

## **CODIFIED RECYCLING ELEMENT**

### **Of the Sussex County Solid Waste Management Plan Amendment 2007**

#### ***1. FINDINGS***

The Sussex County Board of Chosen Freeholders finds and declares as follows:

- A. The County may most appropriately demonstrate its long-term commitment to proper solid waste management by establishing an effective and coherent enforcement program to ensure that the Sussex County District Recycling Plan goals are achieved.
- B. It is in the public interest to ensure that on a County-wide basis there is an emphasis for public and private sector generators of solid waste to be active in source separation of marketable waste materials and reusable waste materials for return to the economic mainstream.
- C. The County is desirous of maximizing the diversion of the materials out of the solid waste stream into a recycling program. The County Recycling Coordinator has been proactive with direct communication with generators for at least a year. These efforts are found to be effective; however, there are small businesses that are known to be reluctant to institute or maintain recycling as a norm. The New Jersey Solid Waste Management Act requires all businesses, industries, institutions and residents to recycle in accordance with their respective County's Solid Waste Management Plan. Separation of recyclables needs to become more convenient, commonplace, and part of the general public consciousness.
- D. In accordance with the Solid Waste Management Act, the County is responsible for the development and implementation of a comprehensive Solid Waste Management Plan for the Sussex County Solid Waste Management District. The Plan was originally certified by Commissioner Robert C. Shinn of the NJDEP on November 15, 1994, and has been amended from time to time.
- E. Sussex County is the implementation agency of the Solid Waste Management Plan. The Sussex County Board of Chosen Freeholders has appointed the Director of the Planning Division as the Solid Waste Coordinator. Important functions of Solid Waste planning, including recycling, will be directed by the Solid Waste Coordinator. Enforcement will be the responsibility of the Sussex County Department of Environmental and Public Health Services (DEPHS), and operations will be the responsibility of the Sussex County Municipal Utilities Authority (MUA).

## 2. **PURPOSES**

The purposes of this Solid Waste Management Plan are, on a County-wide basis, to standardize and:

- A. To codify existing County policy and procedures to enable the Sussex County Division of Health to efficiently enforce and effectively administer the Sussex County Solid Waste Management Plan as it exists and as it may be amended from time to time.
- B. To establish minimum standards of performance for residential and non-residential generators of solid waste and recyclable materials so as to provide for an effective and coherent source separation and recycling management strategy.
- C. To aid in the conservation and recovery of valuable resources.
- D. To establish standardized responsibilities for residential generators of solid waste throughout Sussex County.
- E. To establish standardized responsibilities for non-residential generators of solid waste throughout Sussex County.
- F. To establish standardized performance responsibilities for all Sussex County Municipal Recycling Coordinators.
- G. To establish standardized performance responsibilities for the Sussex County Recycling Coordinator.
- H. To provide mechanisms for the enforcement of the provisions of this Plan and to provide for penalties for those who, upon a compliance evaluation, are found to be non-compliant with any provision of this Solid Waste Management Plan, and to fix certain fees for compliance monitoring activities.
- I. To remove a maximum amount of recyclable material from the County solid waste stream.

## 3. **SCOPE**

- A. All residential and non-residential generators of solid waste residing within Sussex County shall be responsible to source separate certain Class A and/or Class B recyclable materials in accordance with methodologies as particularly prescribed in respective municipal recycling ordinances and in compliance with the most current Sussex County District Recycling Plan required pursuant to the provisions of the "Solid Waste Management Act" P.L. 1970 c. 39 (N.J.S.A. 13:1E et seq.). The Sussex County District Recycling Plan was adopted by the Sussex County board of Chosen Freeholders in December 1987. The Sussex County Solid Waste Management Plan was completed and submitted to NJDEP in 1980 and has been amended and updated since then. A Codified Solid Waste Management Plan was DEP certified on November 15, 1994.
- B. The following requirements are included herein:
  - a. Residential Generators must follow Sections 6, 7.
  - b. Non-Residential Generators must follow Sections 8, 9.
  - c. Transporters must follow Section 10.

- d. Municipalities are encouraged to perform items including but not limited to G-J in Section 11.I.
- e. County Recycling Coordinator has responsibilities listed in Section 12.
- f. Penalties for violations of the Solid Waste Management Plan are described in Section 13.

#### **4. DEFINITIONS**

Definitions, words and terms as used in this Solid Waste Management Plan shall have the meanings as set forth in The Solid Waste Management Act N.J.S.A. 13:1E-4 et seq. particularly the New Jersey Statewide Mandatory Source Separation and Recycling Act N.J.S.A. 13:1E-99.11 et seq., and the rules and regulations promulgated thereunder in N.J.A.C. 7:26-1 et seq., and N.J.A.C. A-1.1 et seq.

#### **ADDITIONAL DEFINITIONS**

**Dwelling:** shall mean any building occupied in whole or in part as the temporary or permanent home or residence of a single family and up to three family units of dwelling space.

**Fully owner-occupied dwelling:** shall mean a dwelling not occupied by a tenant.

**Multiple dwelling:** shall mean any building of one or more stories, and any land appurtenance thereto, and any portion thereof in which three (3) or more units of dwelling space are occupied, or are intended to be occupied, by three (3) or more persons who live independently of each other.

**Non-Residential generator:** shall mean any commercial and institutional premises, including but not limited to: retail, wholesale, restaurants, taverns, schools, institutions, warehouses, construction sites, factories, and office buildings.

**Occupancy:** shall mean the purpose or activity for which a building or space is used or is designed or intended to be used.

**Occupant:** shall mean any person, including guests, in actual physical possession or occupancy of a dwelling and/or unit of dwelling space on a regular basis. For purposes of assigning specific duties or responsibilities, the term, unless the text indicates otherwise, shall mean the owner, tenant, lessee, head of the family or household, or the adult person or emancipated minor assuming basic responsibility for the continued renting or occupancy of the dwelling space.

**Operator:** shall mean any person who shall either be designated to manage or operate any multiple dwelling on behalf of the owner; or actually managing or operating any multiple dwelling; or if registration under, or evidence of management, or operation under, is not available, the person collecting rents or making charges for use of the premises, or in the absence of a person satisfying the superintendent, janitor or resident caretaker, having any responsibility for the maintenance of the premises.

**Owner:** shall mean the person who has legal title of record to a dwelling.

**Person:** shall mean an individual, partnership, corporation or other legal entity.

**Premises:** shall mean land, improvements thereon, or any part thereof.

**Residential generator:** shall mean any single or multi-dwelling unit including single-family homes, garden and high-rise apartments, condos, townhouses, and other multi-family units.

**Unit of dwelling space:** shall mean any room or rooms, or suite or apartment thereof; whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes, by one or more persons, including but not limited to the owner thereof; or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use of occupancy thereof.

## **5. PUBLIC RECORD**

A copy of the Sussex County District Solid Waste Management Plan, as most currently amended, will be made available at the office for the Division of Planning, Sussex County Department of Engineering and Planning, on the 3<sup>rd</sup> floor of the County Administration Building at One Spring Street in Newton, New Jersey.

## **6. STANDARDS FOR RESIDENTIAL GENERATORS OF SOLID WASTE**

- a. All residential generators of solid waste within the political subdivision of Sussex County, State of New Jersey, shall source separate, as a minimum, all those recyclable materials as designated in the Sussex County District Codified Solid Waste Management Plan and amendments thereto. For purpose of this section, “source separate” shall mean that designated recyclable materials be separated from solid waste by the residential generator, at the point of generation (residential dwelling or dwelling unit). For purposes of this section, residential generator shall include, but is not limited to: owner; agent of owner; managing agent; operator, superintendent, janitor; custodian; tenant roomer; boarder; lodger; emancipated minor.
- b. All non-residential generators, as defined in Section 4 herein, shall source separate for disposition, at a minimum, the following recyclable materials as defined by the New Jersey Department of Environmental Protection.
  - 01- Aluminum Cans - Food and beverage containers made entirely of aluminum.
  - 03- Computer Printout/White Ledger - All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
  - 06- Corrugated - Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
  - 07- Glass Containers - AU glass containers used for packaging food or beverages.
  - 10- Leaves and Brush Leaves - brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources
  - 11- Magazine & Junk Mail magazine stock - white and colored paper and envelopes, telephone directories and books.
  - 13- Mixed Office Paper - items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.

- 14- Newspaper - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).
  - 15- Plastic containers - Containers such as polyethylene terephthalate (PETE -#1) soda bottles, high-density polyethylene (HDPE -#2) milk, and water or detergent bottles.
  - 17- Steel Cans - Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
  - 18- Stumps, Logs and Tree Parts - Unfinished wood from land clearing projects, storm damage or pruning activities.
  - 19- Textiles - Textiles larger Than 15" x15" (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags. and small stuffed animals).
  - 20- Tires - Rubber-based scrip automotive and Truck tires.
  - 22- Used Motor Oil -A petroleum base or synthetic oil whose use - includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.
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- c. Disposition of the source separated recyclable materials by the residential generator shall be as prescribed in the Sussex County District Recycling Plan contained (as amended from time to time) within the Sussex County District Solid Waste Management Plan.
  - d. Failure of the residential generator to comply with the provisions of Section 7 herein below shall constitute a violation of this Solid Waste Management Plan and shall subject the residential generator to those penalties as prescribed hereinafter in Section 13C of this Solid Waste Management Plan.

## **7. *RESPONSIBILITIES OF RESIDENTIAL GENERATORS***

### **I. Single dwelling:**

- a. The owner of a fully owner occupied residential dwelling shall be responsible to comply with the provisions of this Solid Waste Management Plan.
- b. The occupant(s) of a dwelling not fully owner occupied shall be responsible to comply with the provisions of this Solid Waste Management Plan.

### **II. Duties of Owners of Multiple Dwellings**

- a. The owners, including but not limited to, agents of owners, managing agents and superintendents and/or the occupant(s) of multiple dwellings shall be responsible to comply with the provisions of this Solid Waste Management Plan.
- b. The owner of multiple dwellings shall establish and maintain recyclable drop-off locations and/or containers that are conveniently located and accessible to occupants. These locations and/or containers shall be physically separated from the solid waste collection location, but shall be located on the multiple family premises. Containers for recyclables shall be clearly marked to indicate they are for recyclable material deposits only. Container capacity shall be adequate to hold all recyclable materials generated between disposal pickups. Separate containers shall be utilized for each recyclable material, except that a commingling of source separated non-putrescible recyclable materials may be allowable dependent upon the requirements of the providers of recycling services.
- c. The owner, including agents of owners, managing agents, and superintendents, shall maintain the recycling systems in good operating order. Notice of violation directed to the owner shall be promptly corrected. The owner shall notify all current occupants, and all new occupants upon their arrival to the multiple dwelling, as to the source separation and recyclable material disposal requirements. In addition, the owner shall thereafter provide to all occupants not-less than once every twelve (12) months, copies of the source separation recycling rules. Proof of distribution of the notices sent shall be kept on file by the owner and made available for inspection by Sussex County Division of Health officials and municipal recycling coordinators.
- d. No Owner shall be relieved from such responsibility hereunder by reason of the fact that an occupant or other person shall have similar responsibilities, nor shall any such person be relieved of any responsibility by the terms, or provisions of any contract, lease or agreement.

### **III. Duties of Occupants of Multiple Dwellings**

- a. Occupants of multiple dwellings shall have the same general duties as specified in this Solid Waste Management Plan for owners of owner occupied dwellings.
- b. Occupants of multiple dwellings shall source separate all solid waste from recyclable materials in the respective units of dwelling space, and deposit the solid waste into containers provided by the owner for solid waste collection, and deposit the recyclable material into containers provided by the owner for the collection of recyclables.
- c. Occupants shall not be relieved from any responsibility by reason of the fact that any owner or operator shall have similar responsibilities, nor shall any person be relieved of any responsibility by the terms or provisions of any contract, lease or agreement.
- d. An occupant shall, in addition to complying with all provisions of this Solid Waste Management Plan applicable to him/her be responsible for adhering to the specific recycling provisions made by the owner, managing agents or superintendent for the multiple dwelling unit in which they reside.

## **8. STANDARDS FOR NON-RESIDENTIAL GENERATORS OF SOLID WASTE (COMMERCIAL AND INSTITUTIONAL)**

- A. All non-residential generators, as defined in Section 4 herein, shall source separate for disposition, at a minimum, the following recyclable materials as defined by the New Jersey Department of Environmental Protection.

### CLASS MATERIAL AND DEFINITION

- 01- Aluminum Cans - Food and beverage containers made entirely of aluminum.
- 02- Antifreeze - An automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
- 03- Computer Printout/White Ledger - All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
- 04- Concrete, Asphalt and *Masonry/Paving* Material - Asphalt, concrete, brick, cinder block, "patio blocks", and other masonry and paving materials.
- 05- Consumer Batteries - Any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional, or household use. (Does not include lead-acid batteries from vehicles).
- 06- Corrugated - Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
- 07- Glass Containers - AU glass containers used for packaging food or beverages.
- 08- Heavy Iron - All structural steel or ferrous metal, cast iron components,
- 09- Lead-Acid - Batteries -Batteries from automobiles, trucks, other vehicles and machinery and equipment, which shall be stored in a manner that protects them from the elements to avoid corrosion and leakage.
- 10- Leaves and Brush Leaves - brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources
- 11- Magazine & Junk Mail magazine stock - white and colored paper and envelopes, telephone directories and books.
- 12- Mercury Containing Devices - including fluorescent and compact tubes, High Intensity Discharge (HID) and neon lamps, electrical switches, thermostats, thermometers and any batteries containing mercury.
- 13- Mixed Office Paper - items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
- 14- Newspaper - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).
- 15- Plastic containers - Containers such as polyethylene terephthalate (PETE -#1) soda bottles, high-density polyethylene (HDPE -#2) milk, and water or detergent bottles.
- 16- Scrap Autos - Crushed or shredded automobile or truck bodies, excluding auto shredder residue or "fluff".



- 17- Steel Cans - Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
- 18- Stumps, Logs and Tree Parts - Unfinished wood from land clearing projects, storm damage or pruning activities.
- 19- Textiles - Textiles larger Than 15" x15" (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags. and small stuffed animals).
- 20- Tires - Rubber-based scrip automotive and Truck tires.
- 21- Used Consumer Electronics - Any appliance used in a business that includes circuitry. Includes components and subassemblies of the electrode products. Examples include computers & peripherals, printers, copiers, VCRs, televisions, cell phones and fax machines, etc.
- 22- Used Motor Oil -A petroleum base or synthetic oil whose use - includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.
- 23- White Goods & Light Iron - All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, and other non-structural ferrous scrap.
- 24 - Wood Scrap -Unfinished lumber from construction or demolition projects including pallets. Unfinished shall mean non-chemically treated (not pressure treated, impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals, and not painted, resin-coated or otherwise surface treated, and not laminated or bonded; and not similarly altered from its natural condition).
- 25 - Non-Ferrous and aluminum Scrap – All non-container aluminum, stainless steel, copper, zinc, brass, and other metals which generally do not rust.

B. Disposition of the source separated recyclable materials by the non-residential generator shall be in accordance with state, county and local plans and regulations, etc.

C. Failure of the non-residential generator to comply with the provisions of Section 8, or Section 9A and/or 9B herein below shall constitute a violation of this Solid Waste Management Plan and shall subject the nonresidential generator to those penalties as prescribed hereinafter in Section 13C of this Solid-Waste Management Plan.

## **9. RESPONSIBILITIES OF NON-RESIDENTIAL GENERATORS**

- A. The non-residential generator shall mean the owner, agent, lessee, tenant, operator, contractor, builder or occupant of every building or premises issued in whole or in part for commercial, retail, wholesale, industrial, construction sites, restaurants, taverns, schools, institutions, warehouses, factories, offices etc. Non-residential generators shall be responsible to comply with the source separation and recycling provisions of this Solid Waste Management Plan.
- B. Non-residential generators shall locate and maintain at their premises containers for the collection and disposal of recyclable materials in addition to the containers which are located at their sites for the collection and disposal of solid waste:
- i. Container capacity shall be adequate to hold all recyclable materials generated between disposal events.
  - ii. Containers for recyclables shall be clearly marked to indicate that they are for recyclable material deposits only.
  - iii. Separate containers and/or separate staging areas located on premises to effectuate source separation shall be utilized for each class of recyclable material as listed in Section 8 hereof, except that commingling of **ONLY** the following classes of non-putrescible recyclable materials into one container is allowable, dependent upon the requirements of the providers of recycling services:
    - a. Containers with Class Codes 01, 07, 15, & 17 may be commingled in the same recycling container.
    - b. Paper with Class Codes 03, 11, & 13 may be commingled in the same recycling container.
- C. Non-residential generators of solid waste and/or recyclable materials shall obtain from their disposal providers receipts for the removal of those materials from the premises. As a minimum, the receipts shall indicate the type and the amount in tons of the solid waste and/or recyclable material(s) removed, and the date of each and every incident of removal. Those disposal records shall be kept on file and maintained by the owner or operator for a period of three (3) years and shall be available to enforcing officials of this Solid Waste Management Plan for inspection during normal and reasonable business hours. A summary total tonnage on official letterhead or copies of disposal receipts for recycled materials shall be forwarded to the Municipal Coordinator at the end of each calendar year for inclusion in the municipalities' Annual Recycling Tonnage report, specifically N.J.S.A. 13:1E-99.16.

## **10. RESPONSIBILITIES OF SOLID WASTE/RECYCLING TRANSPORTERS**

All solid waste transporters engaged in the act of collecting and/or moving solid waste generated within Sussex County from the site shall completely record, prior to removal, a waste origin waste disposal (O & D) form, in accordance with N.J.A.C. 7:26-3.5(h), and which may be obtained from the NJDEP.

- A. Haulers servicing non-exempted generators (including residential multi-family dwellings, which are not permitted exemptions) shall not collect and mix in one vehicle the generator's garbage and source separated recyclables.
- B. Haulers shall notify all generators, including but not limited to all occupants of residential, commercial, and institutional properties, of their recycling responsibilities to ensure that trash is separated from recyclable materials and, in the event of a violation, the violator will receive a notice that un-separated solid waste will not be transported.
- C. Haulers shall provide tonnage reports to municipal recycling coordinators
- D. Violations of sections above shall be subject to a Penalty Assessment by the SCDEPHS as allowable under section 13 herein.
- E. SCMUA shall develop and make available a one page summary advising contractors of source separation and disposal options for construction and demolition (C&D) projects.

## **11. RESPONSIBILITIES OF MUNICIPALITIES**

### **I. Municipal Recycling Coordinators**

- A. All municipal recycling coordinators shall have all those duties as enumerated in the respective Municipal Recycling Plan Ordinance, as well as those duties enumerated under N.J.S.A. 13:1E-99.16; and designate one or more persons as the municipal recycling coordinator (13:1E-99.16).
- B. All Municipal Recycling Coordinators shall also be responsible to perform those duties and functions as required by any interlocal services agreement for recycling between Sussex County and its municipalities; and,
- C. All Municipal Recycling Coordinators shall notify all generators of their source separation responsibilities (13:1E-99.16f) at least twice annually, the municipality must notify, all occupants of residential, commercial and institutional properties of the requirements of the municipal recycling ordinance.

- D. All Municipal Recycling Coordinators are encouraged to provide any person applying for a construction/demolition (C&D) permit with an information sheet including the following:
- Locations and hours of relevant recycling facilities
  - Money saved by separating recycling C&D
- It may be noted that the zoning officer/construction official would be encouraged to include this information sheet in the construction & demolition permit package.
- E. All Municipal Recycling Coordinators must attend at least one County-hosted Recycling Coordinators meeting annually.
- F. All Municipal Recycling Coordinators shall also be responsible to perform in a timely manner, those duties and functions as enumerated in the Sussex County District Solid Waste Management Plan and amendments thereto.
- G. It is recommended that all Municipal Recycling Coordinators attend Rutgers Recycling Certification Courses and achieve certification.
- H. All Municipal Recycling Coordinators are to promote recycling as part of the general public consciousness in the municipality.
- I. Municipalities are encouraged to share services relating to recycling, including but not limited to advertisements, recycling coordinators, and reporting of tonnages.
- J. Municipal Recycling Coordinators are encouraged to educate schools and institutions concerning recycling within the municipality.

## **II. Other Municipal Responsibilities:**

- A. **Adopt a mandatory source separation and recycling ordinance** (13:1E-99.16b. and 99.17). This ordinance must include, at a minimum: the designation of materials mandated for source separation and recycling from all residential, commercial and institutional generators; responsibilities of generators for the collection and recycling of those materials; method of enforcement for the mandate, including delegation of enforcement powers and penalties for non-compliance.
- B. **Periodically review and update municipal land use master plans and development regulations** (13:1E-99.16c.). The master plan and development regulations shall require, at a minimum, provisions for the storage and collection of designated recyclable materials in any development requiring site plan approval that involves the construction of 50 or more units of single family residential housing, any construction of multi-family residential construction, or commercial or industrial development for the utilization of 1000 square feet or more of land.
- i. Require site plans to show adequate storage for all solid waste between garbage pickups and recycling pickups (as per part of 40:55D-45.2d).

- C. **Enforce the Municipal Recycling Ordinance:** Municipalities shall act on recycling violation occurrences by either investigating and enforcing them in accordance with their local recycling and/or separation ordinance, or referring them to the SCDEPHS for action in accordance with Section 13 below.
  
- D. **Submit an annual municipal recycling tonnage report to the NJDEP** (13:1E-99.16e). The NJDEP provides an annual guidance document and on-line reporting forms for this requirement. This report must detail all recycling that occurred in the municipality, from all sectors (residential, commercial and institutional) subject to the ordinance. The NJDEP provides several reminders regarding this report and the governing body resolution which must accompany this report. Those municipalities which do not report are barred from receiving a recycling grant, may jeopardize receiving other NJDEP grants, and will be referred to NJDEP Enforcement for appropriate action.
  
- E. **Prohibit, by ordinance, the placement of leaves for disposal as solid waste** (13:1E-99.22). The ordinance may either specify the on-site composting of leaves and grass (for residential generators only), or the placement of leaves for collection and composting as provided in the ordinance.

## **12. RESPONSIBILITIES OF THE COUNTY RECYCLING COORDINATOR**

- A. The County Recycling Coordinator shall have all those duties as enumerated in N.J.S.A. 13:1E-1 et seq., N.J.A.C. 7:26-All et seq., and the Sussex County District Solid Waste Management Plan as most currently amended.
  
- B. Additionally, the County Recycling Coordinator shall be responsible to:
  - i. Plan and implement public education programs stressing, in particular, the public's responsibilities under the Statewide Mandatory Source Separation and Recycling Act, and the public's responsibilities under this Solid Waste Management Plan.
  - ii. Plan and implement with other responsible parties new and innovative recycling programs for Sussex County.
  - iii. Attend State, County and Association of New Jersey Recycles (ANJR) meetings.
  - iv. Make contact with each Municipal Recycling Coordinator at least once during a calendar year to determine progress towards meeting the recycling goals of the County Recycling Plan. At least 3 recycling coordinator meetings must be held each year.
  - v. Prepare and submit annual tonnage reports to municipal recycling coordinators.
  - vi. Recommend solid waste inspection by the SCDEPHS of any non-residential use premises located in Sussex County.
  - vii. Conduct, at a minimum, one (1) educational seminar annually for any businesses needing direction as to the methodology they should use to comply with Section 8 and Section 9 of this Solid Waste Management Plan.
  - viii. Successfully complete the New Jersey Recycling Certification Series or equivalent certification program and complete annual training to maintain such certification.
  - ix. Investigate potential markets for traditional and non-traditional recyclable materials

### ***13. ENFORCEMENT BY SUSSEX COUNTY DIVISION OF HEALTH***

In accordance with N.J.S.A. 26:3A2-21, the County Environmental Health Act (CEHA) gives the Sussex County Division of Health (SCDEPHS) power and authority to enforce applicable Environmental Statutes and Administrative Codes. The New Jersey Department of Environmental Protection has delegated the Sussex County Division of Health as the certified local health agency for the County of Sussex.

In each calendar year for which SCDEPHS is an authorized CEHA Agency, and conditioned upon the availability of CEHA funding to support enforcement staff, the Health Officer and/or his/her designee(s) shall, in addition to his/her other duties, enforce and administer the provisions of this Solid Waste Management Plan. The Health Officer may appoint or designate any employee under his/her direct supervision or, with Freeholder approval, other employees of the County to perform duties necessary for the performance of this Solid Waste Management Plan. In the event that SCDEPHS either loses CEHA funding to support environmental enforcement activities, or NJDEP changes its approved Work Plan with regard to solid waste enforcement activities, the Health Officer may, at his/her discretion, refer enforcement matters to the NJDEP or to the local municipality.

#### **A. INSPECTIONS AND RIGHT OF ENTRY**

I. In instances where the SCDEPHS, Sussex County Municipal Utilities Authority (SCMUA) or Sussex County Division of Planning (SCDOP) has determined that there has been non-compliance, or upon receipt of a complaint to the SCDEPHS from the municipalities or public, it shall be within the authority of the County Health Officer to cause the gathering of evidence to pursue formal legal action.

II. The Health Officer and/or his/her designee, upon presentation of identification, shall have the right to enter upon residential or commercial property located within Sussex County for the purpose of observation, inspection and monitoring, exercised as a necessary and reasonable method to determine code compliance. The right of entry upon residential and non-residential property as described herein shall only extend to the exterior portions of the premises, or any common areas of a multi-family dwelling, where solid waste/recyclable staging or container areas are located.

III. Pursuant to N.J.S.A. 13:1D-9(d) the Health Officer or his/her designee(s) shall have the right to enter any non-residential building and/or property, or part thereof; for observing, inspecting or monitoring, exercised as a necessary and reasonable method to determine compliance with this Solid Waste Management Plan or any other applicable State/County/Local Solid Waste statute, regulation, rule, ordinance or plan. The right to inspect, observe, and/or monitor includes, but is not limited to, the right to engage in the following activities at the non-residential site:

a. Sampling any materials on site.

- b. Photographing or videotaping any portion of the source separation areas, solid waste storage/container areas or waste management operation.
- c. Investigating an actual or suspected Solid Waste Management Plan violation.
- d. Ascertaining compliance or non-compliance with the Plan or any other applicable State/County/Local Solid Waste statute, regulation, rule, ordinance or plan.
- e. Reviewing and copying all applicable records which shall be made available to the Health Officer and/or his/her designee during an inspection, upon request.

#### B. NON-LIMITING PROVISIONS

Nothing herein contained shall be deemed to limit the Sussex County Division of Health or any of its agents from exercising any other right or power granted by the Federal, State or County Government to effectuate the purpose of this Solid Waste Management Plan or to protect the environment of the County, nor shall anything contained herein be construed as relieving any generator of solid waste in Sussex County from complying with any other applicable statutes, regulating codes, district plans or ordinances.

#### C. ENFORCEMENT ACTION, VIOLATIONS AND PENALTIES

Any person violating any of the provisions of this Solid Waste Management Plan shall be liable to penalties established herein. Each day a particular violation continues shall constitute a separate violation. Any penalty issued equal to or greater than \$10,000 shall be approved by the NJDEP first.

I. Any residential or non-residential generator violating any of the provisions of this Solid Waste Management Plan for the first time shall not be liable for any penalty, but shall immediately, upon receipt of a written Notice of Violation, take immediate measures to mitigate the effects of the violation or prevent future violations. Failure to do so within the time frame established within the Notice of Violation shall result in penalty action. In the event that non-compliance was documented and enforcement actions were initiated prior to the effective date of this Plan Amendment, the generator will not be eligible for a grace period.

II. When an initial Notice of Violation has not been complied with, the Health Officer shall assess a Penalty Assessment for violations of this Solid Waste Management Plan, as outlined in Sections III through IX hereinafter.

III. It is realized that there may be mitigating and extenuating circumstances regarding the occurrence of a violation. Any person receiving a Penalty Assessment shall be entitled to an informal hearing to discuss their case in a non-adversarial manner. Plausible explanation as to the circumstances that caused the violation may be used to diminish any penalty. Nothing herein to the contrary is intended to preclude the Health Officer from negotiating, settling and compromising any matter on terms and conditions that are consistent, equitable and promote compliance. Each settlement shall include, at a minimum, an agreement by the violator to achieve full compliance within a specified time period. The terms and conditions of each settlement shall be in writing and may provide for the payment of a penalty that is less than calculated as herein described.



IV. Penalty Assessments for Notices of Violation will be determined by N.J.A.C. 7:26-5.4 and 5.5, or by an environmental health ordinance, if such has been adopted by the Sussex County Board of Chosen Freeholders. Upon a first offense, the waste generator may be given a reasonable grace period without a monetary penalty, if the offense is found to be a minor violation by the Health Officer.

VI. Penalty Assessment for Submitting Inaccurate or False Information:

- a. The Health Officer may assess a penalty pursuant to this section against each violator who submits inaccurate information or who makes a false statement, representation or certification in any record or other document required to be submitted or maintained pursuant to the Solid Waste Management Plan, or any administrative order, or any district solid waste management plan approved.
- b. Each day, from the day that the violator knew, or had reason to know, that it submitted inaccurate or false information to the Health Officer until the day of receipt by the Health Officer of a written correction by the violator, shall be an additional, separate and distinct violation.
- c. The Health Officer shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator and pursuant to State statutes (N.J.S.A. 13:1E-1, et seq. and N.J.A.C. 7:26-1 et seq.)

VII. Penalty Assessment for Failure to Allow Lawful Entry and Inspection:

The Health Officer may assess a penalty pursuant to this section against any violator who refuses, inhibits or prohibits immediate lawful entry and inspection by any authorized County Health Department representative of any premises, building or facility, which the Health Department may enter and inspect pursuant to the provisions of the Solid Waste Management Plan.

Each day that a violator refuses, inhibits or prohibits immediate lawful entry and inspection by an authorized health department representative of any premises, building or facility which the Health Department may enter and inspect pursuant to the provisions of this Solid Waste Management Plan, shall be an additional separate and distinct violation.

The Health Officer shall assess a penalty for violations described in this Section pursuant to and consistent with N.J.S.A. 13:1E-1, et seq. and N.J.A.C. 7:26-1, et. seq.

VIII. Penalty Assessment for Failure to Pay a Fee:

- a. The Health Officer may assess a penalty pursuant to this section against each violator who fails to pay a fee when due pursuant to the Plan, any administrative order, or any district solid waste management plan approved.
- b. Each day a fee is not paid after it is due shall constitute an additional, separate and distinct violation.
- c. For violations described in this section, the amount of the civil administrative penalty shall be consistent with N.J.S.A. 13:1E-1, et. seq. and N.J.A.C. 7:26-1, et seq.

#### IX. Penalty Assessment for Economic Benefit:

The Health Officer may, in addition to any other penalty assessed pursuant to this Section, in his/her discretion include a penalty assessment including the economic benefit (in dollars) which the violator has realized as a result of not complying with, or by delaying compliance with, the requirements of the Solid Waste Management Plan, or any administrative order, any district solid waste management plan approved. If the total economic benefit was derived from more than one violation, the total economic benefit may be apportioned among the violations from which it was derived so as to increase each civil administrative penalty assessment to an amount consistent with N.J.S.A 13:1E-1, et seq. and N.J.A.C. 7:26-1 et seq.

### ***14. CONSTRUCTION AND SEPARABILITY***

- A. This Solid Waste Management Plan is to be liberally construed to effectuate the purpose herein described.
- B. If any section, subsection, paragraph, sentence, clause, phrase, or word contained in this Solid Waste Management Plan shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, such determination shall not prejudice the enforcement of the remaining provisions.

### ***15. RESOURCES***

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|---|--------------|
| Sussex County Division of Health            | 973-579-0370 |
| - for Compliance and Monitoring Issues      |              |
| Sussex County Municipal Utilities Authority | 973-579-6998 |
| - Marketing Assistance                      |              |
| Sussex County Division of Planning          | 973-579-0500 |