

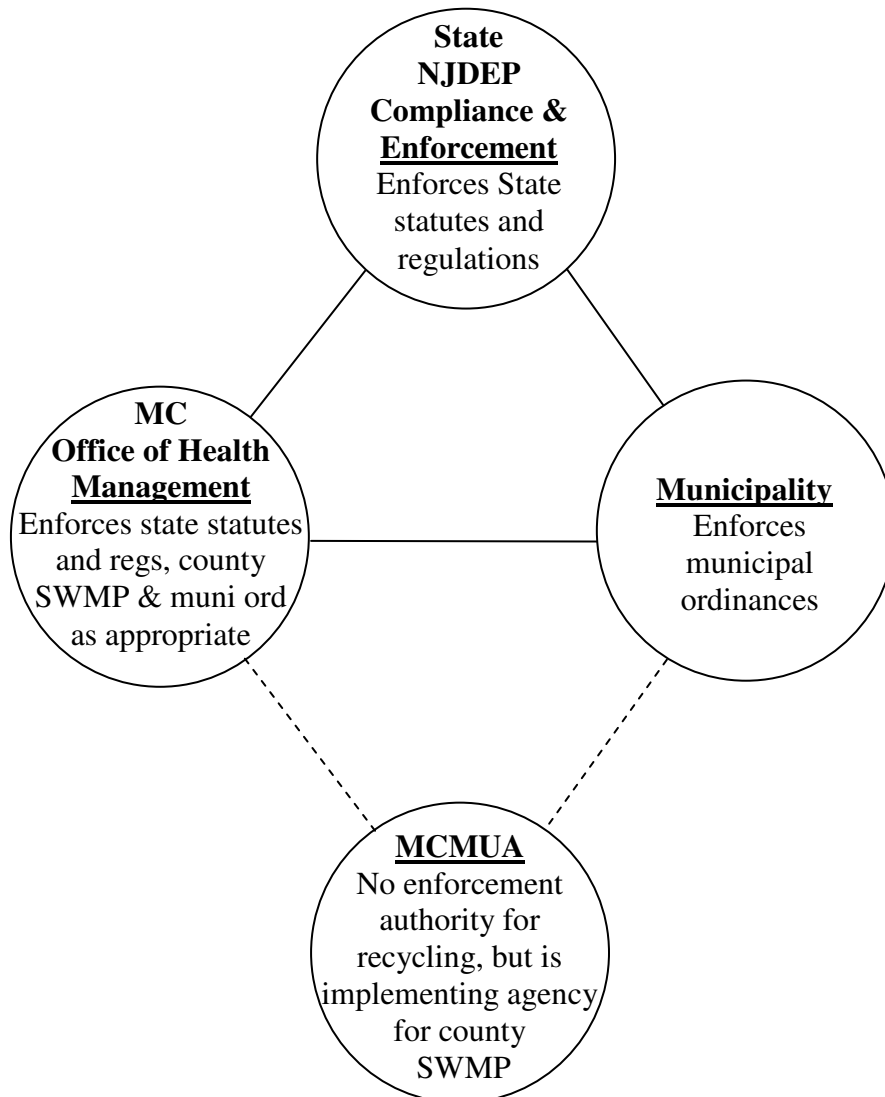


Recycling Compliance/Enforcement **Morris County Kick-Off Meeting - December 9, 2008**

Recycling enforcement is the focus of this meeting. Note that the March 2007 Morris County Solid Waste Management Plan (SWMP) Amendment addresses additional areas of solid waste compliance/enforcement.

1) Parties Involved in Recycling Enforcement

- State - NJDEP
- County (Office of Health Management vs MCMUA)
- Municipalities



2) Source Separation – As defined in N.J.S.A. 13:1E-99.12. *Definitions*, the terms "source separation" or "source separated" means "the process by which materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling." Morris County reaffirms that "source separation" is the primary method of separating the recyclable waste stream from the solid waste stream for several reasons which are listed on page 29 of the SWMP.

3) List of Mandated Recyclable Materials in Morris County – See attached list. Municipalities may mandate additional materials.

4) Non-compliance – Non-compliance with source separation means that mandated recyclable materials are found mixed with solid waste and/or not recycled. Compliance/enforcement does not necessarily result in the issuance of a financial penalty. The preference is to first offer assistance, then to issue penalties for non-cooperation with the assistance offered.

5) New Jersey Statutes Annotated (N.J.S.A.) and New Jersey Administrative Code (N.J.A.C.) – The NJDEP Bureau of Solid Waste Compliance and Enforcement's authority comes from the following statutes and regulations:

- N.J.S.A. 13:1E-1 et seq (known as the Solid Waste Management Act)
- N.J.S.A. 46:1 et seq (known as the Solid Waste Utility Control Act)
- N.J.A.C. 7:26-1 et seq (known as the Solid Waste Regulations)
- N.J.A.C. 7:26A-1 et seq (known as the Recycling Regulations)
- N.J.A.C. 7:26H-1 et seq (known as the Solid Waste Utility Regulations)

6) March 2007 Morris County Solid Waste Management Plan (SWMP) Amendment

– See attachment of Section 8 from Morris County SWMP

- Solid Waste Activities Inspection Checklist
 - Local (Municipal) Inspections – minimum 3 per year
 - Referrals
- Municipal Recycling Enforcement Coordinator Responsibilities
- County Office of Health Management will not enforce municipal ordinance for residential generators in single family homes or multifamily complexes of 34 unit or fewer
- Hauler Enforcement – to be done by the County Office of Health Mgt or the NJDEP

7) Municipal Ordinances – The following are excerpts pertaining to source separation recycling from the *Model Municipal Source Separation and Recycling Ordinance* developed by the New Jersey Department of Environmental Protection (DEP) and modified by the Morris County Municipal Utilities Authority (MCMUA) to be consistent with the March 2007 Morris County Solid Waste Management Plan Amendment (County Plan Update). Check your municipal ordinance to see if it contains this or similar language.

Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

(Note - County Plan Update reference for section above: Section 5, Section 8.9.a. and Section 9.2.(f), (g) and (h).)

Enforcement

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

(Note - County Plan Update reference for section above: Section 8.6. Your municipality should review this section and decide whether or not the municipal recycling enforcement coordinator, discussed in that section, will also be empowered to enforce the provisions of this ordinance. It is not required by the County Plan Update.)

Penalty for Non-compliance with Source Separation Requirement

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$25, nor more than \$1,000.

(Note - County Plan Update reference for section above: Section 8.9.a.)

Each day for which a violation of this Ordinance occurs shall be considered a separate offence.

(Note - The adoption of this sentence is the choice of the municipality.)

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program, including ---.

(Note - There is no County Plan Update reference.)

8) Morris County Transfer Station Inspections – Since July of 2007, MCMUA has expanded its inspection efforts at both solid waste transfer stations for mandated recyclable materials. The MCMUA follows-up on each load in violation to do generator outreach and education. Any matters needing further enforcement action are referred to the County Office of Health Management. Municipal recycling coordinators have been copied on all generator correspondence. From now on, correspondence will be sent to the Municipal Recycling Enforcement Coordinator with copies to recycling coordinators.

9) Exemptions to Source Separation Requirement – There currently are no exemptions to source separation in Morris County and the MCMUA discourages the issuance of exemptions by municipalities. Exemptions are not applicable to residential units. See page 53 of March 2007 Amendment to Morris County SWMP for more details on exemptions.