



# Welcome to the NJDEP Stakeholders Meeting for *Select Recycling Exemption Discussions* N.J.A.C. 7:26A-1.4

APRIL 30, 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
  - John Stavash, Supervisor (North)
  - Gina Lugo, Supervisor (South)
  - 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 these exemptions together



# Today's Meeting Topics

## Exemption #13

- Receipt of yard trimmings for composting

## Exemption #18

- Yard trimmings composting conducted and applied on agricultural land

## Exemption #21

- Class C recycling

## Exemption #23

- Farm feedstock recycling on farms

## New Exemption

- In-vessel composting

# 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 13 – Composting of Yard Trimmings

## ► Limitations/requirements:

- Yard trimmings are limited to 10,000 cubic yards per year.
- Grass clippings are limited to 10 % by volume of all yard trimmings received per year.
- Restrict processing of yard trimmings from certain types of property use.
- Yard trimmings placed in windrows within the week of receipt.
- Windrows shall terminate no closer than:
  - › 50 ft from any property line.
  - › 150 ft from the property line of human occupancy.
  - › 500 ft from the property line if grass clippings are received.
- An effective visual screen buffer around the perimeter of composting operations.
- Compost storage area must be graded for effective drainage.





# Exemption 13 – Composting of Yard Trimmings

- ▶ Allowed Material:
  - Yard Trimmings (grass clippings, leaves, plant parts, wood chips, and brush).
- ▶ Allowed Activities:
  - Composting of yard trimmings on land deemed actively devoted to agricultural & horticultural use.



# Exemption 13 – Composting of Yard Trimmings

## ► Limitations/requirements:

- Access road entrances to the facility must be fenced to control unauthorized access.
  - › Acceptance only when owner/operator present.
- An adequate water supply and fire fighting equipment to be readily available to extinguish any fires.
- Sign posted at entrance displaying operational hours.



# Exemption 13 – Composting of Yard Trimmings

- ▶ Limitations/requirements:
  - ▶ Composting Operations:
    - All yard trimmings must be removed from containers (e.g., bags and boxes) and properly disposed or recycled
    - Dry yard trimmings must be moistened to saturation prior to windrow formation
    - Yard trimmings are required to be placed in windrows within the week of receipt
  - ▶ Windrow Management Requirements:
    - Turned and reconstructed a minimum (1x) per month
    - Turned (2X) per month when grass clippings are present
    - Grass clippings must be mixed at a minimum ratio of five parts leaves or wood chips to one part grass clippings by volume
    - Windrows can be turned at a greater frequency at the discretion of the operator
- ▶ Operator must attend a composting course within one year of start-up



# Exemption 13 – Composting of Yard Trimmings

- ▶ Should the volume of yard trimmings handled be based on the total acreage of the facility or a standardized amount?
- ▶ Should the 10% by volume limit of grass clippings be changed?
- ▶ Should the restricted property uses be removed or changed?
  - Currently prohibits composting on Green Acres properties, parks, wildlife sanctuaries, public open space.





# Exemption 13 – Composting of Yard Trimmings

- ▶ Are current property setbacks sufficient?
- ▶ What qualifies as an acceptable screen/buffer?
  - Should a minimum standard for screens/buffers be established?
- ▶ Should additional controls besides grading (e.g. vegetative filter or sediment infiltration sump) be considered to minimize impacts from leachate?





# Exemption 13 – Composting of Yard Trimmings

Should the Recycling rules require a fire control plan approved by the local fire officials?



# Exemption 13 – Composting of Yard Trimmings

- ▶ Should current windrow management procedures be changed or added to the rule?
- ▶ Should other timeframes be considered for the placement of trimmings, especially grass, into windrows?
- ▶ Should the current windrow dimension maximums of 16 ft in width and 6 ft in height be changed?
- ▶ Is the minimum windrow separation distance of 14 ft in width acceptable?
- ▶ Should operators be required to take a refresher composting course at certain frequencies?



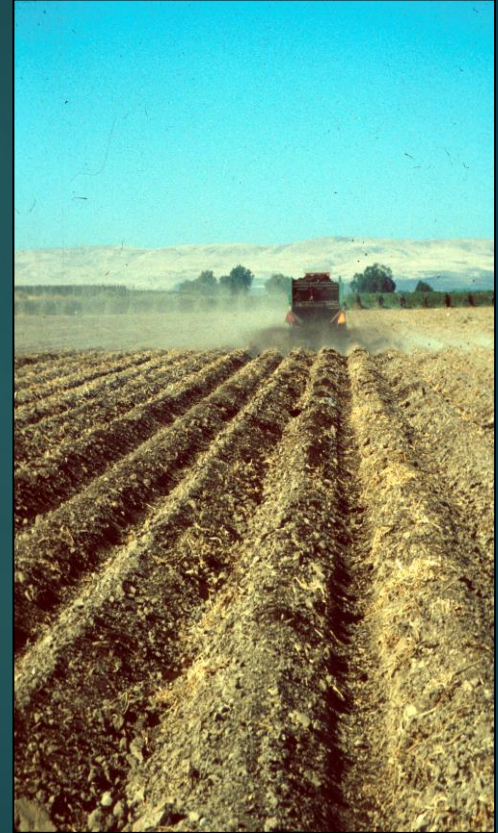
# Exemption 13 – Composting of Yard Trimmings

- ▶ Record Keeping:
  - Should facilities be required to keep records regarding the daily volume of yard trimmings (in cubic yards) received?
  - What other information should be collected?



# Exemption 18 – Yard Trimming Compost used on Agricultural & Horticultural Land

- ▶ Allowed Material:
  - Yard Trimmings (grass clippings, leaves, plant parts, wood chips, and brush)
- ▶ Allowed Activities:
  - Composting of yard trimmings on land deemed actively devoted to agricultural & horticultural use

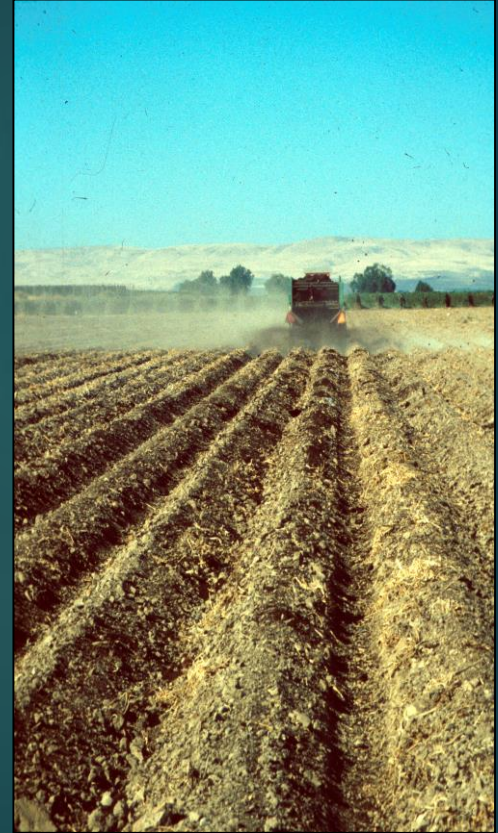




# Exemption 18 – Yard Trimming Compost used on Agricultural & Horticultural Land

## ► Limitations:

- Yard trimmings removed from container prior to windrow formation
- Yard trimmings placed in windrows within the week of receipt
- Windrows shall terminate no closer than:
  - › 50 ft from any property line
  - › 150 ft from the property line of human occupancy
  - › 500 ft from the property line if grass clippings are received
- Adequate water & fire-fighting equipment for fires
- Composting method promoting aerobic biodegradation subject to:
  - › Agricultural management plan
  - › Mining area restoration plan
  - › Other plan defining appropriate methods of compost product use and rates of application





# Exemption 18 – Yard Trimming Compost used on Agricultural & Horticultural Land



- ▶ Should a limit be set on the amount of yard trimmings that can be applied to either agricultural or horticultural land?
  - e.g., 1,000 cubic yards of yard trimming compost can be applied per acre of land per year.



- ▶ Should there be a minimum amount of acreage to qualify for this exemption?

# Exemption 18 – Yard Trimming Compost used on Agricultural & Horticultural Land

- ▶ Should the time requirement for placing yard trimmings into windrows be changed?
  - Would it be beneficial to establish a specific time period (e.g., 7 days) as opposed to the current rule language of “within the week of receipt”?
- ▶ Are current setback distances adequate?



# Exemption 18 – Yard Trimming Compost used on Agricultural & Horticultural Land

- ▶ Should additional setback distances be established for sensitive receptors?
  - e.g., water ways, wetlands, endangered species habitat, or utilities, etc.?
- ▶ Does the current regulation need to clarify the following (*similar to exemption 13*):
  - An adequate water supply?
  - Fire fighting equipment to be readily available to extinguish any fires?





# Exemption 18 – Yard Trimming Compost used on Agricultural & Horticultural Land

- ▶ Should the regulation be expanded to include recordkeeping requirements?
  - ▶ Use of a standardized form?
  - ▶ Maintained on-site?
- ▶ Should notification to NJDEP be required before starting composting activities since it may take years before an approved plan (e.g., mining restoration plan) is implemented?



# Exemption 21 – Class C Recycling



- ▶ Allowed Activities & Limitations:
  - 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.
  
- ▶ Allowed Material:
  - Source separated Class C recyclable materials:
    - › Food waste
    - › Biodegradable plastics
    - › Yard trimmings
    - › Lakeweed
    - › Biomass





# Exemption 21 – Class C Recycling

- ▶ Should the NJDEP create a separate exemption for food and animal waste composting, rather than including it into this exemption?
- ▶ Should we clarify the definition of biomass?
- ▶ Should we allow the use of product on-site, in addition to off-site?
- ▶ To what entities should we limit this exemption?
  - Currently nurseries and mulch suppliers.
- ▶ Should we introduce a volume/time limit?
  - e.g., 5,000 cubic yards per year.



# Exemption 23 – Farm Feedstocks

- ▶ The receipt and composting of farm feedstocks where the activity meets the following criteria:
  - The activity is conducted on a farm
- ▶ Only the following feedstocks are received or composted:
  - Dry livestock manures
  - Animal feed
  - Leaves
  - Corn stalks
  - Hay
  - Silage
  - Other farm feedstocks that meet the definition of “vegetative waste” in N.J.A.C. 7:26-2.13(g)1v
- ▶ NOTE: *Grass clippings are not included*



# Exemption 23 – Farm Feedstocks

- ▶ Limited to 10,000 cubic yards per year.
- ▶ Necessary approvals must be obtained from the NJDEP and the New Jersey Department of Agriculture.
- ▶ Low level technology windrow composting shall be used.
- ▶ The windrow composting area shall not exceed five acres.



# Exemption 23 – Farm Feedstocks

- ▶ Buffer distance of 50 ft shall be maintained between composting activities and the facility property line.
- ▶ Within one year of the start up, the composting operator shall attend a NJDEP-approved composting course.
  - Proof of operator attendance at the course is required.





# Exemption 23 – Farm Feedstocks

## Questions

- ▶ What is “feedstock?”
  - Dry livestock manure is, by common definition, not a feedstock. This has been an issue with this exemption.
  - Does the rule need a definition?
- ▶ Should this exemption be expanded to include all Class C recyclable material?





# Possible NEW Exemption: In-Vessel Food Waste Composting

- ▶ What is “in-vessel” composting?
- ▶ Request for food waste composting is increasing
  - New exemption would remove restrictions for
    - On-site generation and
    - On-site use



# Possible NEW Exemption: In-Vessel Food Waste Composting

- ▶ In-vessel composting is currently allowed under Exemption #2 for on-site generated food waste for on-site use at institutions including:

- Schools
- Hospitals
- Nursing homes
- Commercial establishments
  - › Grocery stores
  - › Hotels
  - › Businesses with cafeterias
  - › Restaurants



# Possible NEW Exemption: In-Vessel Food Waste Composting

- ▶ Different types/size of in-vessel composting equipment capacities are available. Which should we include in this exemption?
- ▶ Should NJDEP limit the throughput capacity for material for in-vessel composting?
  - Timeframe/frequency?





# Possible NEW Exemption: In-Vessel Food Waste Composting

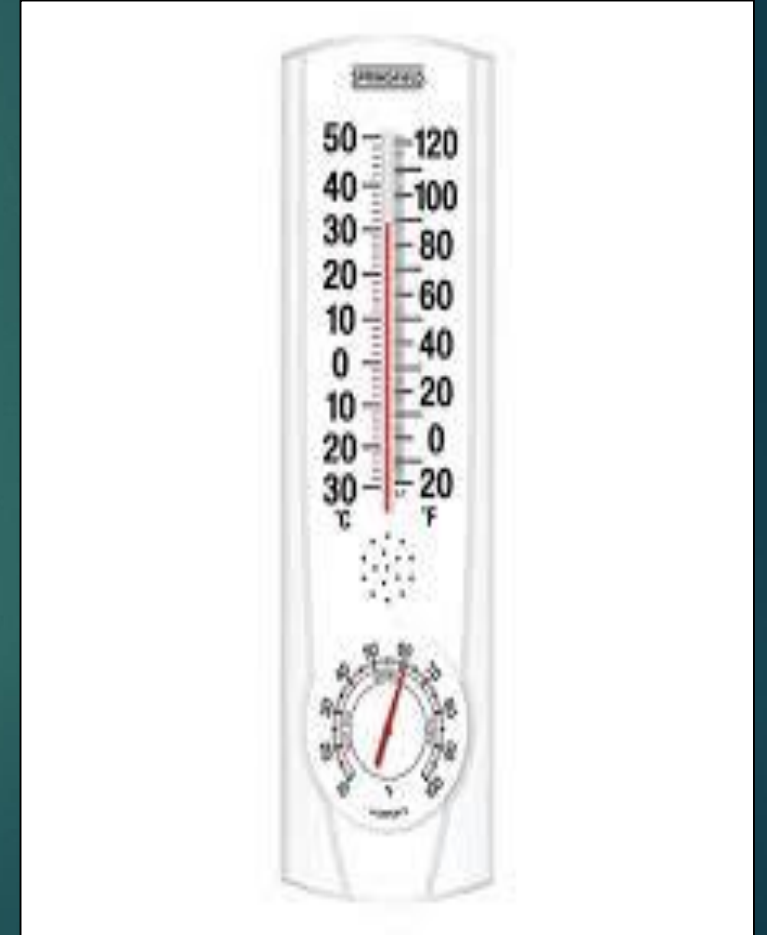


- ▶ Types of in-vessel compost material being considered for this new exemption:
  - Food waste (vegetables/fruit)
- ▶ Also include other compostable materials such as: dairy, meat, and manure; and leaves, grass, and feedstock?



# Possible NEW Exemption: In-Vessel Food Waste Composting

- ▶ Operating criteria to consider:
  - Amount of food waste feedstock/week
  - Space available for vessel
  - Type of feed (batch or continuous)
  - Feed quality control to ensure no contaminants
  - Storage/Processing/Curing time limitations
  - Space needed for compost material
  - Storage and curing of end product
  - Temperature Controls (e.g., to destroy pathogens)



# Possible NEW Exemption: In-Vessel Food Waste Composting

- ▶ Incoming materials shall be managed to minimize:
  - Odors
  - Water contact
  - Fire
  - Rodents and pests
- ▶ Should buffer distance vary based on surrounding land use if in-vessel composting is done outdoors?
- ▶ Additional regulatory requirements may apply



# Possible NEW Exemption: In-Vessel Food Waste Composting

- ▶ Daily records must be maintained for at least three years.
- ▶ What should be included in the daily records?
  - Total volume of incoming food waste?
  - Total volume of bulking agents?
  - Volume of compost material generated?
  - Volume of compost shipped off-site?
  - Daily temperature logs (*pathogen issues*)?



# Possible NEW Exemption: In-Vessel Food Waste Composting

What percentage of non-compostable material should be allowed in each incoming load?



Additional suggestions for this new exemption?





# Possible NEW Exemption: In-Vessel Food Waste Composting

Should we create an additional exemption for open (outdoor) food waste composting that is not conducted in-vessel?



# *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 NJDEP 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 very much 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)



This Photo by Unknown Author is licensed under CC BY-SA