

Chapter 4

Examples

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AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 12 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF WOODBRIDGE ENTITLED "HEALTH AND SANITATION"

Chapter 12-130 is amended to include article "B' as follows:

B. Commercial Establishment Exemption

1. N.J.S.A. 13:1E-99 provides that a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of this ordinance in accordance with the Recycling Act under certain conditions.
2. A commercial or institutional premises within the township may make written application to the Recycling Coordinator for exemption from the source separation requirements providing the following conditions are met.
 - (i) The applicant's commercial waste hauler must have a transfer station permit and the permit must include a specific provision covering materials separation, and
 - (ii) The applicant's commercial waste hauler must report to the Recycling Coordinator the tonnage of recyclables recovered annually from waste originating, in the township.
3. Approval of Applications. The Recycling Coordinator is hereby empowered to approve applications for exemptions from the source separation requirements of this ordinance.
4. The Recycling Coordinator shall maintain a record of commercial waste haulers who meet the requirements of 156-1.1A as provided by the Middlesex County Department of Solid Waste Management.
5. In the event an eligible commercial waste hauler becomes ineligible for any reason, including but not limited to loss of transfer station permit, the Recycling Coordinator shall notify all exempt commercial and institutional premises using that hauler in writing of the haulers ineligibility. Exempt premises shall provide the Recycling Coordinator, within thirty (30) days of receipt of such notification, evidence that waste generated at the premises is being hauled by an eligible commercial hauler. Failure to comply with this provision shall result in loss of the exemption for the premises.
6. In the event an exempt commercial or institutional premises voluntarily changes commercial waste haulers, the premises must notify the Recycling Coordinator, within thirty (30) days, of such change in the form of a written application for exemption from the source separation requirements. Failure to comply with this provision shall result in loss of the exemption for the premises.

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Middlesex County Exemption Guidelines

- ◆ All existing exemptions should be revoked and reapplied for consistent with the County guidelines.
- ◆ The mixed waste and recyclables taken from an eligible location may only be taken to a licensed “Transfer Station/MRF”. That facility must have the ability to separate out for recycling all mandated recyclables that were commingled with the garbage.
- ◆ Exemptions should be issued/renewed on a yearly basis - from beginning of March until the end of April
- ◆ No exemption renewal should be issued if the recycling tonnage report is not received by the beginning of March
- ◆ The generator must specifically request the exemption and receive, in writing, notice that it has been granted. The exemption request should be accompanied by the following information
 - A letter from their hauler agreeing to have the material separated.
 - A letter from the receiving facility including the valid NJDEP permit number that states the material will be separated.
 - Explain why your particular operation, circumstance or facility makes adhering to the source separation requirements of the recycling plan impractical.
 - What are the estimated monthly and yearly tonnages of solid waste and designated recyclables expected to be generated by your facility?
 - What materials will the materials recovery facility be recycling for you?
 - How have you disposed of your solid waste and handled recyclables up to the date of the application?
 - Have you been cited for any violation with reference to the solid waste or recyclables generated from your facility?
 - If the answer to the previous question is affirmative, list all such citations and the dispositions thereof.
 - The application shall be certified or under oath so that in the event there is a deliberate misstatement, penalties may be assessed against the applicant.
- ◆ If the generator switches haulers, the exemption is no longer valid and must be reapplied for.
- ◆ The generator must be able to show the exemption notice and a copy of his/her waste removal contract when the exemption is claimed to the County Public Health Department recycling inspector.
- ◆ Any exemptions granted will have to be material specific.
- ◆ Municipalities may refuse to amend their ordinance to provide the exemption or may change their ordinance to eliminate the exemption if they are not satisfied that all requirements of the exemption are being met.

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- ◆ Exemptions pertain to commercial and institutional establishments only, not residential premises. Residential premises include single-family homes, garden and high-rise apartments, condos, townhouses, and other multi-family units.
- ◆ Properly licensed haulers utilizing a properly licensed Transfer Station/MRF who service commercial and institutional generators may not collect commingled garbage and recyclables without the generator having first obtained a duly authorized exemption from their respective municipality. Haulers servicing non-exempted generators (including residential/multi-family locations which are not allowed exemptions) shall not collect and mix in one vehicle the generator's garbage and source separated recyclables. Those haulers found to be mixing a non-exempted generator's garbage and recyclables will be in violation of the County plan and subject to enforcement action and the imposition of penalties issued by the County Department of Public Health as specified in Appendix VI.

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Morris County Exemptions From Source Separation Recycling

In accordance with State Law (N.J.S.A. 13:1E-99.16d) the County Plan is required to provide guidelines to municipalities to assess the granting of exemptions for commercial and institutional establishments from the source separation requirements of the Plan, if such establishments can otherwise provide for the recycling of designated mandated materials. On November 28, 1990 the Board of Chosen Freeholders approved a resolution providing for an Amendment to the Plan which included these guidelines.

In considering applications for exemptions, municipalities should recognize that source separation is the general rule and preferred means to separate recyclable materials from the solid waste stream as set forth by the State Recycling Act and the County's Plan. Consideration for granting exemptions should be based upon specific situations where a generator demonstrates special reasons or situations which support difficulty or inability to source separate. The municipality should prepare an application which must be executed by the applicant.

At a minimum, the municipality should include the following data requests in its application:

- Explain why your particular operation, circumstance or facilities make adhering to the source separation requirements of the recycling plan impractical.
- List all the reasons you seek an exemption to source separation.
- What is the location, name and NJDEPE facility number of the materials recovery facility you will be using to do the recycling of the designated materials?
- Give the name and address of your solid waste collector.
- What are the estimated monthly and yearly tonnages of solid waste and designated recyclables expected to be generated by your facility?
- What materials will the materials recovery facility be recycling for you?
- How have you disposed of your solid waste and recyclables up to the date of the application?
- Have you been cited for any violation with reference to the solid waste or recyclables generated from your facility?
- If the answer to the previous question is affirmative, list all such citations and the dispositions thereof.
- With reference to the NJDEP facility you will be using if the exemption is granted, describe in detail your prior experience with the operator of said facility and indicate the reliability of said operation, insofar as your past experience with the operator.

The application shall also include a provision of any exemption granted that the applicant and the operator shall provide the municipality and County the following: a) quarterly recycling tonnages as well as the tonnages and proofs that

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the residual solid waste is being disposed of through the Morris County Solid Waste Management System; b) the application and all correspondence relating thereto shall be filed with the municipality and the County including, but not by way of limitation, correspondence and reports from the generator, the operator and the municipality.

Any exemption granted by the municipality shall be granted for a limited period of one year and thereafter, the generator should reapply each year to the municipality for the exemption. The reapplication should indicate the continuing need for the exemption, a statement that there have been no violations. If there are violations, address each violation specifically setting forth what remedial action has been taken to avoid future violations.

The application shall be certified or under oath so that in the event there is a deliberate misstatement penalties may be assessed against the applicant.

The application, in addition to any other information sought by the municipality, should also include the name and address of the applicant, and should describe its facility and the nature of the waste generated. If the commercial establishment or institution has more than one location, it should list all other locations, describe the waste generated there, and set forth its program for meeting the recycling requirements at its other facilities. The generator shall indicate the location for which it seeks the exemption.

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Please note that this is a DRAFT of a not-yet proposed Rule

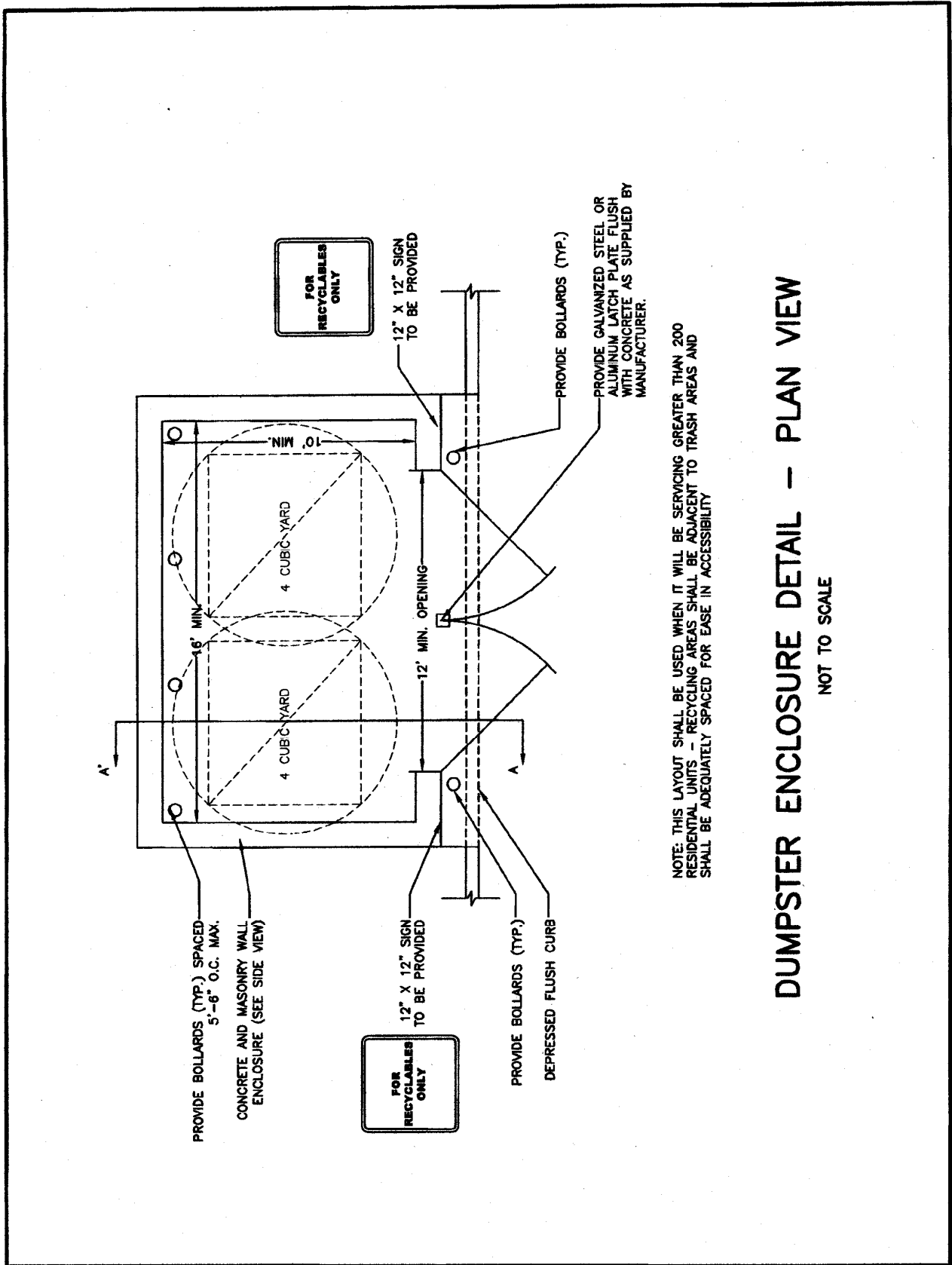
N.J.A.C. 7:26A-11.5 Source Separation exemption

- (a) The governing body of a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of its recycling ordinance.
1. The municipal coordinator shall review the applicant's documentation of alternate provision for the recycling of those materials designated in the district recycling plan that may be found in the solid waste generated at that location.
 2. The municipal coordinator shall review the written reports submitted by the providers of this alternate service, and, where required, the generators' annual written reports, of the total number of tons recycled.
 3. The municipal coordinator shall ascertain that the recycling facilities receiving the exempted waste are permitted to perform that recycling.
 4. If found to be sufficient to meet the requirements for issuance of an exemption, as detailed in an applicable municipal ordinance, the municipal recycling coordinator (or other municipal official as may be identified in the applicable municipal ordinance) shall issue the exemption approval in writing.
 5. The municipal coordinator keep a record of all generators who have received the exemption, and the destination of the waste or identity of the waste transporters handling the waste, and shall report this list annually to the applicable county recycling coordinator.
 6. The municipal coordinator (or other designated municipal official) shall revoke the exemption of a generator upon failure to meet the conditions of the exemption.

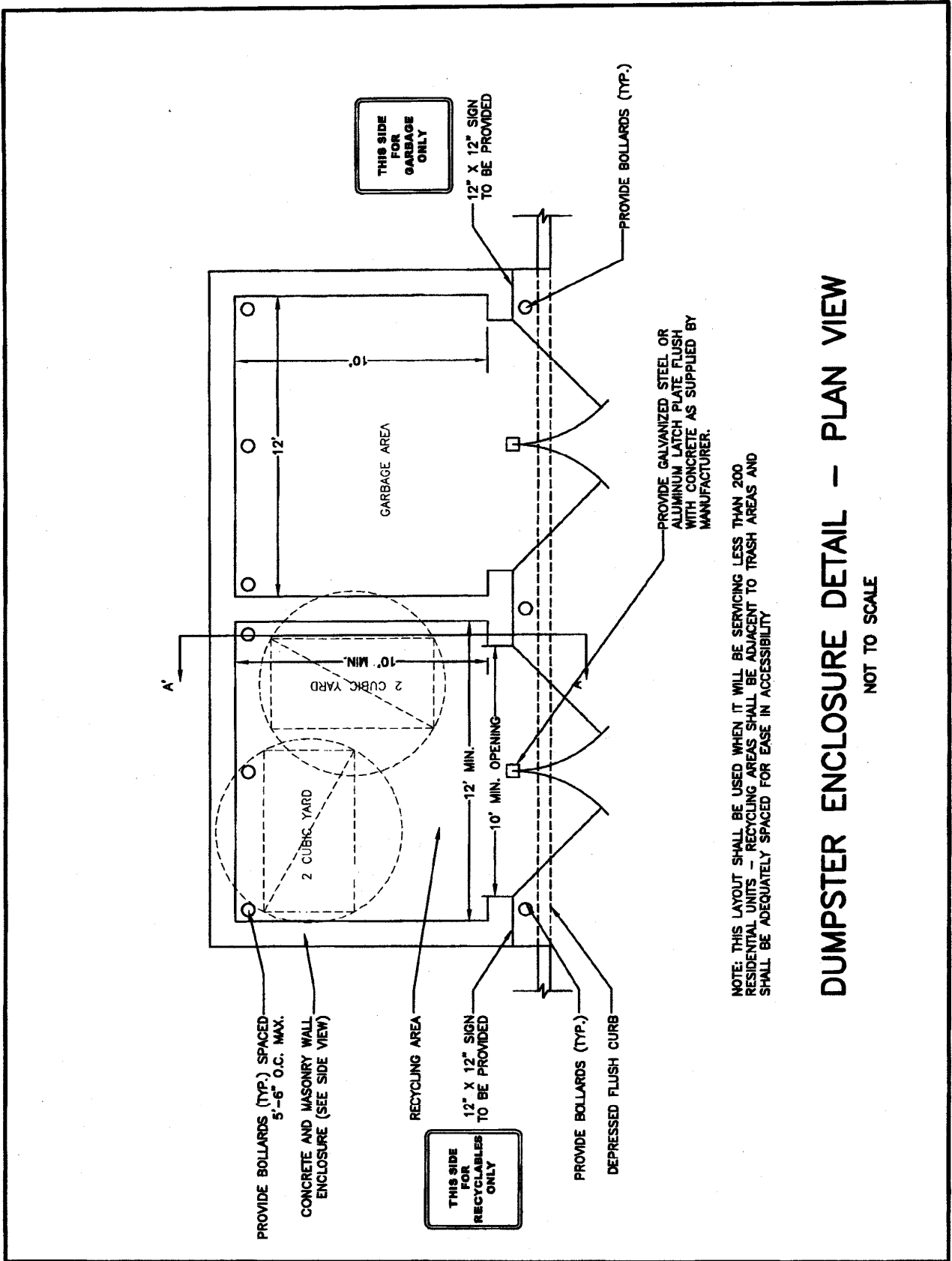
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Multifamily Recycling Enclosure Plan



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