

TITLE 7. ENVIRONMENTAL PROTECTION
CHAPTER 26A. RECYCLING RULES
SUBCHAPTER 3. APPROVAL OF RECYCLING CENTERS FOR CLASS B RECYCLABLE MATERIALS

7:26A-3.1 General requirements applicable to all recycling centers which receive, store, process or transfer Class B recyclable material

(a) No recycling center shall receive, store, process or transfer any Class B recyclable material without the prior written approval of the Department. The procedures for obtaining approval are set forth at N.J.A.C. 7:26A-3.2, 3.4, 3.5, and 3.8. All persons issued a limited approval to operate a recycling center for Class B recyclable material pursuant to this subchapter shall comply with all conditions of the approval.

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing or transfer of Class B recyclable material

(a) Prior to commencing receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1D, Appendix A. The applicant shall submit a minimum of three complete sets of the application. Additional complete sets may be required based upon the type, scale, location, and potential environmental impacts of the proposed recycling center.

1. The name, address and telephone number of the person or persons seeking to own and operate the proposed recycling center, and the address of the recycling center if different from the above;

2. A description of the geographical location of the recycling center identified by the name of the municipality in which the recycling center is located, by a tax map showing the lot and block numbers of the recycling center site and of all adjoining properties, and by a zoning map showing the current land use of the recycling center site and of all adjoining properties;

3. A listing, by name, address and telephone number, of all persons owning five percent or more of corporation stock in the recycling center, or a listing of the general and limited partners where applicable. In the case where no persons own five percent or more of corporation stock in the recycling center, the names of the corporation principals shall be listed. The owner or operator of the recycling center shall list any intra-corporate relationships between the recycling center and any solid waste hauler or disposal operation registered with the Department;

4. A listing of the material or materials, including the types of any reasonably anticipated contaminants, to be received, stored, processed or transferred at the recycling center;

5. The maximum amount of each material, including contaminants, to be received, stored, processed or transferred at the recycling center per day, expressed in tons, cubic yards, cubic feet or gallons per day. Those persons specifying this information in cubic yards per day shall also indicate the conversion ratio of the materials from cubic yards to tons;

6. A listing of all products and residue resulting from the proposed recycling activities, and the amount of such products and residue expressed in tons, cubic yards, cubic feet or gallons per day. Those persons specifying this information in cubic yards per day shall also indicate the conversion ratio of the material from cubic yards to tons;

7. The name, address and telephone number of planned end-markets for the materials received, stored, processed or transferred by the recycling center.

i. End-market contracts or agreements shall be submitted as evidence of the applicant's ability to sell the products resulting from the proposed activities of the recycling center;

ii. Where end-market contracts or agreements are not available at the time of application for a general approval to operate a recycling center, the applicant shall submit letters of interest from prospective end-market users of the products resulting from the applicant's recycling operation. Letters of interest may be based on information provided by the applicant to prospective end-market users such as a description of the equipment to be used at the recycling center and the specifications of the products resulting from recycling center operation;

12. A description of the design capacity of the recycling center setting forth the number and types of vehicles bringing material to the recycling center for receipt, storage or processing, and the number and types of vehicles transferring products and residue from the site on a daily basis;

13. A copy of a New Jersey air pollution control permit application required pursuant to N.J.A.C. 7:27-8.2(a)1 where applicable;

14. A written narrative explanation of the recycling center operation from the receipt of recyclable materials to the point of transfer of end-products;

2. The certification in (b)1 above shall be signed by the applicant as follows:

i. For a corporation, by a principal executive officer of at least the level of vice president;

ii. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

(f) All persons who seek a general approval to operate a recycling center for tires, tree stumps, tree parts or wood waste pursuant to this subchapter shall also comply with the requirements at N.J.A.C. 7:26A-3.8.

7:26A-3.3 Mobile recycling equipment

(a) Persons operating mobile recycling processing equipment for Class recyclable material shall operate such equipment only as follows:

1. At a site which possesses a limited approval from the Department and in manner which conforms to the approval for the site; or

2. Pursuant to an exemption at N.J.A.C. 7:26A-1.4(a) and in a manner

1. An approval to operate a limited Class B recycling center has been issued for the specific site no more than once before; and

2. Only one approval for one 180-day time period is issued for any site located contiguous to a site for which a limited approval has been issued pursuant to this subsection.

(c) Persons applying to the Department for a limited approval to operate a recycling center for Class B recyclable materials shall submit one copy of the application for limited approval to the municipal clerk of the municipality in which the recycling center is located and one copy to the solid waste or recycling coordinator of the solid waste management district in which the recycling center is located.

(f) Within 30 days of receipt of an application for a limited approval submitted pursuant to (a) above, the Department will determine whether the application is administratively complete. An application is administratively complete when it satisfies the information submission requirements of (a) through (e) above and where a fee has been submitted in accordance with N.J.A.C. 7:26A-2.

1. If an application is deemed administratively complete in accordance with paragraph (f) above, the Department will issue a letter to the applicant indicating the administrative completeness of the application.

2. If an application fails to meet the criteria for administrative completeness in accordance with paragraph (f) above, the Department will advise the applicant that the application is incomplete and will specify in writing what additional information is required for administrative completeness.

(g) Within 30 days of the issuance of the letter of administrative completeness, the Department will issue to the applicant a limited approval to operate a recycling center, valid for a specified period of time, not to exceed 180 days, where the Department determines the following:

1. That the application meets the criteria of *N.J.A.C. 7:26A-3*;

2. That the applicant fails to meet any of the criteria for denial or revocation of a limited approval set forth at *N.J.A.C. 7:26A-3.12* and *3.13*; and

(j) The limited approval will indicate the conditions, if any, which must be met by the recycling center owner or operator for the approval to remain in effect for a time period not to exceed 180 days.

(k) Within 45 days after the expiration of the time period covered by the limited approval to operate a recycling center, a final report shall be prepared by the person issued the limited approval and submitted to the Department, the solid waste or recycling coordinator of the solid waste management district in which the recycling center is located, and to the applicable municipal planning board. The final report shall contain the following information:

1. The name, address and telephone number of the person or persons to whom the Department has issued the limited approval to operate a recycling center;

2. The location of the approved recycling center, if different than in (k)1 above, including the street address, lot and block, municipality and county;

3. A listing of the total amount of each Class B recyclable material stored, processed or transferred during the period of approved operation, expressed in tons, cubic yards, cubic feet or in gallons. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons;

4. The amount of residue disposed of, expressed in tons, cubic yards, cubic feet or gallons, including the name and New Jersey Department of Environmental Protection solid waste registration number of the solid waste collector/hauler which provided the haulage/disposal service. Those persons specifying the total amount of residue in cubic yards shall also indicate the conversion ratio of the residue from cubic yards to tons;

5. A written certification by the person issued a limited approval

that, to the best of her or his knowledge after diligent inquiry, all residue has been disposed of in accordance with the solid waste management rules at N.J.A.C. 7:26-6; and

6. The name, address and telephone number of the end-markets for all Class B recyclable materials transported from the recycling center, including the amounts, in tons, cubic yards, cubic feet or gallons, transported to each end-market. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.

(1) All persons operating a recycling center pursuant to a limited approval shall take such measures as are necessary to ensure that no illegal and unauthorized dumping occurs at the recycling center site.

7:26A-3.8 Tire, tree stump, tree parts or wood waste recycling centers:
additional requirements for limited approval

(a) The methods of processing tires that may be approved by the Department are limited to slicing, shredding, chipping, crumbing or other activities as determined by the Department. At no time shall incineration, landfilling, abandonment or other disposal of tires, in whole or in part, occur at the recycling center.

(b) The owner or operator of a tire recycling center shall take all steps necessary to ensure that no mosquito colony formation or development is allowed to occur on the recycling center site.

(c) A fire control plan for the recycling center shall be filed with and approved by the local fire official or other person of competent jurisdiction and shall be filed with the local municipal code enforcement officer prior to operation of a recycling center for tires, tree stumps, tree parts or wood waste.

7:26A-3.9 Storage of Class B materials that are not universal waste

(a) The temporary storage of unprocessed and processed Class B recyclable material that is not universal waste at recycling centers shall be limited to the amount indicated in the limited approval to operate.

(b) Notwithstanding (a) above, in no event shall unprocessed Class B recyclable material that is not universal waste be stored at recycling centers approved pursuant to this subchapter for a period in excess of one year from the date of its receipt.

(c) The storage of petroleum contaminated soil at a recycling center approved to receive this material shall be subject to additional storage requirements as indicated in the approval issued pursuant to N.J.A.C. 7:26A-3.5.

7:26A-3.10 Modifications of limited approvals

(a) All holders of limited approval to operate a recycling center pursuant to this subchapter shall obtain prior approval from the Department for any modification of the limited approval.

(b) Modifications to the limited approval to operate a recycling center which require the prior approval of the Department include the following:

1. Any change affecting the conditions of the limited approval issued pursuant to N.J.A.C. 7:26A-3.5 or 7:26A-3.7; and

(h) Applicants shall pay fees pursuant to the requirements at N.J.A.C. 7:26A-2 at the time that the applicant submits an application for modifications of limited approvals, including those modifications referenced during approval renewals pursuant to the requirements of N.J.A.C. 7:26A-3.6(b).

7:26A-3.12 Criteria for denial of a limited approval or an extension of a limited approval to operate a recycling center

(a) The following constitutes the criteria for denial of a limited approval and will result in the issuance of a letter of denial of limited approval to operate a recycling center:

1. Failure to submit any of the information required pursuant to this subchapter;

2. Failure of an applicant for a general approval to maintain inclusion of a proposed recycling center in the applicable district solid waste management plan;

3. Failure to correct any deficiencies in information submitted pursuant to this subchapter as determined by the Department, within 45 days of receipt of a letter detailing said deficiencies;

4. Failure to demonstrate that only source separated recyclable materials will be received, stored, processed or transferred at the recycling center; and

(c) If the Department denies the extension of a limited approval, to operate a recycling center and bases the denial on a written determination that the facility for which the application was made is a solid waste facility for which a registration statement and engineering design is required pursuant to *N.J.S.A. 13:1E-5*, the applicant, in any appeal of the Department's denial, shall have the burden to show by a preponderance of the evidence that the facility for which the application was made is not a solid waste facility for which a registration statement and engineering design is required pursuant to *N.J.S.A. 13:1E-5*.

7:26A-3.13 Procedures and criteria for revoking a limited approval

(a) The Department may revoke a limited approval upon a determination that a person holding a limited approval has:

1. Violated any provision of *N.J.S.A. 13:1E-1 et seq.*, the Act, or any rule, regulation or administrative order promulgated pursuant to *N.J.S.A. 13:1E-1 et seq.* and the Act;

2. Violated any solid waste utility law at *N.J.S.A. 48:2-1 et seq.* or *48:13A-1 et seq.*, or any rule, regulation or administrative order promulgated pursuant to *N.J.S.A. 48:2-1 et seq.* or *48:13A-1 et seq.*;

3. Violated any provision of any laws related to pollution of the waters, air or land surfaces of the State or of any other State or Federal environmental laws including criminal laws related to environmental protection;

4. Refused or failed to comply with any lawful order of the Department;

8. Has committed any of the acts which are criteria for denial of a limited approval set forth in *N.J.A.C. 7:26A-3.11*.

(b) The Department will revoke a limited approval by providing the holder of an approval with written notice of the action which details the reasons for the action. The Department will also notify the solid waste or recycling coordinator of the solid waste management district in which the recycling center is located of any revocation of a general approval or the applicable municipal planning board of any revocation of a limited approval.

7:26A-3.15 Transfer of a limited approval to operate a recycling center

(a) A limited approval to operate a recycling center shall not be transferred to a new owner or operator without the Department's prior approval.

1. Any transfer of an approval must be pre-approved by the Department, and a written request for permission to allow such transfer must be received by the Department at least 60 days in advance of the proposed transfer of ownership or operational control of a recycling center. The request for approval shall include the following:

i. The name, address and social security number of all prospective new owners or operators;

ii. A written certification by the proposed transferee that the terms and conditions contained in the limited approval will be met by the proposed transferee; and

iii. A written agreement between the current owner or operator of the recycling center and the proposed new owner or operator containing a specific future date for transfer of ownership or operational control.

2. A new owner or operator may commence operations at the recycling center only after the existing approval has been revoked and a new approval is issued to the new owner or operator pursuant to N.J.A.C. 7:26A-3.5 or 3.7.

3. The owner or operator of record of the approved recycling center remains liable for ensuring compliance with all conditions of the approval unless and until the existing approval is revoked and a new approval is issued to the new owner or operator pursuant to N.J.A.C. 7:26A-3.5 or 3.7.

4. Compliance with the transfer requirements set forth in this subsection shall not relieve the owner or operator of record of the approved recycling center from the separate responsibility of providing notice of such transfer pursuant to the requirements of any other statutory or regulatory provision.

(b) For the purposes of this section, the transfer of a controlling interest in the stock or assets of a recycling center operating pursuant to a limited approval from the Department shall constitute the transfer of a limited approval pursuant to (a) above.

(c) One copy of the application to transfer a limited approval shall be submitted to the municipal clerk of the municipality in which the recycling center is located and one copy to the solid waste or recycling coordinator of the solid waste management district in which the recycling center is located. The Department shall notify county and municipal officials of determinations concerning the transfer of limited approvals.
