



Welcome to the NJDEP  
Stakeholders Meeting for

*Select Recycling Exemption  
Discussions*

N.J.A.C. 7:26A-1.4

FEBRUARY 14, 2019

## 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
- ▶ **Press Office & Office of Communications**
  - Tanya Oznovich, Facilitator

# Introduction-Stakeholders



- ▶ Please 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 #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



# 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 #1

- **Allowed Activities and Materials:**
  - Asphalt Manufacturing plants to receive, and process the following:
    - Asphalt millings
    - Asphalt shingles
    - Other asphalt-based roofing scrap
  - Pallet manufacturers/refurbishers to process non-salvageable wood pallet materials generated from their manufacturing and refurbishing activities
- **Limitations:**
  - For asphalt manufacturing plants, the asphalt materials shall be delivered directly to the plant from the site of generation unless intermediate storage is authorized by the DEP
  - For pallet manufacturing plants, storage of processed wood materials shall not exceed one year



# Exemption #1

- ▶ This exemption is also known as manufacturer's exemption.
- ▶ About 10 Pallet Manufacturing Exemptions were issued thus far, no major problems reported
- ▶ About 60 Asphalt Manufacturing Exemptions were issued. Mounting piles of asphalt millings are of great concern.





# Exemption #1

- ▶ How to control the uncontrolled milling piles?
  - ▶ Would a volume control be more effective than a time limit of storage?
  - ▶ How should an acceptable storage volume be established?
  - ▶ It is possible to tie the amount of millings received and stored to the Plant's annual production capacity.
  - ▶ Should there be a grace period to allow time to come into compliance? How long?





# Exemption #1

- ▶ Many Asphalt Plants are located on a quarry and has adjacent Class B Recycling Facility.
  - ▶ Should the Department require the Asphalt plants to use the Class B facility for storage of millings?
- ▶ This exemption includes a provision for intermediate storage away from the Plant with the approval of the Department.
  - ▶ No such approval has yet been issued, and no other specific details are included in the regulations. Should we delete this provision?





# Exemption #1

- ▶ Should the Department establish a new exemption for mobile asphalt recycling activity?





# Exemption #2

- **Allowed Material:**

- Source separated recyclable materials excluding petroleum contaminated soils. Examples of source separated recyclable materials include, but are not limited to, concrete, brick, block, and stone.

- **Allowed Activities:**

- Generation, processing, and reuse as a product at the point of generation.

- **Limitations:**

- Applicable municipal & county approvals must be obtained for the activity.
- Prohibits the receipt, storage, processing, or transfer of materials generated off-site.
- Must be generated, processed, and re-used on-site.



# Exemption #2

- ▶ Categorically exempt for one time use?
- ▶ Residential swimming pools (concrete?)
  - ▶ Exclude HOA pools?
  - ▶ Allow demolition of residential pools to occur without notification to the Department?
- ▶ Exclude on-site composting?
  - ▶ Food waste: Incorporate this activity into another existing exemption? (#21)
    - ▶ #21: Recycling of source separated Class C materials generated and processed onsite at the point of generation into a product for the sale or use off site



# Exemption #7

- **Allowed Material:**
  - Source separated Class B recyclable materials (wood, concrete, brick, block) with the exception of scrap tires, leaves, non-container plastic materials, and petroleum contaminated soils.
- **Allowed Activities:**
  - Receipt, temporary storage, and transfer of the above materials.
  - No processing is allowed.
- **Limited Operations:**
  - Operates for no more than 60-day period;
  - All materials are removed by the end of the 60-day period; and
  - Storage may not occur more than twice in a calendar year.
- **Continuous Operations:**
  - Materials stored in roll-off containers or other similar containers; and
  - Materials are transferred to a recycling center approved to receive the materials.
  - Daily records must be maintained for:
    - Volume received
    - Volume transferred
    - Destination information



# Exemption 7 Time Frames

- ▶ Currently there are temporary or continuous storage options for Class B recyclable materials. Temporary storage: no more than two distinct 60 day periods per year. Storage site completely emptied of such materials between storage events. **Should this time frame be changed? If yes, how so?**





## Exemption 7: Should temporary storage be eliminated? If so, should open storage be allowed?





# Exemption 7 – Container Storage

Should the Department define more specifically what is meant by a container? Would a three-sided structure such as Jersey Barriers/Bin Blocks suffice to be considered as a container?





# Exemption 7 – Volume Control

- ▶ Should we establish a maximum volume of storage at any one time, based upon site specific factors such as site size?





# Exemption 7 Height Control

- ▶ If open storage is allowed, should the height restriction be consistent with the statewide limit for combustible materials at 20 feet above grade, or in accordance with the local zoning specification, whichever is lower?





# Exemption 7 – Dust Control

- Should dust control precautions be specified?





# Exemption #20

- **Allowed Material:**
  - Source separated concrete, asphalt, brick, and block
- **Allowed Activities:**
  - May receive, store, process, and transfer the above materials
- **Limitations:**
  - Sole generator of materials
  - Storage and processing to be conducted at the contractor's yard
  - Provide a schedule for the completion of processing activities to the DEP
  - Be the sole end user of the of the end product and used in future projects
  - Storage:
    - Temporary:
      - Operates for 60-day period
      - All materials are removed by the end of the 60-day period
      - Temporary storage may not occur more that twice in a calendar year
    - Continuous:
      - Materials stored in roll off containers or other similar containers
      - Daily records must be maintained for:
        - Volume received
        - Volume transferred
        - Destination information



# Exemption 20 Time Limit

- ▶ Should we remove a storage time limit?





# Exemption 20 Volumes

- ▶ Should we establish volume limitations? If so, how should they be established? Based on available acreage?





# Exemption 20 Volume Control

Should we distinguish acceptable volumes of processed versus un-processed materials?





# Exemption 20 Height Restriction

- ▶ Should there be height restrictions established? Would a 20 foot height restriction be appropriate? Leave up to local government?





# Exemption 20 Set-Backs

- ▶ Should there be set backs for easements, sensitive receptors (water bodies, recreational/residential property uses). What should such setback be?





# Exemption 20 – Potential Site Abandonment

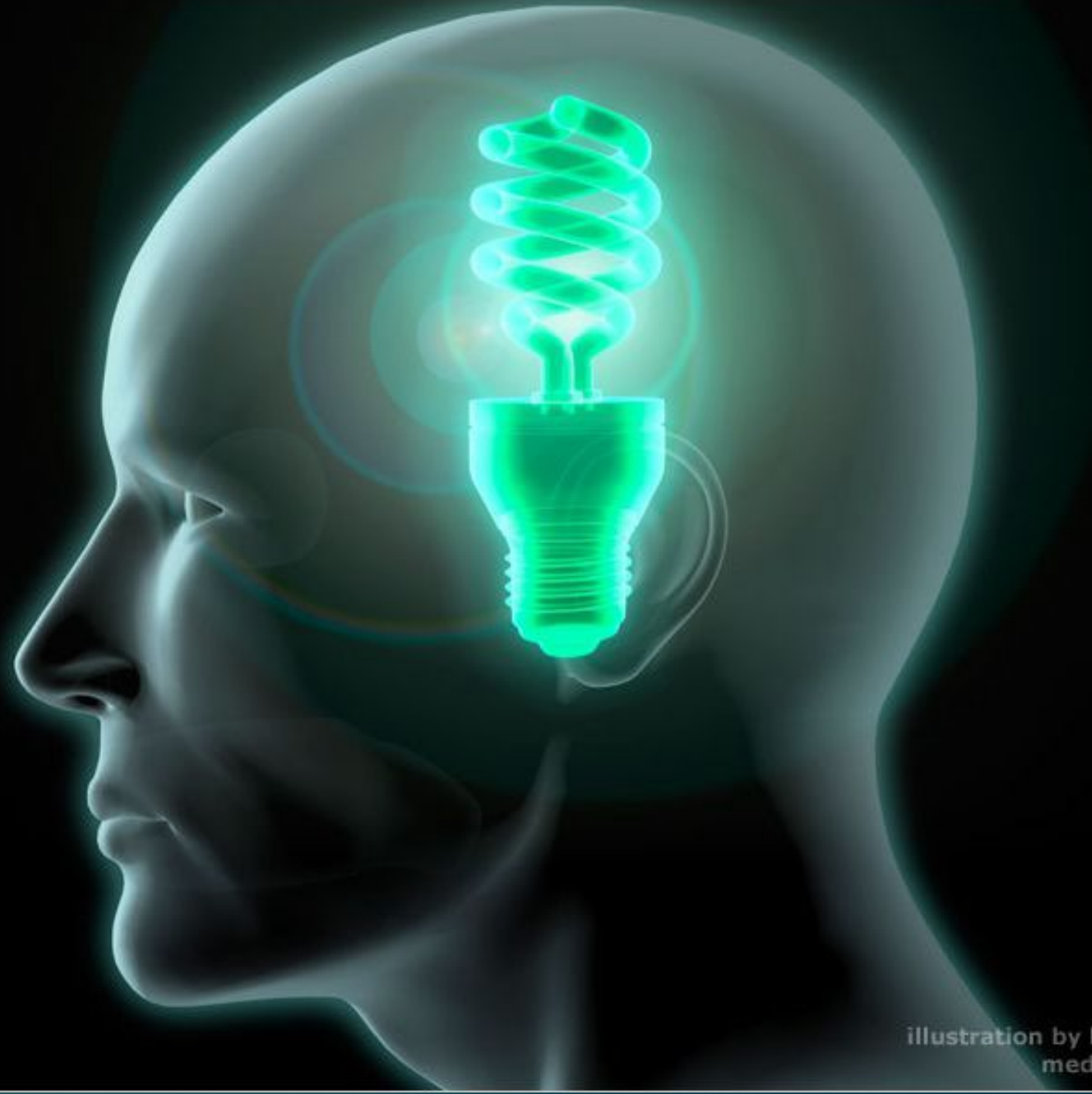
- ▶ How do we address potential abandonment of a site filled with materials?





# Ideas and Issues from Stakeholders

- ▶ Has anyone experienced issues with these exemptions?
- ▶ Any ideas to improve these exemptions?





# *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*



# Local and Other State Approvals

Should the Department require that the holder of the exemption post on its website all of the local approvals held to support the subject exemption?

## EXEMPTION 7 IS US!, LLC

*We hold the following approvals  
to operate in compliance with N.J.A.C.7:26A – 1.4(7)  
at 123 Main Street, Anytown, New Jersey:*

- ▶ Anytown Zoning Approval Resolution # 12345
- ▶ NJPDES 5G3 Storm Water Permit # NJ0088323
- ▶ Anytown Fire Department Approval # 101112
- ▶ Anytown Mosquito Control Commission Approval # 1314



# Exemption Transparency

- ▶ Should the exemption holder's name and contact information be required to be securely posted on-site in a manner that is plainly visible to the public?

Exemption 7 is Us!, LLC is operating this site in accordance with N.J.A.C. 7:26A-1.4(7). Approvals for such are listed on our website at: *Exemption 7.com*.

Contact Mr. Bob D. Builder at 609-555-6789 with any questions.



# 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.
- ▶ [exemptrecycling@dep.nj.gov](mailto:exemptrecycling@dep.nj.gov)





# 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