

**Guidance Document  
for a Municipality Implementing an Update to Its  
Recycling Ordinance and Other Recycling Requirements Resulting  
from the  
March 2007 Morris County Solid Waste Management Plan  
Amendment**

In response to a statewide decline in recycling, the New Jersey Department of Environmental Protection (“DEP”) adopted an update to the New Jersey Solid Waste Management Plan (“State Plan”) in an effort to reinvigorate recycling throughout New Jersey. As part of this planning process, the DEP required each county to evaluate and update their respective solid waste management plans. On April 11, 2007 the Morris County Board of Chosen Freeholders adopted an update to the Morris County Solid Waste Management Plan dated March 2007 (“County Plan Update”) that addressed the issues raised in the State Plan. On October 10, 2007 DEP Commissioner certified the Plan Update as approved in part and rejected in part. Note that while a small portion of the County Plan Update was rejected the vast majority of the Plan Update was approved as submitted and is now therefore in effect as of October 10, 2007. For a complete copy of the County Plan Update visit the MCMUA’s website at: [www.mcmua.com/planupdate.asp](http://www.mcmua.com/planupdate.asp). This document references several of the sections of this County Plan Update and therefore it is suggested that you go to the website and download it.

The County Plan Update includes several actions and requirements to be fulfilled by Morris County municipalities and this document has been prepared to outline these requirements and to provide guidance on fulfilling these requirements. Fortunately, MCMUA staff has been meeting with and preparing municipal recycling coordinators for the certification of this County Plan Update and the MCMUA staff will be available to provide help throughout the process.

In accordance with the County Plan Update, within six (6) months of October 10, 2007 or no later than April 10, 2008, each Morris County municipality is required to submit the following to the MCMUA:

- 1) An updated version of your municipality’s recycling ordinance (“MRO”) - (See County Plan Update, Section 9.2.(b));

The revised MRO must include the following:

- a) The new list of mandated materials to be source separated and recycled as found in Section 5, Table 8 of the County Plan Update. This complete list of mandated materials, along with their definitions, must be included verbatim at a minimum, but municipalities have the option to mandate additional materials to be recycled. The list must be included verbatim to establish uniformity in terminology throughout the county. Note: The following sentence has been added to the definition of plastic bottles (coded 1 and 2), “Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc., should not be recycled.” This sentence does not appear in the County Plan Update, so be sure to

- include it in your ordinance. See attached flyer with mandated materials and definitions on back.
- b) A provision whereby the municipality accepts the 50% municipal solid waste (“MSW”) recycling goal as a level of recycling to be achieved by 2015. The MSW recycling goal is defined in the introduction of the County Plan Update as “recycling at least 50% of the total municipal solid waste stream.” This goal is also set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c).
  - c) Inclusion of enforcement policies pertaining to generator non-compliance with source separation recycling requirements as found in Section 8.9.a. A generator is any entity which generates solid waste and/or mandated recyclable materials. This section provides new enforcement and penalty language to supersede previous MRO penalty language. This section also makes reference to N.J.S.A. 40:49-5 for consideration by your municipality for the imposition of stricter penalties.

For your convenience, attached is a model municipal recycling ordinance prepared by the DEP and edited by the MCMUA to include the three (3) items listed above and other wording specific to Morris County. This model may assist in your ordinance revision process. To obtain an electronic version of this model MRO in either a .pdf or Word format go to: [www.mcmua.com/recycling/MRC.htm](http://www.mcmua.com/recycling/MRC.htm) and click on the appropriate link.

- 2) A copy of the ordinance pertaining to multifamily subdivision approval by the planning board for provision of collection or storage facilities for recyclable material according to N.J.S.A. 13:1E-99.13a. - (See County Plan Update, Section 9.2.(b));

As detailed in the statute, each municipality was to have adopted this ordinance within 12 months of the state’s adoption of a model ordinance. This statute was enacted in 1993, so your ordinance may have been adopted at some point thereafter. In the event that your municipality has not approved an ordinance according to N.J.S.A. 13:1E-99.13a, a sample model ordinance is provided in the County Plan Update. Also, the DEP included provisions for this ordinance within the model municipal recycling ordinance referenced above and enclosed. Your municipality can either adopt a separate ordinance to satisfy N.J.S.A. 13:1E-99.13a or include the DEP’s provision or your own provisions within your recycling ordinance to satisfy N.J.S.A. 13:1E-9.13a.

- 3) A copy of the section of the municipal master plan that includes provisions for recycling within certain development proposals - (See County Plan Update, Section 9.2.(c));

Along with the copy of this section of the master plan, a copy of the process used by your municipality to determine that provisions for recycling at these developments meet the municipality’s recycling requirements must be submitted. Please note that N.J.S.A. 13:1E-99.13a and N.J.S.A. 13:1E-99.16.6.c. overlap when referring to multifamily housing developments and contradict each other when defining the number of units in the development (3 or more units versus 25 or more units, respectively). It is recommended that the municipality, therefore, use the smaller development size of 3 or

more units when adopting its ordinances. This is also reflected in the model municipal recycling ordinance.

Also attached is a model ordinance for a construction, renovation and demolition debris recovery program. While the adoption of this model ordinance is not required by the County Plan Update, the model ordinance is similar to the requirements addressed in items 2 and 3 above. Your municipality may desire to adopt this ordinance or one similar to it and broaden the requirements of items 2 and 3 above.

- 4) The name and contact information for the person in your municipality who will assume the responsibilities of municipal recycling enforcement coordinator - (See County Plan Update, Section 8.6);

Section 8.6 of the County Plan Update lists the responsibilities for this coordinator. This person does not have to be the same person as the municipal recycling coordinator. This person also does not need to have the ability to issue penalties. The enforcement coordinator will coordinate communication about enforcement and act as the enforcement liaison between your municipality and the county.

Items 1 through 4 above are one-time submissions due on April 10, 2008. Item 5 below is due annually to the MCMUA, on April 30, along with the submission of your municipality's annual recycling tonnage report.

- 5) A Municipal Recycling and Solid Waste Program Report - (See County Plan Update, Section 9.2.(i))

This program report describing your municipality's recycling program shall be completed by your municipality on a form to be supplied to the municipality by the MCMUA.

Also attached is a form titled "Check List for Municipal Recycling Programs." This check list summarizes your municipality's responsibilities with respect to recycling as set forth in the New Jersey Statewide Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.11 et seq), passed in 1987 and the Morris County Solid Waste Management Plan. While all of the 5 items listed above are included on the check list, there are additional responsibilities on the list that are not mentioned here. While some of the requirements on the list are new, most have been in effect for the past 20 years.

If you have any questions on this guidance document or this process, please do not hesitate to call Kathleen Hourihan, MCMUA district recycling coordinator, at (973) 285-8392 or Larry Gindoff, MCMUA solid waste coordinator, at (973) 285-8391.

List of Attachments:

- List of Mandated Recyclable Materials, Morris County, NJ
- Model Municipal Source Separation and Recycling Ordinance (Morris County version)
- Model Construction, Renovation and Demolition Debris Recover Plan Ordinance
- Check List for Municipal Recycling Programs