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Welcome to the NJDEP
Stakeholders Meeting for

*Select Recycling Exemption
Discussions*

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

JUNE 16, 2020

Introductions - NJDEP Rule Team | Brief

Three Main Programs Here Today:

(1) - Assistant Commissioner's Office, Site Remediation & Waste Management | *REGULATORY OFFICER / FACILITATOR – JUDITH ANDREJKO, ESQ.,*

(2) - Bureau of Recycling & Hazardous Waste Management | *BUREAU CHIEF – KAREN KLOO,*

(3) - Bureau of Solid Waste Compliance & Enforcement | *BUREAU CHIEF – THOMAS FARRELL*

[A]

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
 - ❖ Optimal management and enforcement of activities
- ▶ Clean-Up
 - ❖ 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 | In-Depth

- ▶ **Assistant Commissioner's Office, Site Remediation & Waste Management**
 - ❖ Judith Andrejko, Esq., Regulatory Officer / Facilitator
- ▶ **Bureau of Recycling & Hazardous Waste Mgt.**
 - ❖ Karen Kloo, Bureau Chief
 - ❖ Zafar Billah, Section Chief
 - ❖ Frank Piliere, Section Supervisor
 - ❖ Rakesh Patel, Supervisor
 - ❖ Michael Trocchia, Engineer & Co-Exemption Coordinator
 - ❖ Alexander Sadat, Engineer & Exemption Coordinator
- ▶ **Bureau of Solid Waste Compliance & Enforcement**
 - ❖ Thomas Farrell, Bureau Chief
 - ❖ Paul Smith, Case Manager

Introduction – Welcome Stakeholders



[B]

- ▶ Most questions will be covered through the "Polling" Functionality
- ▶ Please type your name and affiliation before making a comment In the Question and Answer section.
- ▶ To ensure accurate notes, please type in full and complete sentences.
- ▶ Please make your points and questions as concise and clear as possible.

Goals of the Meeting

- ▶ Solicit Input
- ▶ Why we grouped them together
- ▶ Make Recycling More Enjoyable!



[C]

Agenda Outline

Exemption #1

- Pallet Manufacturers and Refurbishes

Exemption #7

- Short term storage of Class B Materials
- Volume and Time and other Controls
- Main Topics: Types & Methods of Storage, Limitations, and Buffers

Exemption #20

- Rec., stored, processed, or transferred ops.

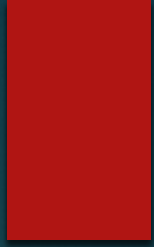
Exemptions to be Deleted

- Non-container plastics, textiles, land-clearing activities, and more
- The particular exemptions that are the subject of this are exemptions 6, 9, 10, 11, 16, and 24
- Main Topics: Potential Removals

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 – Revisited: Overview



Main Topics for Today

1. Uncontrolled Millings Piles & Mountain Management
2. Limitations: Volume and Time
3. Intermediate Storage



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Exemption #1 – Revisited: Allowed Activities

▶ Allowed Activities and Materials:

- ❖ Asphalt Manufacturing plants receive and process the following:

- Asphalt millings
- Asphalt shingles
- Other asphalt-based roofing scrap & similar materials

- ❖ Pallet manufacturers/refurbishers process non-salvageable wood materials generated from their own activities (storage = 1 year)

[J]

▶ Limitations:

- ❖ Asphalt Manufacturing Plants - asphalt materials delivered directly to the plant from generation site, unless intermediate storage is authorized by the DEP

- Volume and Time – proposed key to handling



Exemption #1 – Revisited: Background

Preliminary Information Continued:

- ▶ This exemption is also known as the "Manufacturer's Exemption".
- ▶ ~10 Pallet Manufacturing Exemptions have been issued, no major problems reported
- ▶ ~60 Asphalt Manufacturing Exemptions have been issued.
 - ❖ *Mounting piles of asphalt millings are of immense concern.*



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[L]

Exemption #1 – Revisited: Millings Mountains

- ▶ Question #1: "How should the Department Control the uninhibited Millings Piles?"
 - ❖ Answers: (A) "Volume," (B) "Time," (C) "Facility-Production Based," (D) "Other (*Type-in through poll screen*)"
- ▶ Question #2: "Is it possible to generate reports to allow facilities to create millings storage needs estimates, based on HMA production?"
 - ❖ Answers: (A) "Yes," (B) "No," (C) "Other (*Type-in*)"
- ▶ Question #3: "Do there exist alternative usages for millings?"
 - ❖ Answers: "Other (*Type-in*)"



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Exemption #1 – Revisited: Limitations

► How to control the uncontrolled milling piles?

- ❖ Question #4: “Should limits be based on Volume or Time? For Time, what should Throughput Capacity Limitations be?”
 - Answers: (A) “Fixed Volume,” (B) “Throughput Capacity: 0.5-1 year,” (B) “Throughput Capacity: 1-2 years” (C) “Throughput Capacity: 2-3 years” , (D) "Other (*Type-in*)"
- ❖ Question #5: “For Volume limits, is it Appropriate to Impose Limitations based on Fixed Volumes vs. Equipment Capabilities? If Yes, what would Appropriate Limitations look like?”
 - Answers: (A) “Up to 5,000 CY total at any-given time,” (B) “Up to 10,000 CY total at any-given time,” (C) “Up to 20,000 CY total at any-given time,” (D) “Up to 30,000 CY total at any-given time,” (E) "Other (*Type-in*)"



Exemption #1 – Revisited: Intermediate Storage

- ▶ Question #6: “Should Intermediate Storage be authorized for certain projects? If Yes, what kinds of projects?”
 - ❖ Answers: (A) “Yes - Long-Term,” (B) “Yes - Construction,” (C) “Yes - General Recycling,” (D) “No,” (E) “Other (*Type-in*)”
- ▶ *No Requests to date*
- ▶ Here we go to the ensuing Exemptions!



[Q]

Exemption #7 – Storage of Certain Class B Materials

(Approx. 120 Active Exemptions)

Slide Set Overview – Main Topics:

1. Temporary vs. Continuous Storage
2. Methods of Storage
3. Storage Limitations – Time and Volume
4. Storage Buffers



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Exemption #7 – Revisited: Background

- ▶ **Allowed:** Receipt, storage and transfer of these source-separated Class B recyclable materials: wood, concrete, brick, and block
 - ***Not Allowed:** processing of any materials or receipt of scrap tires, leaves, petroleum contaminated soils or non-container plastics*
- ▶ **Limited Operations:**
 - ❖ Operates \leq 60-day period;
 - ❖ All materials removed upon timeframe completion; and
 - ❖ Storage \leq twice/calendar year.
- ▶ **Continuous Operations:**
 - ❖ Materials stored in roll-off containers or similar vessels.
 - ❖ Materials transferred to approved & authorized recycling centers.
- ▶ **Daily records:**
 - ❖ Temporary and Continuous
 - ❖ Volume Received
 - ❖ Volume Transferred
 - ❖ End-Markets

Exemption #7 – Revisited: Temporary Storage Timeframe

► Please provide insight on the following:

❖ Question #7: Assuming the existing 60-day storage timeframe is altered, what should it be changed to?

➤ Answers: (A) "Eliminate" (B) "Remain the Same" (C) "Up to 120-days" (D) "Up to 180 days" (E) "Other (*Type-in*)"



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Exemption #7 – Revisited: Storage

- ❖ Question #8A: "For temporary storage, should containers be required?"
 - Answers: (A) "Yes," (B) "No," (C) "Other (*Type-in*)"
- ❖ Question #8B: "If containers are required for temporary storage, should such containers be required to be covered at the end of each day?"
 - Answers: (A) "Yes," (B) "No," (C) "Other (*Type-in*)"
- ❖ Question #8C: "Should the required containers for sites with continuous storage be required to be covered at the end of each day?"
 - ❖ Answers: (A) "Yes," (B) "No," (C) "Other (*Type-in*)"



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Exemption #7 – Revisited: Volume Control

- ▶ Question #9: Assuming a Volume-limit is applied, what would a reasonable total volume (processed and unprocessed) of materials be:
 - ❖ Answers: (A) "Up to 2,500 CY, at any given time," (B) "Up to 5,000 CY, at any given time," (C) "Up to 7,500 CY, at any given time," (D) "Up to 10,000 CY, at any given time" (E) "Other (*Type-in*)"



Exemption #7 – Revisited: Buffer Distance

- ❖ Question #10: Should the same 25 ft buffer distance that is currently in action for Class B Facilities be imposed upon Exempt Facilities?
- ❖ Answers: (A) "Yes," (B) "No," (C) "Other (*Type-in*)"



[AF]

Exemption #20 – Revisited: Overview

("Contractor's Exemption," | Approx. 100 Active Exemptions)

Slide Set Overview – Main Topics:

1. Limitations: Time and Volume
2. Processed vs. Unprocessed Material
3. Buffers



[Z]

Exemption #20 – Revisited: Background

▶ **Allowed Activities & Material:**

- ❖ Source separated concrete, asphalt, brick, and block
- ❖ Receive, store, process, and transfer

▶ **Limitations:**

- ❖ Sole generator of materials
- ❖ Storage & processing conducted at contractor's yard
- ❖ Completion schedule for processing activity must be provided to DEP; each processing needs DEP approval
- ❖ Operator = sole end-user of end-product to be utilized for future projects

▶ Temporary Storage:

- ❖ Operates \leq 60-day period
- ❖ All materials removed upon 60-day conclusion
- ❖ Temporary storage \leq twice/calendar year

▶ Continuous:

- ❖ Materials stored in roll off containers or other similar containers

▶ Daily records must be maintained for:

- ❖ Continuous and Temporary
- ❖ Volume received
- ❖ Volume transferred
- ❖ Destination information

Exemption #20 – Revisited: Time Limits

► Question #11: What should a time Limit for storage be?

- ❖ Answers: (A) "No Time Limit" (B) "Up to 120 days"
(C) "Up to 180 days" (D) "Up to 1 year"
(E) "Other (*Type-in*)"



[AA]

Exemption #20 – Revisited: Volume Limits

- ▶ Question #12: "Assuming a Volume-limit is applied, what would a reasonable total volume of processed and unprocessed materials be?"
 - ❖ Answers: (A) "Up to 2,500 CY, at any given time"; (B) "Up to 5,000 CY, at any given time" ; (C) "Up to 7,500 CY, at any given time", (D) "Up to 10,000 CY, at any given time" (E) "Other (*Type-in*)"



[AC]

Exemption #20 – Revisited: Buffers

- ▶ Question #13: "Should the same 25 ft buffer distance that is currently in action for Class B Facilities be imposed upon Exempt Facilities?"
 - ❖ Answers: (A) "Yes," (B) "No," (C) "Other (*Type-in*)"



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Exemption #20 – Revisited: Material Differentiation

- ❓ Question #14: “Assuming there is a requirement for a distinction between Processed and Unprocessed material, how should such a distinction be made?”
- ❖ Answers: (A) "Pile Separation Signs"; (B) "Pile Separation Barriers (ex. Bin Blocks)"; (C) "8-foot aisle space"; (D) "All 3," (E) "Other (*Type-in*)"



[AC]

Potential Deletions (6,16, 24): Overview

- ▶ Exemption #6 - Receipt, storage and processing of scrap tires into artificial reef units.
- ▶ Exemption #16 – Transportation of Universal Waste & transportation for recycling of other source separated Class D recyclable material , except used oil, managed by universal waste transporters.
- ▶ Exemption #24 - Receipt and storage of architectural salvage items at a commercial enterprise.



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[AJ]

Potential Deletions (6,16, 24): Numbers

- ▶ During a recent outreach campaign, the following data was collected:

Exempt Activity #	# of Notifications	Responded w/Assessment	Responded (w/o filling out assessment)	No Response Recorded (Correct Contact Information)	Could not Contact (Contact Details Not Accurate)	Activity Shown By Google Earth Investigation
6	0	0	0	0	0	0
16	2	0	0	1	1	0
24	2	0	0	2	0	0

Potential Deletions (6,16, 24): Summary

Based on the data in the previous slide, these exemptions are utilized on a minimal basis.

Furthermore, the transporter of Universal Waste shall comply with N.J.A.C 7:26A-7.

Potential Deletions (6,16, 24): Main Question

► Question #15: "If these exemptions are to be deleted, what would be potential downsides?"

❖ Answers:

(A) "Yes, explain why (*Type-in*)"

(B) "None"

Potential Deletions (9,10,11): Overview

- ▶ Exemption #9 - Receipt, storage, processing, and transfer of non-container plastics.
- ▶ Exemption #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).
- ▶ Exemption #11 - Receipt, storage, processing, and transfer of source-separated textiles.



[AK]



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Potential Deletions (9,10,11): Details

- ▶ Based on the proposed rulemaking, the new exemption #2 would absorb #10.
- ▶ The revised version of exemption #2 would allow for recycling of on-site generated material for off-site use.
- ▶ Therefore, those claiming #10 currently should be able to file for exemption #2 when the time comes.



[AN]

Potential Deletions (9,10,11): Numbers

- ▶ During a recent outreach campaign, the following data was collected:

Exemption Activity #	# of Notifications	Responded w/Assessment	Responded (w/o filling out assessment)	No Response (Correct Contact Information)	Could not Reach (Contact Details Not Accurate)	Activity Shown By Aerial Investigation
9	12	4	1	2	4	1
10	3	1	0	2	0	0
11	5	3	0	1	1	0

Potential Deletions (9,10,11): Summary

Based on the data in the previous slide, these exemptions are utilized on a minimal basis.

Furthermore, they also pertain to materials which are regulated at local level (textiles, plastics, land clearing activity)

Potential Deletions (9,10,11): Questions

▶ Question #16: "If these exemptions are to be deleted, what would be potential downsides?"

❖ Answers:

(A) "Yes, explain why (*Type-in*)"

(B) "None"

Ideas and Issues from Stakeholders

► Question #17A: "Has anyone experienced any issues with these exemptions that have not been discussed today?"

❖ Answers: "Yes (*Type-in*)," or "No"

❖ Question #17B: "Does anyone have any alternative ideas to improve these exemptions?"

❖ Answers: "Yes (*Type-in*)," or "No"

► Question #17C: "Anything else?"

❖ Answers: "Fill-in/Open-Ended (*Type-in*)"

► We NEED your insight!



Recordkeeping

- ▶ The Department will require recordkeeping for better enforceability for this and all other applicable exemptions
- ▶ These recordkeeping provisions may come in the form of the following:
 - ❖ Daily logs, electronic record books, trackers, etc.
- ▶ Moving on to our Next Topic!



[AR]

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 State, 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*
 - ❖ *Fee for Initial application and renewal.*

Local and Other State Approvals

- ▶ Question #18: “Should the Department require that the holder of the exemption post on its website all the local and other applicable approvals held to support the subject exemption?”
 - ❖ Answers: "Yes (*Type-in*),"
 - ❖ "No"

EXEMPTION 7 IS US!, INC.

*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

- ▶ Question #19: "Should the operator of the exempt activity be required to post a sign at the site that is visible to the public that includes: contact information, number and type of exemption"

- ❖ Answers: "Yes (*Type-in*),"

- ❖ "No"

Exemption 7 is US!, INC. is operating this site in accordance with the following:

- N.J.A.C. 7:26A – 1.4b (7)

Approvals for operations are listed on our website at:
Exemption_7_.com

For more information, please contact Mr. Robert "Bob" D. Builder at: (609) 555 – 6789 with all 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 Exemption [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

Closing Remarks

- ▶ Thank you for your input!

- ❖ Q20: How did We do? Brief Responses are Much Appreciated (Type-in)

- ▶ 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.

- ▶ Please direct your main questions via email to: exemptrecycling@dep.nj.gov



[AQ]

Future Meeting Topics – Food Waste (TBD)

(POTENTIAL NEW EXEMPTION): General Food Waste Recycling

- To be considered "Common place" food waste composting/recycling

(POTENTIAL NEW EXEMPTION): Microscale Food Waste Recycling

- On a smaller scale
- Reduced odors, water risks due to the constrained size of the operation itself

(POTENTIAL NEW EXEMPTION): In-Vessel/Encapsulated Food Waste Recycling

- Within a containment vessel
- Minimizes odors, runoff, other issues

(POTENTIAL NEW EXEMPTION): For Profit Food Waste Recycling

- Held with the goal of generating revenue

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