

TITLE 7. ENVIRONMENTAL PROTECTION  
CHAPTER 26A. RECYCLING RULES  
SUBCHAPTER 11. STANDARDS FOR MUNICIPALITIES

N.J.A.C. 7:26A-11.1 (2015)

7:26A-11.1 Appointments and ordinances

(a) Each municipality in this State shall designate one or more persons as the municipal recycling coordinator, and shall set forth in writing the duties of the municipal recycling coordinator.

1. The coordinator(s) shall maintain and report recycling tonnage, as required by N.J.S.A. 13:1E-99.16e. The report shall contain the same information as is required for an application for a Recycling Tonnage Grant, codified at N.J.A.C. 7:26-15.5.
2. The municipality shall provide for the coordinator's communication by electronic mail with the Department and with the designated county recycling coordinator.
3. The municipality shall, by January 28, 2010, appoint a municipal recycling coordinator who has achieved professional certification in compliance with the requirements of N.J.S.A. 13:1E-99 et seq., the provisions of the county recycling plan, and the municipal recycling ordinance passed pursuant to N.J.S.A. 13:1E-99.11 et seq.

i. The municipality shall provide both classroom and on-the-job instruction to augment the coordinator's skills.

Such training may address:

- (1) The use of computers and software to maintain tonnage records;
- (2) Techniques of communication to the public;
- (3) Enforcement practices;
- (4) Identification of recyclable and waste materials, including hazardous waste, refrigerants, and other environmentally dangerous materials; and/or
- (5) Foreign languages.

ii. The municipality shall maintain detailed records of this training, specifying names of personnel trained, the dates when training occurred and the type and extent of training provided. The training documentation shall be maintained at the facility for three years from the date the training occurred.

(b) The governing body of the municipality shall adopt an ordinance establishing a recycling program sufficient to achieve the designated recovery targets set forth in the district recycling plan.

1. The ordinance shall require persons generating municipal solid waste within the municipal boundaries to source separate from the municipal solid waste stream, in addition to leaves, the

recyclable materials designated in the district solid waste plan, and may designate additional recyclable materials for which markets have been secured.

2. The ordinance shall provide for a collection system for leaves generated from residential premises and shall require that residents source separate leaves from solid waste, and, unless the leaves are stored or recycled for composting or mulching by the generator, place the leaves for collection in the manner provided by the ordinance. Alternately, the ordinance may prohibit the placement of leaves for collection or disposal as solid waste, and specify that all residents shall mulch or compost the leaves generated at those premises.

3. The ordinance shall set forth standards governing the inclusion, in all new multi-family housing developments that require subdivision or site plan approval, of collection or storage facilities which allow for the placement and temporary storage of all recyclable materials required of other residences by the ordinance. For the purposes of this provision, "multifamily housing" shall mean three or more housing units.

4. The municipal source separation ordinance shall specify the municipal official(s) by title that shall enforce the ordinance, and issue fines as needed.

#### 7:26A-11.2 Recordkeeping and reporting

(a) The governing body of each municipality shall, between January 1 and April 30 of each year, submit a recycling tonnage report on forms provided by the Department, or by electronic means as approved by the Department to:

New Jersey Department of Environmental Protection  
Division of Solid & Hazardous Waste  
Bureau of Recycling and Hazardous Waste Management  
401 East State Street, 2nd floor, West Wing  
P.O. Box 420, Mail Code 401-02C  
Trenton, New Jersey 08625-0420

#### 7:26A-11.3 Notification to all generators of the source separation requirements of the municipal ordinance

The governing body of each municipality shall, at least once every six months, notify all persons occupying residential, commercial, and institutional premises within its municipal boundaries of local recycling opportunities, and the source separation requirements of the ordinance. The governing body of a municipality may place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.

#### 7:26A-11.4 Collection of source separated recyclables

(a) Each municipality shall provide for a collection system for the materials designated in the municipal ordinance. Each municipality shall provide for this collection in those instances where collection is not otherwise provided for by

the generator, the county, inter-local service agreement or joint service program, or other private or public recycling program operator.

(b) A municipality may require that every solid waste transporter holding a certificate of public convenience and necessity and serving clients within the municipality bid on a contract for the collection or disposition of recyclable materials, if required to do so by the district recycling plan of the county in which the transporter engages in solid waste collection.

(c) The governing body of each municipality shall, at least once every 36 months, review and revise the master plan and development regulations it has adopted pursuant to P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.). The revisions shall reflect changes in Federal, State, county and municipal laws, policies and objectives concerning the collection, disposition and recycling of designated recyclable materials. The revised master plan shall include provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the use of 1,000 square feet or more of land.

(d) The governing body of a municipality may limit the collection of designated recyclable materials to specified operating hours in order to preserve peace and quiet in neighborhoods during the hours when most residents are asleep.

#### 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 develop and make available a form or model letter for persons who wish to apply for this exemption by June 2, 2009.
2. 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.
3. 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.
4. The municipal coordinator shall ascertain that the recycling facilities receiving the exempted waste are permitted to perform that recycling.
5. 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.

6. The municipal coordinator shall 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.

7. The municipal coordinator (or other designated municipal official) shall revoke the exemption of a generator upon failure to meet the conditions of the exemption.