



Site Remediation and Waste Management Program

Division of Solid and Hazardous Waste

Bureau of Recycling and Hazardous Waste Management



Notification of Exempt Recycling Activities

Instructions:

- In order to complete the exemption acknowledgment application, once all prior township and other approvals are attained, please fill out the below form.
• Copies of the form must be sent to the Department, in electronic and physical formats.
• If choosing to send the completed application in email form, please send it to: exemptrecycling@dep.nj.gov.
• If choosing to send the completed application in physical form, please send it to: Mail Code 401-02C, New Jersey Department of Environmental Protection...

Note: All exempt recycling activities taking place with actions related to farming must submit copies of the Agricultural Management Plans (AMPs) and/or Conversation Plans to the Departments attention before the activity can be formally acknowledged.

An unofficial copy of the Recycling Regulations, N.J.A.C. 7:26A-1.4, can be obtained from the Department's internet website at: www.state.nj.us/dep/dshw/resource/rules.htm

APPLICANT INFORMATION

Name: \_\_\_\_\_ Title: \_\_\_\_\_
Corporation Company: \_\_\_\_\_
Mailing Address: \_\_\_\_\_
Municipality: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
Telephone Number: \_\_\_\_\_ Extension: \_\_\_\_\_ Fax: \_\_\_\_\_
Email Address: \_\_\_\_\_

EXEMPTION(S) CLAIMED

1. Which exemption(s) will you be operating pursuant to?

List all exemption numbers that apply from the Exemption Summary List on page two of this form.

Exemption #'s: \_\_\_\_\_

2. Are you filing for Exemptions #7 or #20 and planning to operate on a continuous basis? [ ] Yes [ ] No

If "Yes", indicate how material is being stored:

[ ] Roll off containers [ ] Other container (specify): \_\_\_\_\_

Provide the Facility NJPDES Permit Number: \_\_\_\_\_

ACTIVITY LOCATION

Provide the location where activity is to be conducted (if activity is to be conducted at more than one location, you must complete and submit a notification form for each location.):

Street Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ County: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_ Location Description (construction site, shopping mall, farm, industrial park, etc.): \_\_\_\_\_

Date activity will commence \_\_\_\_\_ Anticipated completion date (if applicable): \_\_\_\_\_

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. Additionally, I certify that I have obtained all applicable and required municipal, county, and Department Approvals prior to submitting this notification. I further certify that the operation described herein satisfies the criteria for exemption as set forth in N.J.A.C. 7:26A-1.4. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for termination of any exemption.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## EXEMPTION SUMMARY LIST

### Exemption #

### Description of Exempt Activities

1	Manufacturers, for the receipt, storage or processing of source-separated materials, including asphalt manufacturing plants and pallet manufacturers or refurbishes.
2	Recycling of source separated recyclable materials which are generated, processed, and reused as a product exclusively at the point of generation. Petroleum contaminated soils are prohibited, and materials may not be received from off-site.
3	Recycling of tree branches, limbs, trunks, brush and/or wood chips derived from tree parts.
4	Retreading and/or remolding of tires.
5	Receipt of less than 5,000 tires per month. No processing of any kind can take place.
6	Scrap tires are received, stored, and processed into artificial reef units for use in artificial reef projects approved by the Department.
7	Receipt of source-separated Class B recyclable materials with the exception of scrap tires, leaves, non-container plastic materials, and petroleum contaminated soil for temporary storage.
8	Processing of petroleum contaminated soil at the point of generation using mobile recycling equipment.
9	Receipt, storage, processing, and transfer of non-container plastics.
10	Land clearing activities, whereby on-site trees and tree parts are uprooted, processed into wood chips at the point of generation, and utilized as a product (on-site or off-site).
11	Receipt, storage, processing, and transfer of source-separated textiles.
12	Leaf mulching on land deemed actively devoted to agricultural or horticultural use. Layered leaves must be incorporated into the soil by the next tillage season.
13	Receipt of yard trimmings for composting. No more than 10,000 yd <sup>3</sup> (Cubic Yards) of yard trimmings can be received per year. Inclusion in solid waste management plan of the solid waste management district within which the facility is to be located is mandatory prior to operation.
14	Collection, consolidation, and transfer of universal waste for recycling, treatment, or disposal and/or Class D recyclables for recycling, managed by small quantity handlers.
15	Collection, consolidation, and transfer of universal waste for recycling, treatment, or disposal and/or Class D recyclables for recycling, managed by large quantity handlers.
16	Transportation of universal waste for recycling, treatment, or disposal and/or Class D recyclables for recycling, managed by universal waste transporters.
17	Collection, consolidation, and transfer of source-separated Class D recyclables for recycling.
18	Receipt of yard trimmings for composting where the finished compost product is applied on site on land deemed actively devoted to agricultural or horticultural use or on mined lands being restored under an approved restoration plan.
19	Leaf transfer facility. No more than 1,000 yd <sup>3</sup> of leaves can be received per day.
20	Receipt, storage, processing, and transfer of source-separated concrete, asphalt, brick, and block. Contractor must be the sole generator and sole end user of the material. Sale of the material is strictly prohibited. See <a href="http://www.state.nj.us/dep/dshw/lrm/concrete.htm">www.state.nj.us/dep/dshw/lrm/concrete.htm</a> for additional information.
21	Recycling of source-separated Class C recyclable materials that are generated and processed on site into a product for sale and/or use off site.
22	Receipt of less than 3,000 yd <sup>3</sup> of leaves per year and/or 1,000 yd <sup>3</sup> of grass clippings per year at a site for transfer.
23	Receipt of farm feedstocks on a farm for composting where less than 10,000 yd <sup>3</sup> are received per year.
24	Receipt and storage of architectural salvage items at a commercial enterprise.

*This list of descriptions is only a summary of existing recycling exemptions. The complete text and all operational requirements currently in effect, can be found at N.J.A.C. 7:26A-1.4 et seq. available at: [www.state.nj.us/dep/dshw/resource/rules.htm](http://www.state.nj.us/dep/dshw/resource/rules.htm)*

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

#### 7:26A-1.4 Activities exempt from general or limited approval

(a) The activities listed below are exempted from the requirement to obtain a general or limited approval pursuant to N.J.A.C. 7:26A-3 and, unless otherwise specified, the solid waste planning requirements at N.J.A.C. 7:26-6.10 or 6.11. The specific criteria applicable to these activities are as follows:

1. Manufacturers shall not be required to obtain a general or limited approval pursuant to N.J.A.C. 7:26A-3 for the receipt, storage or processing of source separated recyclable materials. This exemption shall also apply to:

i. Asphalt manufacturing plants that receive solely source separated recyclable asphalt millings or larger pieces, and preconsumer asphalt shingles or other asphalt-based roofing scrap, or a combination thereof prior to their introduction into the asphalt manufacturing process. The materials shall be delivered to the manufacturing plant directly from the site of generation unless intermediate storage is authorized by the Department; or

ii. Pallet manufacturers and/or refurbishers that process non-salvageable wood pallet materials generated from their manufacturing and refurbishing activities. Storage of processed wood materials shall not exceed one year.

2. The recycling of source separated recyclable materials that are generated, processed and reused as a product exclusively at the point of generation where all applicable county and municipal approvals have been obtained for that activity. Specifically excluded from this exemption are source separated petroleum contaminated soils, and the receipt, storage, processing or transfer of materials generated off-site;

3. Recycling activities in which tree branches, tree limbs, tree trunks, brush and wood chips derived from tree parts are to be received, stored, processed or transferred provided that:

i. Only the amount of unprocessed material which the equipment on-site or as may be readily available is capable of processing within a one-week period up to a maximum of 7,500 cubic yards is stored on-site;

ii. Storage of material on-site shall not exceed one year;

iii. Storage of processed material on-site shall not exceed 7,500 cubic yards; and

iv. Processing is limited to four times per year and each processing event shall be limited to a two-week time period, unless prior approval is received from the Department;

4. Tire retreaders and tire remolders which receive, store, process or transfer tires provided that:

i. Only that amount of material which the equipment on-site is capable of processing within a two-month period is stored on-site; and

ii. Storage of material on-site shall not exceed one year;

5. Any person or recycling center which receives less than 5,000 scrap tires per month and which does not process the scrap tires provided that:

i. Storage of materials on-site shall not exceed six months;

ii. Tires shall only be stored in a totally enclosed structure or in roll-off containers or trailers dedicated to scrap tire storage;

iii. The provisions of N.J.A.C. 7:26A-3.8(b) and (c) are met; and

iv. The tires are transferred to an end-market or to a recycling center approved to receive, store, process or transfer scrap tires, or to a tire facility herein exempted;

6. Recycling operations in which scrap tires are received, stored and processed into artificial reef units for use in artificial reef projects approved by the Department, provided:

i. Only that amount of material which the equipment on-site is capable of processing within a two-month period is stored on-site; and

ii. Storage of material on-site shall not exceed six months;

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7. Any person, with the exception of a recycling center operating pursuant to a general or limited approval in accordance with N.J.A.C. 7:26A-3, which receives source separated Class B recyclable materials, with the exception of scrap tires, leaves, non-container plastic materials and petroleum contaminated soil for temporary storage and meets the criteria in (a)7iii below and either:

i. Operates for a specified 60-day period that commences from the start date of the project as indicated in the notification letter required pursuant to (b)5 below, provided all material stored temporarily are removed from the temporary storage site by the end of the specified 60-day period and temporary storage pursuant to this subparagraph shall not occur more than twice within the same calendar year or in succession; or

ii. Operates on a continuous basis, provided all materials stored temporarily are stored in roll-off containers or other similar containers.

iii. Such person shall also meet the following criteria:

(1) Materials shall be stored in a manner which prevents runoff, leakage or seepage from the storage area into or onto the ground surface around the storage area, and shall be stored in accordance with all applicable county and municipal laws and regulations;

(2) No source separated Class B recyclable material which is received and stored as per this exemption shall be processed in any way, including further separation;

(3) Source separated Class B recyclable material which is stored as per this exemption shall be transferred only to a recycling center approved to receive, store, process or transfer the Class B recyclable material. Documentation from such recycling center(s), such as a legal contract or letter of agreement, that provides that the recycling center(s) will receive the material stored as per this exemption shall be provided to the Department along with the written notification required pursuant to N.J.A.C. 7:26A-1.4(b)5; and

(4) Records of the daily amount and type of the Class B recyclable materials received, stored and transferred, including the name and address of the recycling center to which the materials are transferred, shall be kept and shall be maintained for three years from the date of recording by the person or recycling center operating pursuant to this exemption. The required records shall be kept on site, be made available to the Department during an inspection and be submitted to the Department upon request;

8. Those generators of source separated petroleum contaminated soil who arrange for mobile recycling equipment to process source separated petroleum contaminated soil at its point of generation;

9. Any person or recycling center which receives, stores, processes and transfers non-container plastic materials provided that:

i. Only the amount of material that the equipment on-site is capable of processing within a two-month period is stored on-site; and

ii. Storage of material on-site shall not exceed six months;

10. Land clearing activities that have been approved in accordance with a municipal planning ordinance, whereby on-site trees, including tree stumps, tree trunks and tree parts, are uprooted, processed into wood chips at the point of generation and either utilized on-site as a product or transferred off-site for utilization as a product. This exemption shall not apply to the receipt, storage, processing or transfer of trees, including tree stumps, tree trunks or tree parts, that have been generated off-site;

11. Any person or recycling center which receives, stores, processes or transfers source separated textiles for reuse or recycling purposes;

12. Leaf mulching activities on land deemed actively devoted to agricultural or horticultural use, as defined in the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.5, provided that the activity is consistent with the State Agriculture Development Committee rule at N.J.A.C. 2:76-2A.7, Natural resource conservation agricultural management practice, and provided that:

i. Leaves delivered for mulching shall be removed from bags, boxes or similar containers prior to spreading. All discarded bags, boxes and similar containers shall be placed in a suitable refuse receptacle in a staging area for removal to an off-site disposal facility;

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ii. Within seven days of delivery, the leaves shall be spread onto the field in a thin layer no higher than six inches; and

iii. No later than the next tillage season, the layered leaves shall be incorporated into the soil;

13. The receipt of yard trimmings for composting where the activity meets the following criteria:

i. Only yard trimmings are received and no more than 10,000 cubic yards are received per year;

ii. If grass clippings are received, they shall constitute no more than 10 percent by volume of all yard trimmings received per year;

iii. The receipt and processing is not conducted on land which has been purchased with money from any Green Acres bond act or which is designated as land for recreation and conservation purposes and listed in the Green Acres recreational land inventory prepared by individual municipalities and counties and approved by the Department pursuant to N.J.S.A. 13:1E-1, 13:8A-20 and 13:8A-35, and N.J.A.C. 7:36;

iv. The receipt and processing is not conducted on lands which are county or municipally owned parks, wildlife sanctuaries, recreational facilities, or other similar open public spaces;

v. The facility is included by administrative action pursuant to the requirements at N.J.A.C. 7:26-6.11 in the solid waste management plan of the solid waste management district within which the facility is to be located;

vi. The windrow composting area shall not exceed three acres. In addition, composting windrows shall terminate no closer than 50 feet from any property line and 150 feet from the property line of any area of human use or occupancy, or if grass clippings are received, the composting windrows shall terminate a minimum of 500 feet from the property line of any area of human use or occupancy;

vii. Prior to operation, the composting area, related yard trimming staging and finished compost storage areas and access roads shall be graded in a manner that prevents the accumulation of surface water on site without resulting in a discharge of leachate off site or an adverse impact to natural drainage conditions of surrounding properties. Once original grading is completed in the manner that fulfills the requirements of the local soil conservation office, the four areas of the site referenced above shall be maintained throughout the life of the operation. Any disturbance of the natural environmental setting caused by any necessary land clearing and grading shall be held to a minimum;

viii. The perimeter of the composting operation shall be separated from any and all adjacent residential and/or commercial land uses by an effective visual screen buffer;

ix. The access road shall be fenced or otherwise secured to prevent unauthorized access;

x. Yard trimmings shall be received only during times when the operator or owner is present;

xi. A sign that identifies the hours of operation shall be posted at the entrance to the facility;

xii. An adequate water supply and fire-fighting equipment shall be readily available to extinguish any fires. The telephone number of the local fire department shall be posted at the entrance;

xiii. The composting operation shall follow the approved method of windrow composting set forth at (a) 13xiii(1) through (7) below, or other composting method approved by the Department which results in the aerobic biodegradation of the yard trimmings received:

(1) Upon receipt, all yard trimmings delivered for processing shall be removed from bags, boxes or similar containers prior to windrow formation except that yard trimmings in paper or biodegradable plastic bags need not be removed from such bags if the processing equipment provides for a shredding or cutting action. All discarded bags, boxes and similar containers shall be placed in a suitable refuse receptacle in the staging area for removal to an off-site disposal facility;

(2) Prior to windrow formation, dry yard trimmings shall be moistened to saturation without producing excess runoff;

(3) Yard trimmings shall be placed in windrows within the week of receipt;

(4) To facilitate drainage and to reduce surface water ponding, each windrow shall be constructed and positioned in such a manner so that it is perpendicular to the contours of the ground surface;

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(5) Windrows shall be constructed and reconstructed after each turning to a maximum height of six feet with a corresponding base not to exceed a maximum of 14 feet in width;

(6) A minimum separation of 16 feet measured from the pile base of the windrow to the next adjacent pile base shall be provided along at least one side of the longest dimension of each windrow pile to provide ample working space; and

(7) Windrows shall be turned and reconstructed, at a minimum, once per month. Windrows shall be turned and reconstructed, at a minimum, twice per month when grass clippings have been co-mixed with leaves or wood chips. Grass clippings shall be mixed at minimum ratio of five parts leaves or wood chips to one part grass clippings by volume. More frequent windrow turning and reconstruction may occur at the discretion of the owner or operator; and

xiv. Within one year of start-up of the compost operation, yard trimming composting operators shall attend a composting course sponsored by the Rutgers Extension, County Agricultural or Resource Management Agents or other courses approved by the Department;

14. The collection, consolidation and transfer for recycling, treatment or disposal of universal waste and the collection, consolidation and transfer for recycling of other source separated Class D recyclable materials, except for used oil, latex paints and antifreeze, managed by small quantity handlers of universal waste provided the operation is in compliance with the standards for small quantity handlers of universal waste as incorporated by reference at N.J.A.C. 7:26A-7.1(a) and 7.4;

15. The collection, consolidation and transfer for recycling, treatment or disposal of universal waste and the collection, consolidation and transfer for recycling of other source separated Class D recyclable materials, except for used oil, latex paints and antifreeze, managed by large quantity handlers of universal waste provided the operation is in compliance with the standards for large quantity handlers of universal waste as incorporated by reference at N.J.A.C. 7:26A-7.1(a) and 7.5;

16. The transportation of universal waste and the transportation for recycling of other source separated Class D recyclable materials, except for used oil, managed by universal waste transporters, provided the transportation is in compliance with the standards for transportation of universal waste as incorporated by reference at N.J.A.C. 7:26A-7.1(a);

17. The collection, consolidation, repackaging (including opening containers and transferring the contents into other containers or tanks), and transfer for recycling of source separated Class D recyclable materials, except for used oil and those Class D recyclable materials that are also universal waste, provided that the operation is in compliance with N.J.A.C. 7:26A-4.6(d), (e) and (f);

18. The receipt of yard trimmings for composting where the finished compost product is applied on site on land deemed actively devoted to agricultural or horticultural use, as defined in the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.5 and consistent with the State Agriculture Development Committee rule at N.J.A.C. 2:76-2A.8, Agricultural management practice for on-farm compost operations operating on commercial farms, or on mined lands being restored under an approved restoration plan and where the activity meets the criteria below:

i. Yard trimmings shall be removed from bags, boxes or similar containers prior to windrow formation except that yard trimmings in paper or biodegradable plastic bags need not be removed from such bags if the processing equipment provides for a shredding or cutting action. All discarded bags, boxes and similar containers shall be placed in a suitable refuse receptacle in a staging area for removal to an off-site disposal facility;

ii. Yard trimmings shall be placed in windrows within the week of receipt;

iii. Composting windrows shall terminate no closer than 50 feet from any property line and 150 feet from the property line of any area of human use or occupancy, or if grass clippings are received, the composting windrows shall terminate a minimum of 500 feet from the property line of any area of human use or occupancy;

iv. Yard trimmings shall be received only during times when the operator or owner is present;

v. An adequate water supply and fire-fighting equipment shall be readily available to extinguish any fires;

vi. The composting operation shall incorporate a composting method that results in the aerobic biodegradation of the yard trimmings received; and

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vii. The on-site use of the final compost product shall be subject to an approved agricultural management plan, mining area restoration plan, or other plan defining appropriate methods of compost product use and rates of application, developed by the Natural Resources Conservation Service, or other applicable local, State or Federal agency;

19. The receipt of less than 1,000 cubic yards of leaves per day at a site for transfer to a recycling center holding a general approval pursuant to N.J.A.C. 7:26A-3 for the receipt and processing of leaves or to other sites exempted from the requirement to obtain a general approval and operating pursuant to N.J.A.C. 7:26A-1.4, or other specific use approved in writing by the Department where the receipt and transfer activity meets the criteria below:

i. The perimeter of the leaf receipt and transfer activity areas shall be separated from any and all adjacent residential, recreational and/or commercial land uses by an effective visual screen buffer;

ii. Leaf receipt and transfer operation areas shall terminate no closer than 150 feet from the property line of any area of human use or occupancy;

iii. Leaves shall be removed from the site within 30 days of receipt; and

iv. Records of the daily volume of leaves received and transferred, including the name and address of the site to which the leaves are transferred shall be kept and shall be maintained for three years from the date of recording. The required records shall be made available to the department during an inspection and be submitted to the department upon request;

20. Any construction company or contractor which through the course of construction and demolition activities generates source separated concrete, asphalt, brick, and block, may receive, store, process, and transfer the material provided that:

i. The company or contractor is the sole generator of the material;

ii. The unprocessed material shall be stored in accordance with N.J.A.C. 7:26A-1.4(a)7i, ii, and iii(1) and (4) and all applicable county or municipal laws or regulations;

iii. The processing of the material shall be conducted at the contractor's or construction company's yard and in accordance with either N.J.A.C. 7:26A-1.4(a)7i or ii;

iv. A schedule for the completion of the processing activities shall be provided to the Department along with the written notification required pursuant to N.J.A.C. 7:26A-1.4(b)5. A written notification is required each time the material stored on-site is to be processed. Processing may not begin until the contractor has received a written response from the Department;

v. The company or contractor shall be the sole end-user and/or end-market of the end product that is generated and the end product shall be used exclusively for future projects of the company or contractor. Sale of the processed material is strictly prohibited; and

vi. The processed material shall only be stored on-site for a period of one year;

21. The recycling of source separated Class C recyclable materials that are generated on site, and processed exclusively at the point of generation into a product for sale and/or use off site;

22. The receipt of less than 3,000 cubic yards of leaves per year, and/or 1,000 cubic yards of grass clippings per year, at a site for transfer to a recycling center holding a general approval pursuant to N.J.A.C. 7:26A-3 for the receipt and processing of leaves and/or grass, or to other sites exempted from the requirement to obtain a general or limited approval to operate pursuant to N.J.A.C. 7:26-1.4, or other specific use approved in writing by the Department where the receipt and transfer activity meets the criteria below:

i. Leaves shall be removed from the site within 45 days of receipt;

ii. Grass shall be placed promptly in nonleaking containers, such as roll-offs, upon receipt at the facility. The container shall be covered immediately following loading and shall remain fully covered until removed from the site;

iii. No grass clippings or leachate shall remain on the ground after loading into non-leaking containers as specified in (a)22ii above;

iv. Containers shall be removed from the site within two days of the placement of any grass in the container; and

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v. Records of the daily volume of leaves and grass clippings received and transferred, including the name and address of the site to which the leaves are transferred, shall be kept and maintained at the facility for three years from the date that the records were generated. The required records shall be made available to the Department during an inspection and shall be submitted to the Department upon request;

23. The receipt and composting of farm feedstocks where the activity meets the following criteria:

i. The activity is conducted on a farm;

ii. Only the following feedstocks are received or composted:

(1) Dry livestock manures;

(2) Animal feed;

(3) Leaves;

(4) Corn stalks;

(5) Hay;

(6) Silage; and

(7) Other farm feedstocks, except grass clippings, that meet the definition vegetative waste set forth at N.J.A.C. 7:26-2.13(g)1v;

iii. No more than 10,000 cubic yards of feedstocks are received or composted per year;

iv. Any applicable permits or approvals for on-site composting have been obtained from the Department and the New Jersey Department of Agriculture;

v. At least low level technology windrow composting as described at N.J.A.C. 7:26A-4.5(a)14vi shall be used as the composting method;

vi. The windrow composting area shall not exceed five acres;

vii. A buffer distance of 50 feet shall be maintained between composting activities and the facility property line; and

viii. Within one year of the start-up of the compost operation, the composting operator shall attend a composting course sponsored by the Rutgers Cooperative Extension, the appropriate county agricultural or resource management agents, or any other similar course approved by the Department. Proof of timely attendance at such a course shall be retained by the composting operator and made available to the Department upon request; and

24. The receipt and storage of architectural salvage items at a commercial enterprise.

(b) The general requirements applicable to all exemptions set out in (a) above are as follows:

1. The receipt, storage, processing or transfer of recyclable material shall be conducted in a manner consistent with the protection of public health, safety and the environment in light of the nature, scale and location of the exempted activity;

2. All persons operating pursuant to an exemption in (a) above shall ensure that the receipt, storage, processing or transfer of materials pursuant to the exemption is conducted in a manner which minimizes degradation of existing transportation patterns, ambient acoustical conditions, ambient air quality, drainage and soils characteristics, surface and ground water quality, wetlands, applicable Federal, State or local land uses including the Pinelands Area and agricultural development areas, dedicated recreational or open space areas floodways and endangered or threatened wildlife and vegetation, consistent with applicable municipal, county, State and Federal law and regulations;

3. Activities exempted pursuant to this section which exceed or violate the criteria for exemptions specified in (a) above and of this subsection, or which are conducted in a manner which endangers the public health, welfare and safety or the environment, or which are in violation of Federal, State or local law, shall be subject to regulation as a recycling center pursuant to this chapter or subject to the solid waste rules pursuant to N.J.A.C. 7:26;

4. With the exception of the exempted activities set forth at (a)5, 7, 8, 14, 15, 16, 17, 19 and 22 above, tonnage reports shall be submitted in accordance with N.J.A.C. 7:26A-4.4(b);



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5. All persons operating pursuant to an exemption in (a) above except for small quantity handlers of universal waste operating pursuant to N.J.A.C. 7:26A-7.2 shall provide a written notice of such operation to the New Jersey Department of Environmental Protection, Division of Solid and Hazardous Waste, Bureau of Recycling and Hazardous Waste Management, 401 East State Street, P.O. Box 420, Mail Code 401-02C Trenton, New Jersey 08625-0420, the host municipality, and host county prior to the commencement of operations.

i. Any person submitting a written notice of an exempt operation shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I further certify that the operation described herein satisfies the criteria for exemption as set forth in N.J.A.C. 7:26A-1.4. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil administrative penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for termination of any exemption."

ii. The certification shall be signed as follows:

- (1) For a corporation, by a principal executive officer of at least the level of vice president;
- (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official; and

iii. The certification shall be signed by a person described in (b)5ii above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in (b)5ii above;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the operation or activity, such as the position of plant manager, or positions of equivalent responsibility; and
- (3) The written authorization is submitted to the Department.

6. Exemption from the requirement of a general or limited approval pursuant to (a) above shall not constitute an exemption from applicable county or municipal laws, including local zoning and site plan ordinances, or regulations.

7. The holder of a general or limited approval or any person that engages in activities listed at N.J.A.C. 7:26A-1.4(a) at the site of an approved recycling center, is subject to the district solid waste management plan requirements identified at N.J.A.C. 7:26-6.11 and the general approval modification requirements at N.J.A.C. 7:26A-3.10 for those additional activities conducted at the site of the approved recycling center.

8. Any person holding a permit, certificate of authority to operate or other approval for a solid waste facility pursuant to N.J.A.C. 7:26 or a general or limited approval pursuant to this chapter that allows persons engaging in activities listed at this section the use of an access road through or on its site to a public thoroughfare is subject to the district solid waste management plan requirements identified at N.J.A.C. 7:26-6.11 and the general approval modification requirements at N.J.A.C. 7:26A-3.10 for those additional activities associated with additional vehicular traffic conducted at the site of the solid waste facility or recycling center.

(c) Recycling centers, which receive, store, process, or transfer only Class A recyclable materials, are not subject to the approval requirements in N.J.A.C. 7:26A-3 but are subject to the operational standards at N.J.A.C. 7:26A-4.

#### 7:26A-1.5 Burden of proof

(a) In an enforcement action, or on specific request of the Department, persons claiming that they qualify for any exclusion or exemption in this chapter or that they are not otherwise subject to the rules in this chapter shall demonstrate and appropriately document that they satisfy all terms of the law releasing them from the requirements of this chapter.