



Welcome to the NJDEP
Stakeholders Meeting
for

*Select Recycling
Exemption Discussions*
N.J.A.C. 7:26A-1.4

DECEMBER 13, 2018

Opening Remarks - Why Amendments to Rules are Necessary

- ▶ Minimize potential adverse environmental Impacts from non-compliance
 - Limits on storage amounts and durations
- ▶ Better enforceability
 - Improved record keeping
 - Increase/improved reporting requirements
- ▶ Ensure better coordination with local and county officials
- ▶ Deleting exemptions that are not necessary or problematic
- ▶ Combine like activities
- ▶ Need for additional new exemptions
- ▶ Rules sunset December 3, 2022
 - Rulemaking is a multi-year endeavor

Introductions - NJDEP Rule Team

- Assistant Commissioner's Office, Site Remediation & Waste Management
 - Judith Andrejko, Esq., Regulatory Officer
- ▶ Bureau of Recycling & Hazardous Waste Mgt.
 - Karen Kloo, Bureau Chief
 - Zafar Billah, Section Chief
 - Frank Piliere, Supervisor
 - Michael Trocchia, Engineer
 - Shaun Osgood, Exemption Coordinator
- ▶ Bureau of Solid Waste Compliance & Enforcement
 - Tom Farrell, Bureau Chief
 - Gina Lugo, Supervisor
 - John Stavash, Supervisor
 - Paul Smith, Case Manager
 - Carole Mercer, Case Manager
 - Martin Sanchez, Supervisor (Hazardous Waste)
- ▶ Press Office & Office of Communications
 - Tanya Oznovich, Facilitator



Introduction-Stakeholders



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- ▶ Please introduce yourself and state your affiliation.
- ▶ Please also state your name and affiliation before making a comment or providing input so our notetakers can accurately record the individual providing the comment.
- ▶ To ensure accurate notes, please speak slowly and clearly.

Goals of Meeting

- ▶ Solicit Input
- ▶ Why we grouped them together





Agenda



Exemption #4

- Tire Retreaders and Remolders
 - Receive, store, process or transfer

Exemption #5

- Tire Transfer
 - No Processing

Exemption #6

- Tires for Artificial Reefs
 - Never requested



Agenda



Exemption #9

- Non-Container Plastics
 - Receive, store, process or transfer

Exemption #11

- Textiles

Exemption #24

- Architectural Salvage

New Exemption

- Mobile Shredding

General Disclaimer for this Presentation:

- ▶ *Any pictures or trade names of equipment, companies or services should not be construed to indicate an endorsement by the New Jersey Department of Environmental Protection of any product or service derived from same.*
- ▶ *The information within this presentation is slated to facilitate discussions on various existing and potential regulatory mechanisms. No final decision regarding this information is expressed or implied.*

Exemption # 4

Tire Retreaders and Remolders



N.J.A.C. 7:26A-1.4(a)4 provides an exemption for retreaders/remolders which receive, store, process or transfer tires provided that such activities meet the requirements discussed on the following slides.....



Why should there be restrictions in this exemption?

- ▶ To avoid excessive accumulation that could result in either a mosquito, fire or safety hazard.



N.J.A.C. 7:26A-1.4(a)4i: Only the amount of material which the equipment on-site is capable of processing within a 2 month period is stored on site;

- ▶ Presumes that it is readily discernable how such determination can be documented.
- ▶ Does not identify a specific quantity of tires that cannot be exceeded in order to maintain the exemption.
- ▶ **What would be a more definitive method of restricting the accumulation of tires at such facilities?**

Production Logs showing monthly Through-Put?



Counters Built-in to Equipment?




N.J.A.C. 7:26A-1.4(a)4 ii – Storage of material on-site shall not exceed one year.

- ▶ What is meant by “material”? Should clarification be provided replacing the word “material” with something such as “un-processed tires”?
- ▶ How would the duration of storage of unprocessed tires be documented?
- ▶ What storage methods would minimize concerns for mosquito infestation, safety and fire hazards?

Documenting Time of Storage of Unprocessed Tires



- 
- ▶ Is there any practical way to document unprocessed tire storage time limits?
 - ▶ Would it be better to replace storage time limit requirements with volume restrictions? Could this best be accomplished by establishing a controlled area of known volume to store unprocessed tires?

What are some practices to employ to protect unprocessed tires from precipitation and avoidance of collapse/trip hazards and ignition sources?



Regulatory Overlap Addressing Processed Tires Considered as Products



Exemption 5 – Tire Transfer Facilities

Addresses handling, but not processing, tires for facilities that accept less than 5,000 tires per month.

- ▶ NJDEP interprets this regulation to mean that at no time should such exempt facility hold more than 5,000 scrap tires. **Should clarification be provided?**
- ▶ N.J.A.C. 7:26A-1.4(a)5i. addresses a six month time-limit for storage of scrap tires – once the above quantity clarification is established, **should this requirement be stricken?**



TIRE STORAGE REQUIREMENTS:

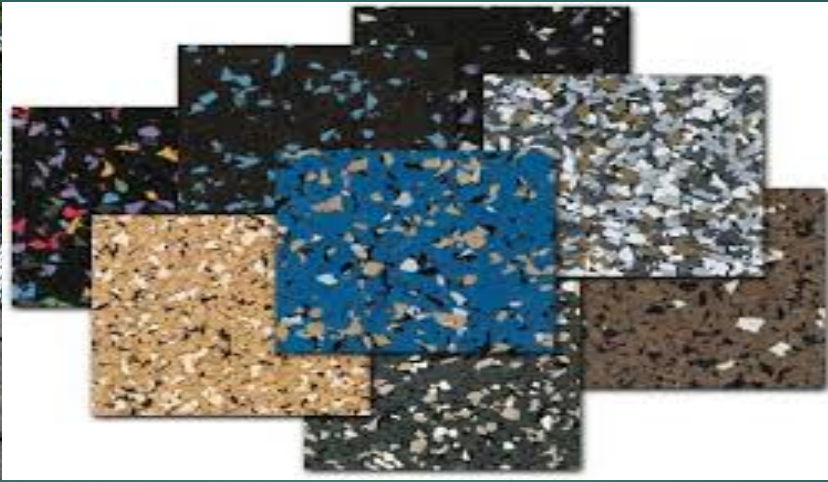
- N.J.A.C. 7:26A-1.4(a)5ii requires that tires shall only be stored in a totally enclosed structure or in roll-off containers or trailers dedicated to scrap tire storage. **Should the reference to storage in roll-off containers be augmented to require that they be covered to prevent accumulation of any precipitation?**

Fire and Mosquito Control



- N.J.A.C. 7:26A-1.4(a)5iii requires that the provisions of N.J.A.C. 7:26A-3.8(b) and (c) are met as they relate to local Fire Department approval and arrangements to have mosquito control.
- **The Department has no current plans to change these requirements.**

Outlets for Scrap Tires



- N.J.A.C. 7:26A-1.4(a)5iv requires that the transferred to an end market or to a recycling facility approved to accept same or to a facility already exempted to accept tires.
- **The Department has no current plans to change these requirements.**

What is meant by “Processing”

Tires being shred fall into the category of processing



Suggested considerations for certain processing.....

Since tire baling and certain tire cutting activities are beneficial in reducing volume, void air space and surface areas that could hold precipitation and subsequent mosquito colonization, NJDEP is considering allowing tire baling and cutting as exempt activities. However, NJDEP is not considering shredding to be an exempt activity.



N.J.A.C. 7:26A-1.4(a)6 exempts activities associated
with the construction of Artificial Reefs



Should The Artificial Reef Tire Exemption Be Retained?

- ▶ Experience has shown that even mildly acidic sea water will dissolve the concrete that secures the tires to the ocean bottom thereby releasing such anchor and enabling the tires to become dislodged.
- ▶ The Department has not received a request to acknowledge this exemption for several years.

Exemption #9

Non Container Plastics



Goals:

Increase the recycling of non-container plastic materials

- ▶ Provide structure for handling and processing of plastic materials
- ▶ Minimize environmental impacts
- ▶ Record keeping that ensures responsible management



Current requirements

- ▶ N.J.A.C. 7:26A-1.4(a)9i the amount of stored plastic material is limited to what equipment on-site is capable of processing within a two-month period
- ▶ N.J.A.C. 7:26A-1.4(a)9ii plastic material storage on-site is limited to six months

What are non-container plastic materials?

- ▶ Widely used in agricultural and packaging applications
 - ▶ Mulch films
 - ▶ Bale wraps
 - ▶ Greenhouse coverings
 - ▶ Bunker and silage pile covers
 - ▶ Packaging wraps
 - ▶ Protective coverings (boat & car wraps)





Plastic Storage Concerns

- ▶ Tend to be bulky
- ▶ Collect rainwater
- ▶ Rodent/mosquito breeding habitat
- ▶ Ultraviolet light degradation (shelf-life)
- ▶ Contaminants (fasteners)

General Concerns

- Have a shelf life
- Can become a litter problem
- Contaminants that affect processing (for example fasteners)
- Are end markets available



Exemption #11-Textiles


- ▶ Means manufactured cloth or woven or knitted material, such as clothing and carpet, which is separated from the solid waste stream at the point of generation
- ▶ Old exemption was for receipt, storage, processing and transfer of source-separated textiles





Suggested Amended Language for Exemption #11



- ▶ Any person or recycling center which receives, stores, processes, or transfers any source separated item made from cloth or an artificial fabric like vinyl, which is used for clothing, linens, bedding, upholstery, curtains, carpets, and other items, for reuse or recycling purposes, excluding pollution control media
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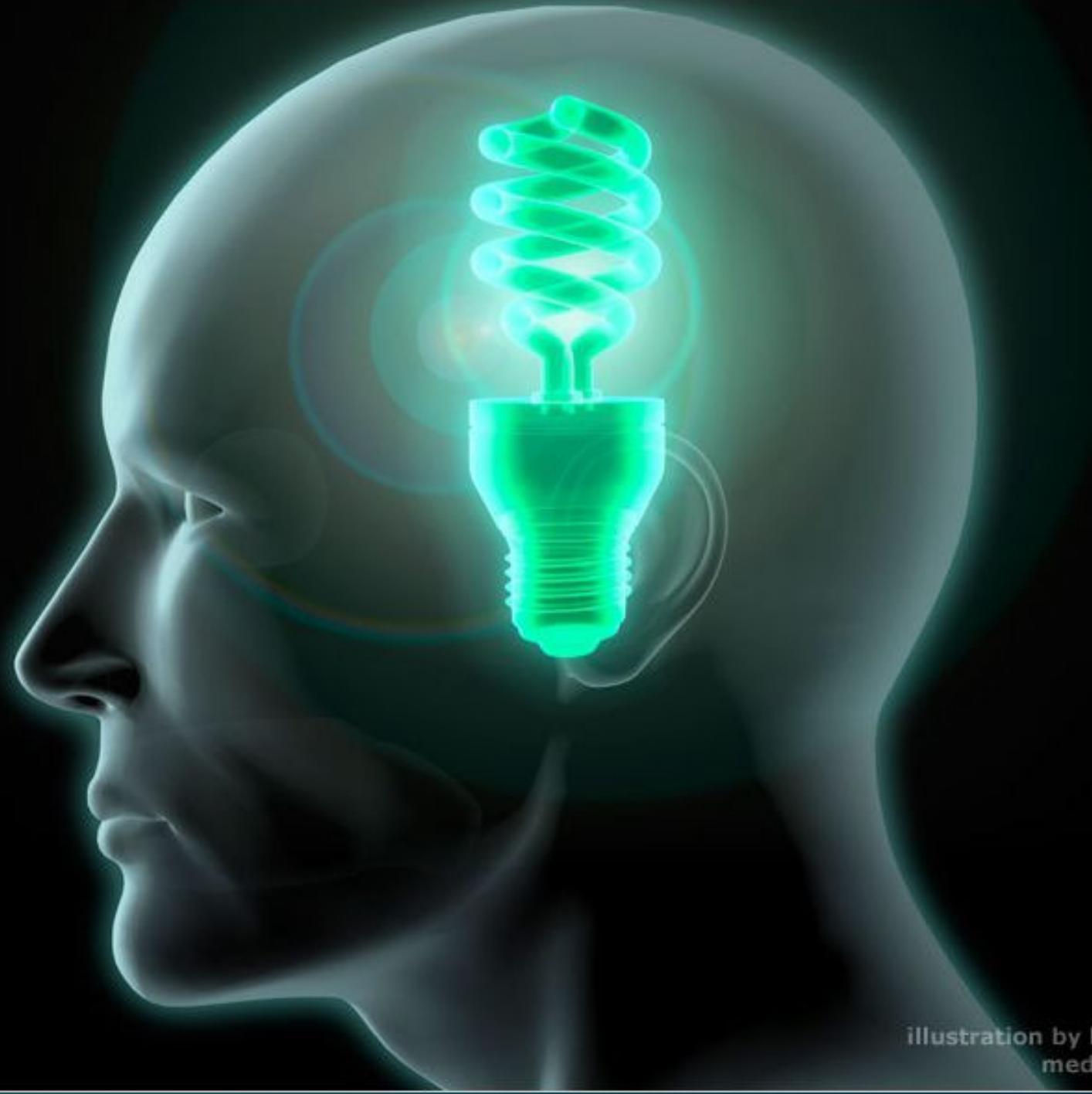
Exemption #11 does not include pollution control media

- ▶ Any used filters or other textile-based components or equipment that were designed to contact or impinge chemical or biological products or waste, or residual contaminants from such products or waste
- ▶ This type of textile needs to be excluded from this exemption due to concerns about public health and safety



Ideas and Issues from Stakeholders

- ▶ Have you experienced any issues in the past with this exemption?



Architectural Salvage Items; Exemption #24

- ▶ Reuse and repurposing of architectural features
- ▶ Salvage means to collect or reuse an item or to save something from harm or ruin
- ▶ Resulting from renovation, remodeling, repair, and demolition operations



Exemption #24 (cont'd):

- ▶ Existing exemption allows for ONLY receipt and storage of architectural salvage items at commercial enterprises
- ▶ Suggest that amended exemption also include BOTH the processing and transfer of architectural salvage items . . .



Considerations for Exemption #24

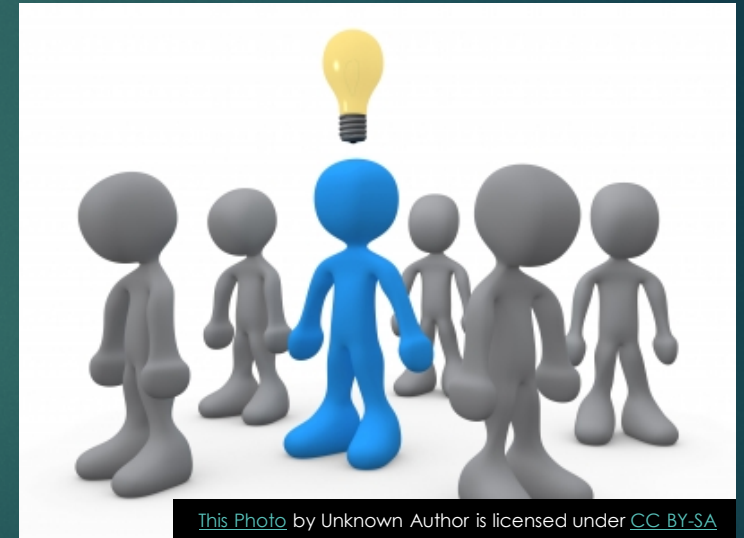
- ▶ The receipt, storage, processing, or transfer of architectural salvage items, provided that such:
 - Shall be done at a commercial enterprise that will resell the architectural salvage items;
 - Shall be conducted in an area that is protected from the elements (weather, fires, flooding, wildlife, etc.); and
 - Any solid waste or recyclable by-product material resulting from the processing of architectural salvage items shall be placed in closed containers and managed appropriately



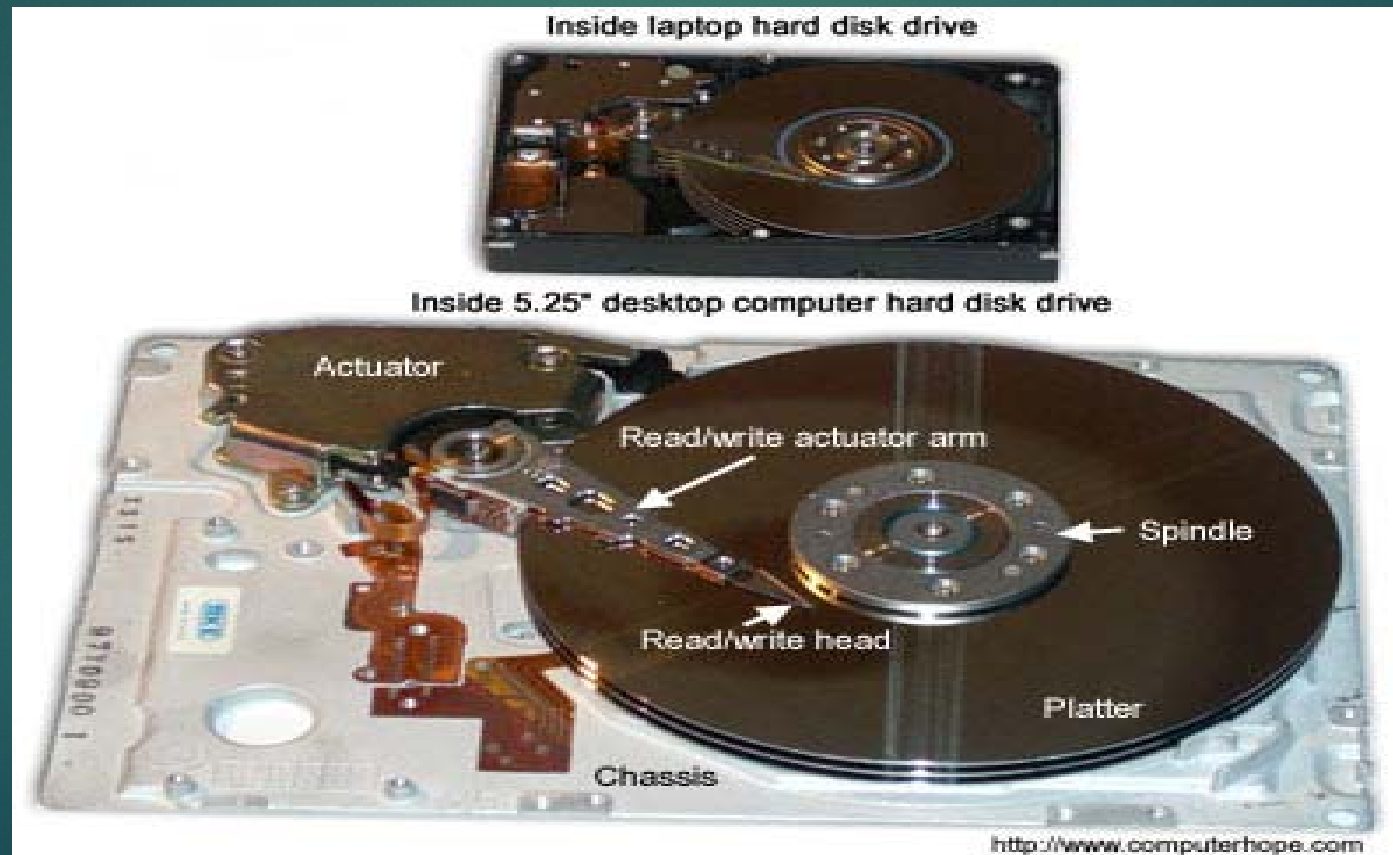
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Ideas and Issues from Stakeholders

- ▶ How can this exemption further protect both the architectural salvage items and the environment?
- ▶ Any issues in the past with this exemption?
- ▶ Should 'processing' be changed to fix/restore?



Hard Drive Shredding Exemption(New)



Hard Drive Shredding Exemption(New) – The Statute

- ▶ **13:1E-99.34a Mobile electronic waste destruction units, operation without DEP permit.**
- ▶ 1. a. Notwithstanding the provisions of subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34) or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, the owner or operator of a mobile unit that crushes, shreds, or otherwise destroys electronic storage devices for the purpose of destroying the data contained therein shall not be required to obtain prior approval to operate the mobile unit from the Department of Environmental Protection as long as the owner or operator of the mobile unit submits a certification to the department, in writing, that the **mobile unit is certified by the National Association for Information Destruction.**



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Hard Drive Shredding Exemption(New) – The Statute

- ▶ b. The material generated from the destruction of electronic storage devices by the mobile unit shall be delivered for processing to a recycling center authorized to operate by the department pursuant to subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34) or to an otherwise authorized recycler that operates in compliance with all applicable federal, state, and local laws, regulations, and ordinances.
- c. As used in this section, "electronic storage device" means a hard drive or other electronic data storage device.



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Hard Drive Shredding Exemption(New)

– Proposed Regulatory Language

23. Any person who operates a mobile recycling equipment that crushes, shreds, or otherwise destroys electronic storage devices such as a hard drive or other electronic data storage device for the purpose of destroying the data contained therein provided that:



i. The mobile recycling process shall be certified by the National Association of Information Destruction (NAID). The person shall submit the required NAID certification or NAID re-certification to the Department in writing and maintain its certification status for the duration of the exempt operation;



ii. The material generated from the data destruction operation shall be shipped to an approved Class D recycling center in New Jersey, or to an otherwise authorized recycler that operates in compliance with all applicable federal state, and local laws, regulations, and ordinances;



iii. The mobile recycling equipment shall be operated by a trained operator. The person shall retain proof of training received and certifications (if applicable), and such shall be made available to the Department upon request;

Hard Drive Shredding Exemption(New)

– Proposed Regulatory Language

iv. Prior to data destruction, the electronic data storage device shall not contain mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries;



v. The processed material from the mobile recycling equipment shall be secured in a closed container that shall be:



- (1) In good condition;
- (2) Labeled as “Class D Recyclable Material – Consumer Electronics,” with the date of accumulation noted;
- (3) Structurally sound;



- (4) Compatible with its contents;
- (5) Lack evidence of leakage, spillage, or visible damage; and
- (6) Kept closed, except when necessary to add or remove recyclable materials;

Hard Drive Shredding Exemption(New) – Proposed Regulatory Language

vi. Upon detection of release of any processed material, the person shall immediately stop the release, cleanup, and containerize the released material. The person shall determine if the released material can be further recycled, and, if not, the material shall be disposed of as hazardous waste in accordance with all applicable regulations;



vii. Containers holding processed material may be shipped directly to an authorized facility from the location of data destruction activity or brought to a central location owned by the same person claiming the exemption for temporary storage prior to shipment to another authorized facility. Such storage of processed material shall not exceed one year from the date of accumulation. The temporary storage location shall be operated in compliance with the requirements for Small Quantity Handlers at N.J.A.C. 7:26A-7.4, or Large Quantity Handlers at N.J.A.C. 7:26A-7.5, as applicable;



viii. The operation of mobile recycling equipment shall be in compliance with applicable requirements of N.J.A.C. 7:26A-3.3; and
ix. Should the person operating the mobile recycling equipment self-transport the processed material, the person shall maintain compliance with the transporter requirements at N.J.A.C 7:26A-7.6 and 8.1, including reporting requirements.

Best Management Practices

NJDEP recommends the inclusion of Best Management Practices in the Recycling Rules, N.J.A.C. 7:26A.



Suggested changes to N.J.A.C. 7:26A-1.4(b) – *General Requirements for All Exemptions*

- Cannot claim multiple exemptions of certain types
 - NJDEP discretion to limit a person claim of combination of multiple exemptions
- Must receive NJDEP's acknowledgement prior to commencing operations
- Require documentation that all required county and municipal approvals have been obtained
 - Currently unclear if the appropriate local and county officials receive notification
- Expiration – multi-year cycle with ability to renew
 - *Phase-in period for compliance with new requirements*

Changes to N.J.A.C. 7:26A-1.4(c) - Certification

- Adds certification language consistent with other rules
 - Certification statement – additional permit and approval attesting
 - ‘including obtaining applicable municipal, county, State, and Federal permits and approvals’
 - Clarification on individuals signing the certification
 - Corporation
 - Limited Liability Company
 - Partnership
 - Sole Proprietorship
 - Municipal, county, State, Federal, other public agency
 - Duly authorized representative
 - Certification in new Mobile Shredding rule [part of N.J.A.C. 7:26A – 1.4(a)]:
 - a National Association of Information Destruction (NAID) certification is required and must be maintained for duration of exemption

Suggested Inclusion of Fees

▶ \$500 annual fee to cover NJDEP's cost for administrative and enforcement activities



Closing Remarks

- ▶ **Thank you for your input!**
- ▶ Summaries of the topics covered at the meeting and relevant information will be made available following the meetings at <https://www.nj.gov/dep/workgroups/index.html>
- ▶ Following proposals of the rule changes, formal comments on the rules can be made by anyone during the announced comment period.



Future Meeting Topic - January 15, 2019 (tentative)

Exemption #3

- Tree Parts (branches, limbs, trunks, brush, wood chips)
- Received , stored, processed or transferred

Exemption #12

- Leaf Mulching Activities on agricultural land
- Class B (transfer and storage)

Exemption #19

- Leaf receipt and transfer

Exemption #22

- Leaves and grass clipping receipt and transfer

Future Meeting Topics – February 14, 2019 (tentative)

Exemption #1

- Asphalt Manufacturing Plants
- Pallet Manufacturers and Refurbishes

Exemption #2

- On-Site Recycling

Exemption #7

- Short-term Storage of Class B Materials

Exemption #20

- Class B material on-site generation through construction/demolition
- Received, stored, processed, or transferred

Future Meeting Topics – TBD

Exemption #18

- Receipt of Yard Trimmings for Composting
- Applied on-site on agricultural land

Exemption #21

- Class C Recycling

Exemption #23

- Farm Feedstock recycling on farms

New Exemption

- In Vessel Composting