

§ 238-18 **Construction, renovation and demolition debris recovery plan.**

Definitions. As used in §§ **238-18** through **238-24**, the following terms shall have the meanings indicated:

COVERED PROJECT

A construction, renovation, or demolition project for which a building permit or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of placement of solid waste materials.

§ 238-19 **Filing of construction, renovation and demolition debris recovery plan.**

A **debris** recovery plan shall be filed with the Municipal Recycling Coordinator prior to the commencement of any activity for which municipal approval was received as further identified above. The **debris** recovery plan shall identify the types and estimated quantities of construction and demolition **debris** to be generated from the project, how each material will be **managed**, and the name of each facility or service provider that the entity will use to **manage** each material. The plan shall further detail how the applicant shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled.

§ 238-20 **Review of debris recovery plan.**

A.

Approval. A **debris** recovery plan shall be reviewed by the Municipal Recycling Coordinator, and approved if it provides for all of the information required by this chapter. An approved **debris** recovery plan shall be marked "approved" and returned to the owner of the entity which submitted the plan.

B.

Denial. A **debris** recovery plan shall not be approved if it does not provide all of the information required by this chapter. If a **debris** recovery plan is not approved, the owner of the entity that submitted the plan shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity that will carry out the construction, renovation, or demolition project shall make the required changes and resubmit the **debris** recovery plan to the Municipal Recycling Coordinator.

§ 238-21 **Diversion requirement adjustment.**

A.

Application. If the owner of an entity carrying out a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement cited in this chapter, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.

B.

Review. The Municipal Recycling Coordinator shall review the information supplied by the owner. If warranted, the Municipal Recycling Coordinator shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.

C.

Granting of an adjustment. If the Municipal Recycling Coordinator determines that it is infeasible for the entity carrying out a covered project to divert 50% of the generated C&D debris from the covered project, the percent of diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of C&D debris required by the adjustment.

D.

Denial of adjustment. If the Municipal Recycling Coordinator determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this chapter, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

§ 238-22 Debris recover plan reporting requirements.

Documentation. Upon completion of the covered project, but before the final inspection, the owner of the entity carrying out a covered project shall submit in person or by certified mail to the Municipal Recycling Coordinator the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

A.

A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project diverted or disposed; and

B.

Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project; and

C.

Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

§ 238-23 Compliance with diversion requirement.

The Municipal Recycling Coordinator shall review the information submitted pursuant to this chapter and determine whether the owner of the entity carrying out the covered project has complied, or failed to comply, with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

§ 238-24 Appeal.

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this chapter to the municipality within 30 days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A decision by the department where the appeal is to be filed shall be final.

§ 238-25 **Enforcement; inspections; violations and penalties.**

This chapter shall be enforced by any one or all of the following:

A.

The Recycling Coordinator, the Monmouth County Health Department, the Monmouth County Solid Waste Enforcement Team, the Howell Township Code Enforcement Officer and any police officer with lawful jurisdiction in the Township of Howell.