



NEW MEXICO  
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**NMED SOLID WASTE BUREAU POLICY  
FOR UNMANNED, UNCONTROLLED RECYCLABLE CONTAINERS  
[Effective Date: March 28, 2011]**

In order to encourage and enhance recycling in New Mexico, the Solid Waste Bureau (SWB) has adopted the following policy for recycling storage containers that are made available to the public, but that do not have an on-site attendant or access controls.

**Current Regulatory Requirements**

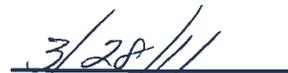
According to the current New Mexico Solid Waste Rules (SWR), 20.9.2 – 20.9.10 NMAC, any recycling facility (which by definition is a facility that collects recyclables and would include any single recycling container that collects only source separated recyclables from the public) is required to register with the SWB as a recycling facility per 20.9.3.27 NMAC and is required to operate in accordance with 20.9.3.29 NMAC. This means any individual recyclables storage containers that are available to the public need to be registered under the SWR as a recycling facility. The SWB does not consider this requirement for registration of source-separated recyclables collection and storage containers to be the true intent of the SWR. Accordingly, the following policy has been adopted:

**Policy for Recyclables Storage Containers**

In order to enhance recycling and provide for less regulatory oversight of recyclables storage containers, the placement of unmanned storage container(s) to be used for the collection and storage of source-separated recyclables by the public, at any time of day, that are located within a city or county (whether such recyclables storage is publicly or privately operated) to encourage and provide for convenient recycling by the public, assuming that no more than five such containers are placed at any single location, will no longer require registration as a recycling facility under the SWR; however, such storage containers must be operated and emptied in a timely manner so as not to cause a public nuisance, vector harborage or create a public health hazard – as prohibited under the SWR, 20.9.2.8.C NMAC. The failure to assure proper recyclables storage may result in enforcement action, which could include the assessment of a civil penalty.

**Approved:**

  
Auralie Ashley-Marx  
Chief, Solid Waste Bureau

  
3/28/11  
Effective Date