DO NOT DISPOSE WITH HOUSEHOLD TRASH. Most towns collect unbagged leaves in the fall and spring. Grass clippings can be left on the lawn, added to compost piles, or brought to special drop-off at county landfill (for a fee)



## Car Batteries & Motor Oil-Rechargeable & Button Batteries

Car batteries can be brought to a scrap yard. Motor oil can be brought to the County HHW facility, many municipal recycling depots, or local service stations. Most common household batteries (A, AA, AAA, C, D, 9 Volt) can be disposed in regular trash. However, rechargeable batteries should be brought to retail store drop offs (check [www.rbrc](http://www.rbrc) for locations), and silver "button batteries" should be returned to retail or county sponsored drop offs



## Bulky Recyclables

Tree Parts (stumps, limbs over 3 inches in diameter)

Concrete & Asphalt

Scrap Metals

(including small metal appliances, window frames, etc)



[www.visitmonmouth.com](http://www.visitmonmouth.com)

# Recycling Enforcement

---

## **Enforcement Overview**

An effective enforcement program is one of the keys to a successful recycling program. When enforcement efforts are combined with educational and promotional initiatives, recycling programs flourish. Unfortunately, many local enforcement programs have suffered in recent years due to a lack of funding for recycling. As such, a renewed focus on enforcement for recycling is needed. This must involve enforcement at all levels of government and at all stages in the recycling process. All businesses and residents in Highlands are required to recycle.

## **Enforcement at the Municipal Level**

- Municipalities are required by state law to have a recycling ordinance in place (a local law) that specifies those recyclable materials that must be recycled from the residential, commercial and institutional (schools, hospitals, etc.) sectors. These mandatory designated recyclable materials must be consistent with those materials designated for recycling in the applicable county recycling plan. Municipal ordinances may require the recycling of more materials than that listed in the county recycling plan.
- Municipal recycling ordinances can be enforced by municipal recycling coordinators and local or county health department officials as per the County Environmental Health Act or by other municipal staff empowered by the municipality for this purpose. Of course, police officers can also enforce ordinances although they typically are not involved in the municipal function.

## **Enforcement at the County Level**

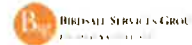
- Counties are required by state law to have a county recycling plan in place that specifies, among other things, those recyclable materials that must be recycled from the residential, commercial and institutional (schools, hospitals, etc.) sectors throughout the county.
- County recycling plan requirements can be enforced by county health department officials as per the County Environmental Health Act or by other County staff empowered for this purpose.
- In addition to conducting recycling inspections of residential, commercial and institutional sources of waste at the point of generation, county enforcement staff also conduct inspections of incoming loads of waste at county disposal sites for the presence of recyclable materials.



## N.J.A.C. 7:26A-9

### ❖ CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

- (a) The Department may assess a civil administrative penalty pursuant to this section of not more than \$ 50,000 for each violation of each requirement of any rule listed in *N.J.A.C. 7:26A-9.4(g)*.
- (b) Each violation of a rule listed in *N.J.A.C. 7:26A-9.4(g)* shall constitute an additional, separate and distinct violation.
- (c) Each day during which a violation continues shall constitute an additional, separate and distinct violation.
- Penalties for Minor Violations start at \$3,000.



## N.J.A.C. 7:26A-10

### ❖ STANDARDS FOR GENERATORS OF SOURCE SEPARATED RECYCLABLE MATERIALS

- Generators include all persons occupying residential, commercial, or institutional premises;
- NJAC 7:26A-10.2: "...all materials designated for source separation in the municipal recycling ordinance [shall be] stored separately from solid waste..."
- NJAC 7:26A-10.3: "Commercial and institutional generators including multifamily housing owners or their agents shall report the tonnage of designated recyclable materials collected for recycling from their premises, as directed in the municipal recycling ordinance."
- 7:26A-10.4: Source separation exemption. Only available to Commercial and Institutional generators.

**\*N.J.A.C. 7:26A-4.4(a) – Tonnage Reporting Requirements:** "All operators of recycling centers shall provide a recycling tonnage report by March 1 of each year to the county of origin (if requested) and all municipalities from which recyclable material is received in the previous calendar year."



## **RECYCLING ENFORCEMENT AT MULTI-FAMILY DWELLINGS, BUSINESSES, AND INSTITUTIONS**

**Apartments** - When an individual can be distinguished as the responsible party for disposing mandated recyclables in the solid waste stream, then they shall be assessed the violation. In circumstances where an individual may not be isolated for non-compliance, then the party under contract for the container services shall be assessed the violation. (e.g. owner, property management company, tenant association)

**Condominiums** - When an individual can be distinguished as the responsible party for disposing mandated recyclables in the solid waste stream, then they shall be assessed the violation. In circumstances where an individual may not be isolated for non-compliance, then the party under contract for the container services shall be assessed the violation. (e.g. condominium association, property management company)

**Hotels and Motels** - The on site proprietor shall be held responsible for compliance with solid waste/recycling mandates. (e.g. private owner, or if part of a chain, then the parent corporation)

**Strip Malls** - If each store is individually required to contract for solid waste/recycling disposal then they shall be the responsible party for compliance in their containers. When a landlord provides containers to be shared amongst tenants, then if an individual business can be distinguished as the responsible party for disposing mandated recyclables in the solid waste stream, that business shall be assessed the violation. In circumstances where a specific business may not be identified, then the party under contract for the container services shall be assessed the violation. (e.g. landlord, property management company)

**Shopping Centers** - If each store is individually required to contract for solid waste/recycling disposal then they shall be the responsible party for compliance in their containers. When a landlord provides containers to be shared amongst tenants, then if an individual business can be distinguished as the responsible party for disposing mandated recyclables in the solid waste stream, that business shall be assessed the violation. In circumstances where a specific business may not be identified, then the party under contract for the container services shall be assessed the violation. (e.g. landlord, property management company)

**Single Business Buildings** - The business inhabiting the premises shall be held responsible for compliance with solid waste/recycling mandates.

**Corporate Office Parks** - If each business is individually required to contract for solid waste/recycling disposal then they shall be the responsible party for compliance in their containers. When a landlord provides containers to be shared amongst tenants, then if an individual business can be distinguished as the responsible party for disposing mandated recyclables in the solid waste stream, that business shall be assessed the violation. In circumstances where a specific business may not be identified, then the party under contract for the container services shall be assessed the violation. (e.g. landlord, property management company)

## RECYCLING PROGRAM FOR BUSINESSES

If applicable according to lease. Please refer to your lease.

### Landlord Responsibilities

1. Will supply containers/dumpsters for trash, mixed paper, cardboard, and a 90 gal tote for commingled glass, aluminum cans, steel cans (and plastic food and beverage containers.)
2. Will supply a cleaning service for removal of the above listed items.
3. Will supply clear and black plastic liners to cleaning service.
4. Will supervise cleaning service unless hired by the tenant.
5. Will keep the trash dumpster area clean and be sure the dumpsters are properly labeled.

### Tenants Responsibilities

1. Provide properly labeled trash and recycling containers in tenant space.
2. To monitor trash and recycling disposal of its employees. (i.e. source separation, other special requirements such as bundling newspaper)
3. Food and Beverage containers must be free of contaminants.
4. Report all problems arising from disposal of trash or recycling to the property manager.
5. No pallets or bulky items (i.e. file cabinets, office furniture, etc) are to be disposed in the dumpster area. Call the property manager for proper disposal.
6. Report to property manager immediately anyone seen dumping illegally.
7. Cafeteria operations must make sure all containers are free of contaminants (no food or beverage left in containers).
8. Cafeteria is responsible for sorting and removal of trash and recycling
9. properly supervise cleaning services that it hires..

### Cleaning Service Responsibilities

1. Remove all trash and recycling from building and dispose of into proper containers only.
2. Identify areas where recycling is non compliant and report it to the landlord, property manager, and tenant.
3. Notify landlord immediately of any illegal dumping.
4. Use only clear bags for recycling and black bags for trash.
5. All cardboard must be broken down so as not to take up excessive space.
6. No Pallets or bulky items in dumpsters unless approved by the property manager
7. place recycling and trash in properly marked dumpsters only.

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
	closed container that is clearly marked with the words Universal Waste-Consumer Electronics.			
7:26A-7.7(b)	Failure to mark a container, tank, transport vehicle or other vessel in which oil-based waste finishes are contained, with the words Universal Waste-Oil-Based Finish.	\$3,000	M	30

7. The violations of N.J.A.C. 7:26A-8, Requirements for Transporters of Source Separated Materials, the type of violation as minor (M) or non-minor (NM), the applicable grace period if the violation is minor, and the civil administrative base penalty for each violation are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C.				
7:26A-8.1	Failure by a transporter of recyclable materials to provide a recycling tonnage report by February 1 of each year.	\$3,000	M	30
7:26A-8.3	Failure of transporter to not mix source-separated recyclables with other wastes.	\$4,500	NM	

8. The violations of N.J.A.C. 7:26A-10, Standards for Generators of Source Separated Recyclable Materials, the type of violation as minor (M) or non-minor (NM), the applicable grace period if the violation is minor, and the civil administrative base penalty for each violation are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C.				
7:26A-10.2	Failure of generator to separate, store, and set out waste in accordance with the municipal recycling ordinance.	\$3,000	M	30