

Article IV Recycling

[Adopted 3-10-2008 by Ord. No. 1812]

§ 389-24 Definitions.

The following words and phrases shall have the meanings respectively ascribed to them by this section:

ALUMINUM CANS

Food and beverage containers made entirely out of aluminum.

AUTHORITY

The Middlesex County Improvement Authority, a public body corporate and politic of the State of New Jersey, organized by the county pursuant to the County Improvement Authorities Law (N.J.S.A. 40:37A-44 et seq.).

AUTHORITY-COLLECTED RECYCLABLES

The following designated recyclables generated within the geographic boundaries of the municipality: newspaper, glass containers, aluminum cans, corrugated cardboard from residential and commercial sources, steel cans, plastic containers, mixed paper and textiles.

BOARD

The Board of Chosen Freeholders of the County of Middlesex, New Jersey.

BRUSH

Branches, woody plants, and other like vegetative materials that do not exceed four inches in diameter, and Christmas trees. "Brush" does not include leaves or grass clippings.

BULKY WASTE

Means I.D. Type 13 Waste as defined by N.J.A.C. 7:26-2.13(g)1.iii.

COMMINGLED CONTAINERS

The twenty-gallon plastic containers to be used by the residents to place plastic containers, glass containers, aluminum cans and steel cans at the curb for collection by the contractor, or such other container designated by the Authority for such use.

CONSTRUCTION AND DEMOLITION WASTE

Means I.D. Type 13C Waste as defined by N.J.A.C. 7:26-2.13(g)1.iv.

CONTRACTOR

The contractor selected by the Authority to provide the recycling services pursuant to the recycling contract.

CORRUGATED CARDBOARD

Uncontaminated corrugated cartons and other boxes made of corrugated cardboard.

COUNTY

The County of Middlesex, New Jersey.

COUNTY PLAN

The Middlesex County District Solid Waste Management Plan, adopted by the Board pursuant to the Solid Waste Management Act,^[1] which provides for the collection, disposal and/or recycling of solid waste generated within the geographic boundaries of the county, as the same may be amended from time to time.

COUNTYWIDE RECYCLING

The collection and marketing program for Authority-collected recyclables established by the county and the Authority for all participating municipalities in the county.

DESIGNATED RECYCLABLES

All recyclable materials that are designated by the county and the county plan as materials that must be source-separated from municipal solid waste (Type 10), construction and demolition waste (Type 13C) and vegetative waste (Type 23) at the point of generation, as specified in § 389-28 below. The county may add or delete certain recyclable materials to be designated recyclables from time to time pursuant to a duly adopted amendment to the county plan approved by the New Jersey Department of Environmental Protection.

DROPOFF CENTER

The Borough's recycling dropoff center located on Kenneth Avenue.^[2]

ELECTRONICS

Televisions, CPUs, monitors, laptops and mercury-containing devices.

GLASS CONTAINERS

Glass containers used for packaging food or beverages.

GRASS CLIPPINGS

Green, freshly clipped mowings from residential lawns and yards. Twigs, brush and leaves are excluded.

LEAVES

Only leaves from trees, shrubs, bushes or plants, and excludes any other type of vegetative waste.

MASONRY/PAVING MATERIAL

Asphalt, block, brick, cinder and concrete.

MIXED PAPER

Glossy inserts, magazines, telephone books, junk mail, colored paper, computer paper, office paper, paperboard (chipboard and pressboard), nonmetallic wrapping paper, soft-cover books, hard-cover books with cover removed, and fine paper.

MIXED PAPER CONTAINER

A covered fourteen-gallon container in which residents place mixed paper at the curb for collection by the contractor, or such other container designated by the Authority for such purpose.

MOTOR OIL

Used motor oil which has been drained from automobiles and classified by the New Jersey Department of Environmental Protection as X721.

MUNICIPAL SOLID WASTE

Means I.D. Type 10 Waste as defined by N.J.A.C. 7:27-2.13(g)(1)(i).

NEWSPAPER

Paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinion, containing advertisements and other matters of public interest. Expressly excluded are all magazines or such periodicals as well as other paper products of any nature whatsoever.

OFFICE PAPER

White bond paper, white stationery, white copier paper, white note pad paper, white index cards, white paper forms and tabulating cards.

PLASTIC CONTAINERS

Soda bottles made of PETE (SPI Code No. 1) and milk, water and laundry product bottles made of HDPE (SPI Code No. 2).

PLASTIC FILM

Stretch wrap, shrink wrap and plastic shopping bags.

RECHARGEABLE BATTERIES

Nickel cadmium (Ni-Cd), nickel metal hydride (Ni-MH), lithium ion (Li-ion) and small sealed lead (Pb) batteries.

RECYCLING

Any process by which materials that would otherwise become municipal solid waste and that may be collected, separated and processed are returned to the economic mainstream in the form of raw materials or products.

RECYCLING COORDINATOR

The individual designated by the Mayor and Council of the Borough of South Plainfield to oversee and supervise recycling efforts in the Borough and to implement the county plan. Responsibilities shall include, but not be limited to:

- A. The development of a program to enforce this article;
- B. Responding to citizen inquiries concerning the program;
- C. Attendance at scheduled meetings with the Authority;
- D. Preparation and distribution of literature describing the program; and
- E. Development of a public education/awareness campaign describing the program.

RECYCLING DROPOFF CENTER

Any facility designed and operated solely for receiving, storing, processing and transferring source-separated nonputrescible recyclable materials, such as metal, glass, paper, plastic containers and corrugated and other cardboard, or other recyclable materials.

RECYCLING SERVICES

All of the duties, obligations and services to be provided by the contractor that are related to the collection, transportation, separation, processing, storage, sale or disposition, or any combination thereof, of the Authority-collected recyclables and the return of same to the economic mainstream in the form of raw materials or products.

RESIDENTS

Persons dwelling within the Borough of South Plainfield that are required to recycle designated recyclables pursuant to this article.

STEEL CANS

Tin-plated, bimetal and other ferrous food and beverage containers.

TEXTILES

Clean, dry clothing or other fabric measuring at least one foot by one foot in size.

TIRES

Rubber-based scrap automotive, truck and equipment tires.

VEGETATIVE WASTE

Means I.D. Type 23 Waste as defined by N.J.A.C 7:26-2.13(g)1.v.

WHITE GOODS

Washers, dryers, ranges, refrigerators and air conditioners.

WOOD SCRAP

Unfinished lumber, including pallets, that has not been chemically treated, painted, resin-coated or otherwise surface-treated, laminated or bonded, and not similarly altered from its natural condition that has been generated during new construction.

[1] *Editor's Note: See N.J.S.A. 13:1E-1 et seq.*

[2] *Editor's Note: See Art. I, Use of Compactor Facility, of this chapter.*

§ 389-25 Program established; mandatory recyclables.

- A. There is hereby established a program for the mandatory source separation from the municipal solid waste stream by the single-family and multifamily residential, commercial, office park, industrial, institutional and governmental solid waste generators of the Borough of South Plainfield at the point of generation of the following items: newspaper, aluminum cans, glass containers, corrugated cardboard, steel cans, plastic containers, mixed paper, textiles, leaves, brush, motor oil, masonry/paving material, rechargeable batteries, tires, white goods and such other recyclable materials to be added or deleted as designated recyclables by the County of Middlesex pursuant to a duly adopted amendment to the county plan approved by the New Jersey Department of Environmental Protection.
- B. For commercial, office park, industrial, institutional and governmental solid waste generators of the Borough of South Plainfield, the following additional recyclables are mandatory source-separated items: electronics and fluorescent bulbs.
- C. For commercial, office park, industrial, institutional and governmental generators of construction debris at new construction sites, the following additional recyclable is a mandatory source-separated item: wood scrap.
- D. For warehouses, retail establishments and supermarkets with 25 or more employees, the following additional recyclables are mandatory source-separated items: plastic film, including stretch wrap, shrink wrap and plastic shopping bags.

§ 389-26 Mandatory source separation and curbside pickup.

- A. Preparation of recyclables.
 - (1) As of the effective date of this article it shall be mandatory for all residents to separate for recycling designated recyclables as follows:
 - (a) Newspaper and corrugated cardboard must each be placed at the curb in segregated, tied bundles not greater than 12 inches in height;
 - (b) Mixed paper, including office paper, must be placed at the curb in the mixed paper container;
 - (c) Glass containers, aluminum cans, plastic containers and steel cans shall be commingled in a commingled container; and
 - (d) Textiles shall be segregated in a textile bag.
 - (2) Only Authority-collected recyclables that have been properly separated and prepared will be collected by the contractor. Any Authority-collected recyclables that are not prepared for collection in this manner will be left at the curb by the contractor. Residents may bring recyclables to the Borough's dropoff center in lieu of placing them at the curb for collection.
- B. Authority-collected recyclables shall be segregated at the dropoff center site in the containers provided by the contractor.
- C. Used motor oil shall be brought to the dropoff center by residents and placed in the used oil tank. Commercial generators of used oil shall not use the tank at the dropoff center, but shall recycle used motor oil through a state-licensed used oil hauler.
- D. Residents shall bring brush to the municipal yard waste site^[1] adjacent to the dropoff center in their own noncommercial vehicles to which they have affixed a yard waste decal that has been issued by the Borough for the current year.

^[1] *Editor's Note: See Art. III, Yard Waste Facility, of this chapter.*
- E. Leaves shall be bagged in biodegradable paper bags and set at the curb for collection during November and December. Leaves may also be brought to the municipal yard waste site by residents in their own noncommercial vehicles to which they have affixed a yard waste decal that has been issued by the Borough for the current year.
- F. Residents who cannot manage their grass clippings at home through cut-it-and-leave-it lawn care or home composting may bring up to three thirty-gallon bags of grass clippings to the municipal yard waste site in their own noncommercial vehicles to which they have affixed a yard waste decal that has been issued by the Borough for the current year.

§ 389-27 Basic service.

- A. The Authority-collected recyclables shall be collected on a biweekly basis at curbside at all single-family and duplex residential locations, all multifamily dwellings with four or fewer units and all townhouses that are accessible to the contractor's trucks and that are not participating in a recycling collection program provided by their homeowners' association or landlord or utilizing a local dropoff as described in Subsection B below.
- B. All multifamily dwellings with five or more units that are not participating in another recycling collection program, public schools, public building, hospitals and other institutions shall deposit the Authority-collected recyclables in on-site containers to be provided by the contractor. All commercial generators shall recycle designated recyclables directly to recycling markets, or through a recycling hauler. Commercial generators may recycle the following designated recyclables at the Borough's dropoff center: newspaper, corrugated cardboard, mixed paper, glass containers, plastic containers, aluminum cans and steel cans.

§ 389-28 Commercial, industrial and institutional compliance.

- A. It shall be mandatory for all commercial, industrial, institutional, governmental and office park solid waste generators to separate the following designated recyclables from other solid waste:^[1]
 - (1) Newspaper.
 - (2) Clear, brown and green glass containers.
 - (3) Plastic containers.
 - (4) Aluminum cans.
 - (5) Steel cans.
 - (6) Corrugated cardboard.
 - (7) Mixed paper/office paper.
 - (8) Electronics.
 - (9) Fluorescent bulbs.
 - (10) Textiles.
 - (11) Motor oil.
 - (12) Brush.
 - (13) Leaves.
 - (14) Wood scrap.
 - (15) Masonry/paving material.
 - (16) Rechargeable batteries.
 - (17) Tires.
 - (18) White goods [all devices that contain chlorofluorocarbons (CFCs) must be properly evacuated by licensed individuals and all recovered CFCs must be sent to a recycler that has been approved by the U.S. Environmental Protection Agency].
 - (19) Plastic film (only from warehouses, retail establishments and supermarkets with 25 or more employees).

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- B. Recyclables shall be separated and prepared in accordance with the requirements of the Borough's dropoff center, or of the recycling market or recycling hauler employed by the generator.
- C. It shall be mandatory for all retail and wholesale businesses, restaurants, taverns, schools, institutions, warehouses, construction sites, factories, offices and other unenumerated retail commercial establishments to adhere to the requirements of Subsection A above regarding mandatory separation of designated recyclable items. With regard to the above-referenced businesses, the following rules and regulations concerning recycling shall apply:[2]
- (1) The owner, operator or, in the case of construction, any contractor employed by the owner are responsible parties for the setup and maintenance of the recycling system. Said recycling system shall provide for the separation of any of the mandated recyclables from the commercial waste stream, as set forth in Subsection A of this section.
 - (2) Recycling containers must be clearly marked and recycling containers must be free of wet garbage or other nonrecyclable trash. Additionally, wet garbage and trash must not contain recyclables. All containers for recyclables and wet garbage must be adequate to hold materials between pickups.
 - (3) Notice in restaurants, food stores and company cafeterias shall advise patrons, customers and employees that recycling is mandatory, and separate recycling containers must be provided to allow patrons, customers and employees to cooperate with the recycling system.
 - (4) The responsible party, as defined above (owner/operator/contractor employed by the owner) shall be fully responsible for the removal of recyclables to either a recycling center or recycling market.
 - (5) The owner/operator/contractor employed by the owner shall supply to the Borough of South Plainfield Recycling Coordinator annual reports providing the weight and disposition of each recyclable generated by said responsible party, unless the responsible party causes said tonnage reports to be provided to the Recycling Coordinator by the recycling market or recycling hauler.
 - (6) The owner/operator/contractor employed by the owner, for failing to adhere to the requirements of this article, will be given a ten-day notice of violation within which to correct the violation. In the event that, after notice of violation has been issued, the violation has not been corrected within the ten-day notice of violation time period, the owner/operator/contractor employed by the owner shall receive a warning notice. Thereafter, for subsequent violations the owner/operator/contractor employed by the owner may be fined in accordance with § 389-36 of this article.

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 389-29 Multifamily housing requirements.

As of the effective date of this article, it shall be mandatory for owners, superintendents, or operators of garden apartments, condominiums and low and high rise apartments to set up and maintain a recycling program of curbside collection and/or recycling dropoff centers for convenient access by residents.

- A. In developments consisting of 25 or more multifamily residential housing units, a recycling plan must be implemented that provides for adequate storage of recyclables within each dwelling and convenient access to adequate indoor or outdoor dropoff facilities. The plan must comply with the requirements of Section 907.13 of the Borough's Development Review Ordinance.
- (1) Where curbside collection of recyclables is not available, a recycling dropoff area must be adjacent to, but clearly distinct from, each garbage disposal area in the development. Containers must be clearly marked, the area neatly maintained and recyclables must be free of wet garbage and wet garbage may not contain any recyclables.
 - (2) Where curbside collection of recyclables is to be available, access for such collection shall be designed so as to provide an adequate turning radius for collection vehicles without interference from parked cars or other obstacles. The owner, superintendent or resident manager shall provide a designated area for curbside collection at each unit.

- B. The owner, superintendent or resident manager shall publish rules and regulations for tenants and condominium owners' compliance with mandated recycling and the availability of the recycling dropoff or curbside collection to new residents and at least annually. Owners, superintendents and managers shall supply copies of the notices given to the tenants and condominium owners about the recycling rules and regulations to the Borough of South Plainfield Recycling Coordinator annually.
- C. The owner, superintendent or manager shall provide the Borough of South Plainfield Recycling Coordinator with proper documentation annually of the weights and disposition of the amount of recyclables removed from their sites.

§ 389-30 Permitted disposal of recyclables.

Where newspaper or other designated recyclables are used to wrap or dispose of solid waste they may be discarded or disposed of for collection with the usual solid waste.

§ 389-31 Scavenging prohibited.

Scavenging of all designated recyclables set at the curb or deposited at the Borough's dropoff center is explicitly prohibited.

§ 389-32 Rules and regulations.

- A. Subject to the approval of the Borough Council, the Recycling Coordinator is authorized to establish and promulgate reasonable regulations for the administration and publication of the procedures provided for by this article.
- B. The Recycling Coordinator shall also be responsible for coordinating the activities of the Borough, the Authority and the contractor for establishing the program of collection of all designated recyclables, for coordinating the transition from the Borough dropoff system to a system where Authority-collected recyclables are collected by the contractor and all other designated recyclables are collected by the Borough and for attending periodic meetings with the Authority and the contractor. The Borough shall notify the Authority if a new Recycling Coordinator is appointed.

§ 389-33 Public education and awareness program; literature.

- A. The Recycling Coordinator shall prepare literature and other educational materials describing, among other things:
 - (1) The Borough of South Plainfield Recycling Program established pursuant to this article,
 - (2) The Countywide Recycling Program and the recycling services to be provided within South Plainfield,
 - (3) The designated recyclables to be source-separated,
 - (4) The manner or method of preparing source-separated recyclable material for collection, and
 - (5) The location and schedules for collection.
- B. The Borough shall provide for distribution of all approved literature and other educational materials to all of its private, commercial and institutional residents and shall pay the costs associated with the preparation and distribution of same.

§ 389-34 Recycling of construction and demolition waste.

When issuing any building permit, the Building Code Official will provide the permittee with written instruction on proper disposal and recycling of construction and demolition waste. The Building Code Official will furnish a notification of construction/demolition activity form that the permittee must fill out and send to the Middlesex County Division of Solid Waste Management (MCDSWM) within 48 hours of the issuance of a municipal permit.

§ 389-35 Collection of waste mixed with recyclables prohibited.

No garbage hauler shall collect for disposal any municipal solid waste that is mixed with any designated recyclable.

§ 389-36 Violations and penalties. ^[1]

Any person, firm, corporation or entity that violates or neglects to comply with any provision of this article or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000. Said violation shall be enforceable by the Police Department, Health Officer and/or Recycling Coordinator of the Borough of South Plainfield or agents thereof.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*