



**NEW MEXICO  
ENVIRONMENT DEPARTMENT**



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**BRUCE YURDIN**  
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**NMED SOLID WASTE BUREAU POLICY  
FOR UNMANNED, UNCONTROLLED RECYCLABLE MATERIALS STORAGE CONTAINERS  
[Revision Effective Date: December 27, 2018]**

In order to encourage and enhance recycling in New Mexico, the Solid Waste Bureau (“SWB”) issued a policy on March 28, 2011 regarding recyclable materials storage containers that are made available to the public, but that do not have an on-site attendant or access controls. The SWB has reviewed the policy and issues this revised policy effective December 27, 2018.

**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 recyclable materials and would include any single recyclable materials container that collects only source-separated recyclable materials 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. Individual recyclable materials storage containers that are available to the public therefore need to be registered under the SWR as a “recycling facility.” The SWB does not consider this requirement for registration of source-separated recyclable materials collection and storage containers to be the true intent of the SWR. Accordingly, the following policy was issued by the SWB on March 28, 2011 and has been revised effective December 27, 2018.

**Revised Policy for Recyclable Materials Storage Containers**

In order to enhance recycling and provide for less regulatory oversight of recyclable materials storage containers, the placement of unmanned storage container(s) to be used for the collection and storage of source-separated recyclable materials by the public, at any time of day, that are located within a city or county (whether such recyclable material storage is publicly or privately-operated) to encourage and provide for convenient recycling by the public, will no longer require registration as a “recycling facility” under the SWR. This revised policy no longer limits the number of containers that may be used at any single location; however, such storage containers must be managed in a manner that prevents blowing litter, insect and rodent harborage, and does not create a public nuisance or public health hazard in accordance with 20.9.2.8.C NMAC. The failure to assure proper recyclable materials storage may result in the requirement to register the storage container location as a “recycling facility”, and/or may result in enforcement action, which could include the assessment of a civil penalty.

**Approved:**

  
**Auralie Ashley-Mary**  
Chief, Solid Waste Bureau

  
**Effective Date**