

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 6, 2015 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

ENVIRONMENTAL MANAGEMENT

DIVISION OF SOLID AND HAZARDOUS WASTE

Notice of Readoption

Solid Waste Utility Regulations

Readoption with Technical Changes: N.J.A.C. 7:26H

Authority: N.J.S.A. 13:1E-1 et seq., 13:1B-3, 13:1D-9, 48:3-1et seq., 48:13A-1 et seq. and 48:13A-7.1 et seq.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection.

Effective Date:

New Expiration Date:

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Solid Waste Utility Regulations at N.J.A.C. 7:26H are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on April 8, 2015. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted, with technical changes. The rules are necessary, reasonable and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1(c), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Solid Waste Utility Regulations, N.J.A.C. 7:26H, regulate the economic aspects of the solid waste industry as outlined in the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., and contain the general requirements applicable to companies engaged in the collection and/or disposal of solid waste in the State. No one may engage in solid waste collection or

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disposal without first obtaining a Certification of Public Convenience and Necessity from the Department; accordingly, the rules establish the requirements for obtaining and maintaining such a certification, and the regulation of these companies as solid waste public utilities. The rules govern the economic aspects of solid waste collection and disposal, including the filing, maintaining and modifying the schedule of rates and charges for solid waste collection and disposal (also called a “tariff”). Tariffs must be filed with the Department and are available for review by customers and competitors to allow customers to identify the most favorable rates and to promote fair and effective competition within the solid waste industry.

In the event a solid waste utility intends to sell or mortgage its assets, merge with another company, or issue stock or other securities, it must first obtain Department approval through submittal of a petition. The rules provide the procedures for filing a petition for Department review and approval, and the rules of practice of the Division of Solid and Hazardous Waste, which makes determinations on these petitions.

The chapter also provides uniform specifications for municipal solid waste collection contracts, which require every municipality that contracts for solid waste collection services to award contracts in conformance with applicable requirements including the Local Public Contracts Law, N.J.S.A. 40A-11 et seq., to promote fair competition among solid waste collectors, protect consumers, and enhance the Department’s ability to supervise effective competition.

The technical changes are as follows: Department contact information is updated throughout the chapter, and to reflect the correct program name, references to “Division of County Environmental and Waste Enforcement” are replaced with “Division of Solid and Hazardous Waste.”

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Full text of the technical changes follows (additions indicated in boldface ***thus***; deletions indicated in brackets ***[thus]***):

7:26H-1.4 Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

...

“Director” means the Director of the ***[Division of County Environmental and Waste Enforcement]*** ***Division of Solid and Hazardous Waste*** or any person designated to act on the Director’s behalf.

“Division” means the Director of the ***[Division of County Environmental and Waste Enforcement]*** ***Division of Solid and Hazardous Waste*** in the Department.

...

7:26H-1.5 Offices and hours

(a) All inquiries and correspondence relative to this chapter should be directed to the following address:

New Jersey Department of Environmental Protection

***[Division of County Environmental and Waste Enforcement**

Bureau of Solid and Hazardous Waste Regulation]*

***Division of Solid and Hazardous Waste**

Mail Code: 401-02C*

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401 E. State Street

P.O. Box *[422]* *420*

Trenton, NJ 08625-*[0422]* *0420*

Telephone: (609) 984-4250

(b) (No change.)

7:26H-1.11 Revocation or suspension of certificate

(a) (No change.)

(b) Any solid waste collector who receives a notice of intent to revoke or suspend a certificate may, upon a written request to the Department within 20 days of receipt of notice, request an adjudicative hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1.1 et seq. The solid waste collector shall deliver the written request to the following address:

Department of Environmental Protection

Office of Legal Affairs

ATTENTION*[--]**: *Adjudicatory Hearing Requests

Department of Environmental Protection

401 East State Street*[-- P.O. Box 402]* *, **7th Floor**

Mail Code: 401-04L

P.O. Box 402*

Trenton, NJ 08625-0402

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[Division of County Environmental and Waste Enforcement]

***Division of Solid and Hazardous Waste**

Bureau of Planning and Licensing

Mail Code: 401-02C*

P.O. Box *[422]* ***420***

Trenton, NJ 08625-*[0422]* ***0420***

Telephone: (609) 984-4250

Department of Law and Public Safety

Division of Law

Richard J. Hughes Justice Complex

25 Market Street

P.O. Box 093

Trenton, New Jersey 08625-0093

1. – 2. (No change.)

(c)- (e) (No change.)

7:26H-2.1 Scope

These rules shall govern practice and procedure before the *[Division of County Environmental and Waste Enforcement]****Division of Solid and Hazardous Waste*** of the Department of Environmental Protection.

7:26H-3.2 Petitions for the approval of the sale or lease of property

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(a)-(c) (No change.)

(d) The Department has 30 days from the date of receipt to review the Notice of Intent. For the purposes of this section, receipt means arrival at and date stamped by the *[Division of County Environmental and Waste Enforcement]****Division of Solid and Hazardous Waste***.

(e) (No change.)

7:26H-5.11 Procedures for Department review; supervision of the solid waste collection industry

(a) The following pertain to transactions requiring Department approval pursuant to the provisions of N.J.S.A. 48:3-7:

1. - 2. (No change.)

3. Upon receipt of a notice of intent, the Department shall review the notice to determine whether the notice and the supporting documentation are complete. After reviewing the notice of intent, the Department shall, within 30 days of receipt of the notice, notify the applicant, in writing, whether the notice is complete or incomplete. For the purposes of this section, receipt means arrival at and date stamped by the *[Bureau of Solid and Hazardous Waste Regulation, Division of County Environmental and Waste Enforcement]****Bureau of Planning and Licensing, Division of Solid and Hazardous Waste***.

i. – iii. (No change.)

4. – 5. (No change.)

(b) – (c) (No change.)

7:26H-5.17 Administrative hearings; requests

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(a) Any solid waste collector may, upon a written request to the Department within 20 days of receipt of an order described in N.J.A.C. 7:26H-5.11(b)5 or a notice of intent to suspend or revoke a Certificate of Public Convenience and Necessity, request an adjudicatory hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1.1 et seq.

1. The solid waste collector shall deliver the written request to the following address:

Department of Environmental Protection

Office of Legal Affairs

ATTENTION*[--]**: *Adjudicatory Hearing Requests

***401 East State Street, 7th Floor**

Mail Code: 401-04L*

PO Box 402

Trenton, NJ 08625-0402

2. (No change.)

(b) – (e) (No change.)

Date: _____

Bob Martin, Commissioner
Department of Environmental Protection