



Compliance Alert

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Compliance & Enforcement #2020-07 Issued: 4/21/2020

COVID-19 GUIDANCE

GENERAL GUIDANCE FOR SOLID WASTE & RECYCLING COLLECTORS AND TRANSPORTERS AND PROCESSING, TRANSFER AND DISPOSAL FACILITIES AND TEMPORARY ADJUSTMENT OF LIMITS AND DISCRETIONARY ALLOWANCES

WHO IS AFFECTED BY THIS ADVISORY?

This guidance applies to all collectors, transporters, collection facilities, intermediate handlers and destination facilities that are regulated by the Department of Environmental Protection (DEP) and must continue to generate, store, collect, transport, transfer, treat, destroy, dispose, or otherwise manage solid waste and recyclable materials in compliance with applicable rules, permits or approvals during the duration of the Public Health Emergency declared by Governor Phil Murphy in Executive Order No. 103 (EO 103) due to the novel coronavirus (COVID-19) pandemic.

For guidance concerning regulated medical waste generated during this Public Health Emergency, please refer to [DEP Compliance Advisory #2020-06](#), issued on April 8, 2020.

WHY IS DEP ADDRESSING THESE ISSUES?

DEP acknowledges that the unprecedented circumstances of the COVID-19 outbreak has created limitations and logistical challenges for many regulated entities, including workforce reductions, and potential changes in volumes of solid waste and recycling material generation, such as increases in amounts of residential waste.

As a result of the limitations stemming from the outbreak and potential increases in solid waste and recycling material generation, the DEP is providing general guidance on how to continue managing solid waste and recyclable materials to ensure protection of public health, safety and the environment during this Public Health Emergency. The DEP is also providing guidance to regulated entities who may seek potential accommodations to temporarily alter operational limits and discretionary allowances (increased tonnages, operating hours, extended storage) as required to handle possible increases in solid waste and recyclable materials while continuing to meet the necessary requirements under DEP's April 13, 2020 emergency adoption of a temporary modification to allow for a waiver of certain provisions of the Department's Solid Waste, Recycling, Hazardous Waste, and Solid Waste Utility rules (Emergency Adoption).

WHAT IS DEP DOING?

The DEP acknowledges that regulated entities may require temporary adjustments of operational limits or discretionary allowances (increased tonnages, operating hours, extended storage) among collectors, transporters, collection facilities or treatment/disposal facilities to ensure effective

Compliance Alert

waste collection and processing to address circumstances created by or directly related to the novel coronavirus (COVID-19) pandemic.

Where such accommodations are believed to be necessary, requests must be sent to solidwasteemergencies@dep.nj.gov and will be reviewed on a case-by-case basis and approved by the DEP in writing.

Unless specifically approved or directed by the DEP, regulated entities shall continue providing solid waste and recycling services in accordance with applicable statutes, regulations and permits or approvals, and services shall not otherwise be modified or changed.

The DEP will also continue to publish additional guidance, make enforcement staff available to provide compliance assistance to the regulated community, and respond to incidents that pose a threat to public health, safety, or the environment for the duration of the COVID-19 pandemic.

Please also note that while some delays may occur, the Department will continue to address routine administrative waste related activities such as registering new waste vehicles, replacing vehicle decals and reviewing permit applications and utility transactions.

WHAT SHOULD I DO?

Minimize Physical Contact and Facilitate Social Distancing:

According to the United States Centers for Disease Control and Prevention (CDC), *transmission of novel coronavirus to persons from surfaces contaminated with the virus has not been documented. Transmission of coronavirus in general occurs much more commonly through respiratory droplets than through fomites.* However, CDC also notes that *current evidence suggests that novel coronavirus may remain viable for hours to days on surfaces made from a variety of materials.* In light of this concern, and in an abundance of caution, the DEP is allowing paperwork and other submissions required pursuant to permits, approvals or general rules to be maintained and managed in a manner that minimizes physical contact and facilitates social distancing, including through electronic submissions or remote meetings. Please refer to program-specific guidance available at <https://nj.gov/dep/covid19regulatorycompliance/>. Notification of certain process change may be necessary.

For example, a facility may electronically transfer digital photographs of Origin and Destination (O&D) forms, hazardous waste manifests and regulated medical waste tracking forms to scalehouses for processing. Alternatively, to avoid person-to-person contact while handling paperwork, these forms may be placed in a drop box at the receptor facility.

Should any facility believe that similar measures should be instituted to protect against the spread of COVID-19, it shall request approval from the Department by sending a request to solidwasteemergencies@dep.nj.gov. All requests shall detail how the proposed procedures will ensure that all the data is logged electronically prior to physical deposition of any such waste and recyclable materials. The DEP will review all such requests on a case-by-case basis and, where appropriate, provide written approval in writing.



Compliance Alert

Workforce Reduction:

The Department recognizes the potential for workforce reduction (drivers, collectors, facility operators) during the COVID-19 outbreak and response. These reductions could result in changes to the normal collection cycles and/or operating hours noted in permits or approvals.

Should collection cycles and/or hours change, Collectors are reminded of the requirement to notify their customers (no Department approval is required), as well as remain in compliance with the Department's Customer Bill of Rights rules at N.J.A.C. 7:26H-5.12.

Waste facilities and recycling centers that wish to modify hours to address circumstances created by or directly related to the novel coronavirus (COVID-19) pandemic must notify the Department at solidwasteemergencies@dep.nj.gov. The Department will review all such requests on a case- by-case basis and, where appropriate, provide written approval in writing.

For Solid Waste and Recycling Management Workers:

For solid waste and recycling material collectors and management workers involved in the physical collection and handling of wastes and recyclables, the DEP recommends that workers continue to follow the precautions noted by the United States, Department of Labor, Occupational Safety and Health Administration (OSHA), including the use of typical engineering and administrative controls, safe work practices, and personal protective equipment (PPE), such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to waste streams (or types of wastes) and recyclable materials they manage, including any contaminants in the materials. For more, please visit the following link: <https://www.osha.gov/SLTC/covid-19/controlprevention.html#solidwaste>

Emergencies and Other Notification Requirements:

Under certain circumstances, regulated entities may be required to notify the DEP using the DEP Hotline at 1-877- WARN DEP (1-877- 927-6337). Knowing if or when you might be required to notify demands familiarity with your permits and the rules that apply to your operations. Reviewing applicable rules and permits is the best way to ensure you know your obligations. If you are uncertain of a reporting obligation, please err on the side of caution and call the DEP Hotline.

For more information on notification obligations, please refer to [Compliance Advisory #2020-04](#), issued on March 20, 2020.

WHO SHOULD I CONTACT WITH QUESTIONS?

If you have any questions or issues, please email the DEP at solidwasteemergencies@dep.nj.gov

Solid Waste Compliance and Enforcement

Gina Lugo, Northern Counties Supervisor, 609-203-3732, gina.lugo@dep.nj.gov
Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, Warren

John Stavash, Southern Counties Supervisor, 609-439-9602, john.stavash@dep.nj.gov



Compliance Alert

Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, Salem

Thomas Farrell, Statewide Bureau Chief, 609-633-1237, thomas.farrell@dep.nj.gov

Bureau of Hazardous Waste Compliance and Enforcement

Robert Gomez, Statewide Bureau Chief, 609-439-9397, robert.gomez@dep.nj.gov

WHERE CAN I GET MORE INFORMATION?

The following web sites can be accessed for additional information:

Recycling Regulations, N.J.A.C. 7:26A-1

<https://www.nj.gov/dep/dshw/resource/CURRENT/WEB%20PDFS/26A.pdf>

Solid Waste Regulations, N.J.A.C. 7:26

<https://www.nj.gov/dep/dshw/resource/rules.html>

Regulated Medical Waste Regulations: N.J.A.C. 7:26-3A

<https://www.state.nj.us/dep/dshw/resource/CURRENT/WEB%20PDFS/26%20CHAPTER%203A.pdf>

Guidance Document for Regulated Medical Waste:

<https://www.state.nj.us/dep/dshw/rntp/rmw.htm>

This advisory is intended to be a summary explanation of a DEP initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.

For additional information about the State of New Jersey's response to the novel coronavirus, please visit the COVID-19 Information Hub at covid19.nj.gov.

