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## **ENVIRONMENTAL PROTECTION**

### **AIR, ENERGY, AND MATERIALS SUSTAINABILITY**

#### **DIVISION OF SUSTAINABLE WASTE MANAGEMENT**

##### **Notice of Administrative Changes**

##### **Solid Waste Rules**

##### **N.J.A.C. 7:26**

Effective Date: July 31, 2023

**Take notice** that the Department of Environmental Protection (Department) is changing the Solid Waste Rules, N.J.A.C. 7:26, to update contact information and statutory references.

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

#### **SUBCHAPTER 1. GENERAL PROVISIONS**

##### **7:26-1.4 Definitions**

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

...

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"Director" means the Director of the Division of [Solid and Hazardous Waste]

**Sustainable Waste Management** in the Department or his or her designee, except when specifically noted.

...

"Division" means the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** in the Department.

...

7:26-1.12 Public access to information and requirements for Department determination of confidentiality

(a) (No change.)

(b) Pursuant to [N.J.S.A. 47:1A-2 of the Right to Know Law] **the Open Public Records Act**, N.J.S.A. 47:1A-1 et seq., the reports submitted to the Department by transporters of regulated medical wastes pursuant to N.J.A.C. 7:26-3A.35(a) shall not be deemed to be public records and the public shall not have the right to inspect, copy, or obtain a copy of the same. Upon receipt of these reports, the Department shall keep these reports in a secure storage facility and take the appropriate measures to maintain these reports in confidence. Access to such reports shall be limited to agents, employees and attorneys of the Department, and, in the discretion of the Department, other governmental enforcement agencies with a legitimate need to know, to local

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health agencies certified by the Department pursuant to N.J.S.A. 26:3A-2, or local boards of health responsible for enforcement of laws related to the collection and disposal of solid waste.

1. - 2. (No change.)

## SUBCHAPTER 2. DISPOSAL

### 7:26-2.4 Application procedures for a solid waste facility permit

(a) (No change.)

(b) A complete application for a SWF permit, except for applications for small-scale facilities identified in (c)1 and 2 below, shall include the following:

1. - 7. (No change.)

8. Documents identified in (b)1 through 7 above shall be submitted as follows:

i. All documents other than (b)3 above shall be submitted to:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Permitting

Mail Code 401-02C

P.O. Box 420

401 East State Street

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Trenton, New Jersey 08625-0420; and

ii. (No change.)

(c) - (f) (No change.)

(g) The procedures for Department review and tentative approval or denial of a SWF permit application shall be in accordance with the following:

1. - 7. (No change.)

8. Once the Department determines that an application or Addendum is complete, the application or Addendum may be reviewed by any interested person at the Department's offices during normal working hours by making an appointment, at the address specified at N.J.A.C.

7:26-2.4(b)8, with the records custodian of the Division of [Solid and Hazardous Waste]

**Sustainable Waste Management.** Copies may be obtained directly from the applicant or from the Department upon payment of the duplication fee prescribed by law.

9. - 25. (No change.)

7:26-2.11 General operational requirements

(a) - (b) (No change.)

(c) In addition to the requirements listed at (b) above, those solid waste disposal facilities that receive solid waste from off site shall also comply with the following:

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1. Only solid waste vehicles properly registered, pursuant to N.J.A.C. 7:26-3, with the Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, unless exempt from the registration requirement pursuant to N.J.A.C. 7:26-3.3, and displaying the appropriate registration number and solid waste decal shall be admitted for loading or unloading of any solid waste at the facility. Solid waste vehicles exempt from registration pursuant to N.J.A.C. 7:26-3.3, or those which must be manually unloaded, shall not be admitted to the tipping area when registered, commercial type solid waste vehicles including, but not limited to, compactor trucks, trailers or any solid waste vehicle that tilts or uses other mechanical means to discharge its solid waste are being unloaded, or when other heavy equipment is being operated in tipping area. The facility shall be sufficiently staffed to ensure that this requirement is not violated;

2. - 5. (No change.)

(d) - (e) (No change.)

7:26-2.13 Solid waste facility; records

(a) - (d) (No change.)

(e) Monthly summaries of wastes received shall be submitted by the owner/operator of each facility to the Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, Bureau of Solid Waste Planning and Licensing, Mail Code 401-02C, P.O. Box 420, 401 East State Street, Trenton, New Jersey, 08625-0420 and the Solid Waste Coordinator for the district

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where the facility is located on forms provided by the Department (or duplication of same), no later than 20 days after the last day of each month.

1. (No change.)

(f) - (i) (No change.)

## SUBCHAPTER 2A. ADDITIONAL, SPECIFIC DISPOSAL REGULATIONS FOR SANITARY LANDFILLS

### 7:26-2A.7 Sanitary landfill engineering design standards and construction requirements

(a) The following are the general sanitary landfill engineering design standards and construction requirements:

1. (No change.)

2. An on-site baseline consisting of two vertical and horizontal control monuments shall be constructed and installed in accordance with the New Jersey Map Filing Law, N.J.S.A. 46:23-9, and Department specifications, as provided in ["Guidelines for Establishing Vertical and Horizontal Control Monuments on a Sanitary Landfill" contained in the technical manual entitled Division of Solid Waste Management, Bureau of Landfill Engineering, Landfill Permits,] **the Department's Technical Manual for Sanitary Landfill Permits and Approvals**, prepared and made available by the Department.

i. - ii. (No change.)

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3. - 25. (No change.)

(b) The sanitary landfill shall be designed and constructed on an appropriate foundation meeting the following minimum requirements:

1. - 2. (No change.)

3. A foundation analysis shall be performed prior to construction, to determine the structural integrity of the foundation to support the loads and stresses imposed by the height and weight of the sanitary landfill and the design loading rate of the facility. These loads and loading rates shall not result or give cause to failure of the containment or leachate collection systems.

The foundation analysis shall include the following:

i. The strength of the foundation shall be determined for all appropriate conditions. These conditions shall be evaluated utilizing appropriate American Society of Testing and Materials (hereinafter ASTM), American Association of State Highway and Transportation Officials (hereinafter AASHTO) or other equivalent methods for field testing and laboratory testing to determine properties for calculating settlement. The stability of the foundation shall be determined for static and seismic conditions as follows:

(1) (No change.)

(2) The seismic analysis shall be performed pursuant to 40 C.F.R. Parts 257 and 258 (also known as Subtitle D of the Resource Conservation and Recovery Act of 1976 as amended) and the Department's Technical Manual for

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the [Division of Solid and Hazardous Waste, Bureau of Landfill, Compost and Recycling Management, Landfill Permits] **Sanitary Landfill Permits and**

**Approvals.** The foundation shall be designed to resist the maximum horizontal acceleration in lithified material for the sanitary landfill. The maximum expected horizontal acceleration, as defined by 40 C.F.R. Parts 257 and 258, shall mean the maximum expected acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years.

ii. - v. (No change.)

4. (No change.)

(c) - (d) (No change.)

(e) A leachate treatment and disposal system shall be designed and constructed in accordance with the following:

1. - 10. (No change.)

11. The residuals from any treatment facility shall be analyzed in accordance with the requirements of the Sludge Quality Assurance Regulation, N.J.A.C. 7:14-4, and disposal of in accordance with the following:

i. The analysis shall be submitted to the Bureau of [Hazardous Waste Planning] **Recycling and Hazardous Waste Management** of the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** for classification;



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ii. - iii. (No change.)

12. (No change.)

13. The minimum standards for the design and construction of leachate storage tanks include the following:

i. - iv. (No change.)

v. Control of emissions and odors from the storage tank shall be in compliance with the rules and regulations of the Bureau of [Air Pollution Control] **Stationary Sources**, N.J.A.C. 7:27;

vi. - vii. (No change.)

14. (No change.)

(f) The following are the design standards and construction requirements for sanitary landfill gas collection and venting system:

1. (No change.)

2. Sanitary landfill gas collection and venting systems shall be subject to additional design and operational requirements set forth at the Federal New Source Performance Standards and Emissions Guidelines (NSPS/EG) established at 40 CFR 51, 52 and 60. Further guidance is set forth in the Department's Technical Manual [prepared by the Department's Bureau of Landfill and Recycling Management] **for Sanitary Landfill Permits and**

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**Approvals** for landfill gas collection and venting systems. All gas venting and collection systems shall be permitted in accordance with the rules of the Department's Bureau of [Air Pollution Control] **Stationary Sources**, N.J.A.C. 7:27;

3. - 14. (No change.)

(g) - (h) (No change.)

(i) The following are the design standards and construction requirements for a final cover system:

1. - 2. (No change.)

3. The final cover system, in conjunction with the containment system required pursuant to (c) above, shall completely isolate the landfilled solid waste from the surrounding environment. In accordance with 40 C.F.R. Parts 257 and 258, and the Department's Technical Manual for [the Division of Solid and Hazardous Waste, Bureau of Landfill, Compost and Recycling Management, Landfill Permits] **Sanitary Landfill Permits and Approvals**, a final cover system shall comply with the following performance standards:

i. - ii. (No change.)

4. - 14. (No change.)

7:26-2A.8 Sanitary landfill operational and maintenance requirements

(a) (No change.)

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(b) The sanitary landfill shall be operated in accordance with the following additional minimum requirements:

1. - 23. (No change.)

24. Access to the sanitary landfill for solid waste disposal shall be permitted only during the operating hours set by the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** and shall be restricted to 7:00 A.M. to 7:00 P.M. in areas within 1,000 feet of a residential zone;

25. - 42. (No change.)

43. An on-site baseline consisting of two vertical and horizontal control monuments shall be constructed and installed in accordance with the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., and the Department's specifications in the "Guidelines for Establishing Vertical and Horizontal Control Monuments on Sanitary Landfills" available from the Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, Bureau of Solid Waste Permitting at 609-292-9880.

44. - 46. (No change.)

(c) - (g) (No change.)

(h) Monitoring shall be performed in accordance with the following parameters and schedules:

1. - 8. (No change.)

9. Sanitary landfill gases shall be sampled and analyzed in accordance with the following:

i. A gas quality analysis shall be performed on the gas venting and collection systems as constructed in accordance with N.J.A.C. 7:26-2A.7(f) 3 and 4 on an as needed

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basis as determined by the Division and the Bureau of [Air Quality Engineering]

**Stationary Sources**, pursuant to N.J.A.C. 7:27;

ii. - iv. (No change.)

10. - 12. (No change.)

(i) - (l) (No change.)

7:26-2A.9 Closure and post-closure care of sanitary landfills

(a) - (f) (No change.)

(g) Pursuant to N.J.S.A. 13:1E-100 et seq., the requirements for the Closure Act escrow account are as follows:

1. - 7. (No change.)

8. Every Closure Act escrow account established pursuant to this section shall be based upon and governed by the standard escrow agreement provided for such purpose by the Department. Any revision to an escrow agreement shall first be approved by the Department and filed by the Department with the accredited financial institution as escrow agent. A copy of the standard escrow agreement provided by the Department may be obtained from the New Jersey Department of Environmental Protection, Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, Bureau of Solid Waste Planning and Licensing, Mail Code 401-02C, PO Box 420, 401 East State Street, Trenton, New Jersey 08625-0420, Attention: Escrow Section;

9. - 19. (No change.)

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20. The owner and/or operator of every sanitary landfill must arrange, with the financial institution wherein the funds are to be deposited, for a monthly statement of the Closure Act escrow account to be sent to the New Jersey Department of Environmental Protection, Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, Bureau of Solid Waste Planning and Licensing, Mail Code 401-02C, PO Box 420, 401 East State Street, Trenton, New Jersey 08625-0420, Attention: Escrow Section; provided, however, the Department may at its discretion upon written petition from the owner and/or operator relieve the owner and/or operator from the requirement for the monthly statement of the Closure Act escrow account and substitute a quarterly (that is, once every three months) statement requirement therefor if it determines that monthly reporting on an account of less than \$ 25,000 would impose an unnecessary burden on the financial institution;

21. (No change.)

22. The owner or operator of every sanitary landfill shall file, on or before the 20th of every month, with the New Jersey Department of Environmental Protection, Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, Bureau of Solid Waste Planning and Licensing, Mail Code 401-02C, PO Box 420, Trenton, New Jersey 08625-0420, Attention: Escrow Section, a statement showing the exact amounts of all solid waste accepted for disposal during the preceding month, the total amounts of solid waste received calendar year-to-date, the funds deposited in and withdrawn from the Closure Act escrow account for the particular sanitary landfill during the current month, interest accrued, Closure Act escrow account balance,

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and the total calendar year-to-date funds deposited in and withdrawn from the Closure Act escrow account. These statements shall be filed on forms provided by the Department; provided, however, the Department may at its discretion upon written petition from the owner or operator relieve the owner or operator from the requirement for monthly reports and substitute a quarterly (that is, once every three months) reporting requirement therefor, if it determines that the monthly reporting on an account of less than \$ 25,000 would impose an unnecessary burden on the owner or operator.

(h) (No change.)

(i) Pursuant to N.J.S.A. 13:1E-125.6, the requirements for the legacy landfill escrow account are as follows:

1. - 6. (No change.)

7. Every legacy landfill escrow account established pursuant to this subsection shall be based upon and governed by an escrow agreement provided for such purpose by the Department. Any revision to an escrow agreement shall first be approved by the Department and filed by the Department with the accredited financial institution as escrow agent. A copy of the escrow agreement provided by the Department may be obtained from the Department of Environmental Protection, Division of [Solid and Hazardous Waste] **Sustainable Waste Management**;

8. - 18. (No change.)

19. The owner and/or operator shall arrange, with the financial institution wherein the funds are to be deposited, for a monthly statement of the legacy landfill escrow account to be

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sent to the Department of Environmental Protection, Division of [Solid and Hazardous Waste] **Sustainable Waste Management**; provided, however, the Department may, at its discretion, upon written petition from the owner and/or operator relieve the owner and/or operator from the requirement for the monthly statement of the legacy landfill escrow account and substitute a quarterly (that is, once every three months) statement requirement therefor, if it determines that monthly reporting on an account of less than \$25,000 would impose an unnecessary burden on the financial institution;

20. - 21. (No change.)

(i) - (j) (No change.)

## SUBCHAPTER 2C. PARTICIPATION BY LANDFILLS IN SILVER TRACK II TIER OF SILVER AND GOLD TRACK PROGRAM FOR ENVIRONMENTAL PERFORMANCE

### 7:26-2C.5 Development of the Silver Track II Covenant

(a) - (b) (No change.)

(c) If, at any time during the Silver Track II Covenant term, a participating entity anticipates an inability to meet a commitment set forth in its Silver Track II Covenant, the Silver Track II participating entity shall submit the following to the New Jersey Department of Environmental Protection, Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, Bureau of Solid Waste Permitting, Mail Code 401-02C, PO Box 420, 401 East State Street, Trenton, New Jersey 08625-0420, in writing 10 days before such failure is expected to occur:

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1. - 3. (No change.)

(d) (No change.)

SUBCHAPTER 2D. REQUIREMENTS ON RAIL CARRIERS THAT TRANSFER  
CONTAINERIZED SOLID WASTE TO OR FROM RAIL CARS

7:26-2D.1 Requirements on rail carriers that transfer containerized solid waste to or from rail cars

(a) (No change.)

(b) A rail carrier that transfers containerized solid waste to or from rail cars shall provide the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** with the following information prior to commencing solid waste transportation operations within the State of New Jersey: a description of the geographical location of the rail carrier's facility, identifying the name of the municipality in which the facility is located and the address of the facility. This information shall be sent to:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Permitting

Mail Code 401-02C

P.O. Box 420

401 East State Street

Trenton, New Jersey 08625-0420



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(c) A rail carrier that engages in the transportation of solid waste at a facility owned by such rail carrier within the State of New Jersey exclusively in the form of sealed containers of solid waste, and that does not engage in any form of solid waste tipping (such as onto the floor of a building or other structure), processing, sorting or compaction, or the removal of solid waste from a container to transfer to another container or vehicle, shall comply with the following requirements:

1. The rail carrier shall provide the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** with the following information, in addition to the information required by (b) above, prior to commencing solid waste transportation operations: a narrative from an officer of the rail carrier describing the facility operations and certifying that containers will not be opened and that employees, the public or the environment will not be exposed to solid waste except as allowed in accordance with this section. This information shall be sent to the same address as in (b) above.

2. The rail carrier shall operate in accordance with the following standards:

- i. - viii. (No change.)

- ix. Only solid waste vehicles properly registered, pursuant to N.J.A.C. 7:26-3, with the Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, unless exempt from the registration requirement pursuant to N.J.A.C. 7:26-3.3, and displaying the appropriate registration number and solid waste decal shall be admitted at the facility;

- x. - xiv. (No change.)

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### SUBCHAPTER 3. TRANSPORTATION

#### 7:26-3.2 Registration

(a) No person shall engage or continue to engage in the transportation of solid waste in this State without first obtaining an approved registration statement from the Department. The registration period shall be biennial, unless otherwise established by the Department, and shall run from July 1 through June 30 of each odd numbered year. Annual registration shall continue through the registration period of calendar year 2002. Therefore, in accordance with this subsection, the odd numbered year for biennial registration shall begin the year 2003. For solid waste collection and disposal vehicles operated by a public entity, the registration period shall be five years commencing July 1, 2001. An approved registration statement shall expire at the end of the registration period unless renewed pursuant to (d) below.

1. - 5. (No change.)

6. In addition to obtaining an approved registration statement from the Department, the person engaged in or desiring to engage in the transportation of solid waste shall comply with all of the rules and regulations of the New Jersey [Division of Motor Vehicles] **Motor Vehicle Commission**. No person shall engage or continue to engage in the transportation of solid waste in this State without first obtaining an approved registration statement from the Department. The leasing of solid waste vehicle operators and/or equipment to a permittee, licensee, or exempt

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transporter, pursuant to this subchapter, shall not be deemed engaging or contracting to engage in said solid waste activities.

(b) - (m) (No change.)

#### 7:26-3.5 Transporter requirements (specific)

(a) - (f) (No change.)

(g) Each transporter, who hauls solid waste directly to out-of-State facilities from districts which have not designated an in-county weighing facility pursuant to N.J.A.C. 7:26-6, shall submit monthly summaries of wastes transported directly out-of-State to the Division of [Solid and Hazardous Waste] **Sustainable Waste Management**, Bureau of [Recycling and Planning] **Solid Waste Planning and Licensing** and the Solid Waste Coordinator for the district of origin on forms provided by the Department (or duplication of same), no later than 20 days after the last day of each month. The summary shall include, but not be limited to, the following information:

1. - 3. (No change.)

(h) - (i) (No change.)

#### 7:26-3.6 Intermodal container facility

(a) - (b) (No change.)

(c) The application described in (b) above shall be submitted in triplicate, along with the application fee set forth in N.J.A.C. 7:26-4.7, to:

New Jersey Department of Environmental Protection

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Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Permitting

Mail Code 401-02C

P.O. Box 420

401 East State Street

Trenton, New Jersey 08625-0420

(d) - (g) (No change.)

(h) An intermodal container facility operator shall maintain the following records at the facility site at all times and shall file reports as follows:

1. (No change.)

2. The daily records shall be compiled into standard quarterly reports, which shall be submitted to the following address within 20 days of the end of each calendar quarter:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

**Bureau of Solid Waste Planning and Licensing**

Mail Code 401-02C

P.O. Box 420

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401 East State Street

Trenton, New Jersey 08625-0420

3. - 4. (No change.)

(i) - (o) (No change.)

#### SUBCHAPTER 3A. REGULATED MEDICAL WASTE

##### 7:26-3A.6 Definition of regulated medical waste

(a) (No change.)

(b) The following are excluded from the definition of regulated medical waste:

1. - 5. (No change.)

6. Biological materials, including, but not limited to, those blood or blood products and pathological waste listed at (a)2 and 3 above, intended for use, reuse, or recycling as raw materials or products, except materials classified as Class-6 Isolation Wastes, pursuant to (a)6 above if the following conditions are met:

i. - ii. (No change.)

iii. The generator of the materials reports the type, destination, and method of use, reuse, or recycling of the materials to the Bureau of Recycling and Hazardous Waste [Permitting] **Management** in the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** at the address given at N.J.A.C. 7:26-3A.8(f)4

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and the district solid waste coordinator of the district where the material originated at least once per year, or on request of the Department or any other agency;

7. Nonbiological materials intended for use, reuse, or recycling, except materials classified as Class-6, Isolation Waste pursuant to (a)6 above, if the following conditions are met:

i. - ii. (No change.)

iii. The generator of the materials reports the type, quantity, destination, and method of use, reuse, or recycling of the materials to the Bureau of Recycling and Hazardous Waste Management in the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** at the address given at N.J.A.C. 7:26-3A.8(f)4 and the district solid waste coordinator of the district where the material originated at least once per year, or on request of the Department or any other agency; and

8. (No change.)

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

7:26-3A.8 Registration and fees for regulated medical waste generators, and owners and operators of transporters, collection facilities, transfer stations, intermediate handlers and destination facilities

(a) - (e) (No change.)

(f) Each generator, transporter, intermediate handler, collection facility, transfer station, and destination facility shall register with the Department on regulated medical waste registration

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forms prescribed by and available from the Department at the address listed below and shall state such information as necessary and proper to the enforcement of this subchapter, as the Department may require. No pro rata adjustment or refund for prior registration year payment of fees shall be made by the Department. Fees shall be payable to the Department 30 days after the beginning of each respective registration year in accordance with the following schedule:

1. - 3. (No change.)

4. The Department's address for regulated medical waste is:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

**Bureau of Recycling and Hazardous Waste Management**

Mail Code 401-02C

P.O. Box 420

401 East State Street

Trenton, New Jersey 08625-0420

(g) - (o) (No change.)

7:26-3A.21 Generator recordkeeping

(a) - (f) (No change.)

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(g) Generators required to file Annual Generator Reports pursuant to (d) above shall have the option to file the required data electronically via the Division of [Solid and Hazardous Waste's] **Sustainable Waste Management's** Internet web site at <http://www.state.nj.us/dep/online>.

(h) (No change.)

7:26-3A.39 Collection facilities for medical wastes

(a) - (d) (No change.)

(e) The application described in (d) above shall be submitted in triplicate, along with the application fee set forth in N.J.A.C. 7:26-3A.8, to:

New Jersey Department of Environmental Protection  
Division of [Solid and Hazardous Waste] **Sustainable Waste Management**  
Bureau of Recycling and Hazardous Waste Management  
Mail Code 401-02C  
P.O. Box 420  
401 East State Street  
Trenton, New Jersey 08625-0420

(f) - (j) (No change.)



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(k) A collection facility operator shall maintain the following records at the facility at all times and shall file reports as follows. The operator shall retain records and reports for three years.

1. A commercial collection facility shall maintain daily records that shall note the source, destination and quantity, by vehicle, of all regulated medical waste received, transferred, and shipped to and from the facility. The records shall specify the source for every shipment of regulated medical waste received and the destination of every shipment of regulated medical waste out of the facility. Quantities of regulated medical waste shall be listed in tons or gallons as appropriate.

i. The daily records shall be compiled into quarterly reports in accordance with N.J.A.C. 7:26-2.13 and shall be submitted to the following address within 20 days of the end of each calendar quarter:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Recycling and Hazardous Waste Management

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2. - 4. (No change.)

(l) - (r) (No change.)

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#### SUBCHAPTER 4. FEES FOR SOLID WASTE

##### 7:26-4.2 Payment of fees

(a) Fees for activities related to solid waste transporters and facilities shall be paid in U.S. dollars by certified check, government purchase order or check, or money order, payable to "Treasurer, State of New Jersey", and mailed or hand delivered to the following address unless the Department authorizes some other means of payment:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Planning and Licensing

Mail Code 401-02C

P.O. Box 420

401 East State Street

Trenton, NJ 08625-0420

(b) - (c) (No change.)

#### SUBCHAPTER 6. SOLID WASTE PLANNING REGULATIONS

##### 7:26-6.3 Types of wastes covered

(a) This subchapter applies to all solid waste, as defined in N.J.A.C. 7:26-2.13, with the exception of the following:

1. - 4. (No change.)

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5. Dry industrial waste, ID type 27, but only if such waste is residue from the operations of a scrap metal shredding facility, provided that the operator of the scrap metal shredding facility satisfies the requirements of (a)5i through iv below:

i. (No change.)

ii. The owner/operator of the scrap metal processing facility shall obtain the Department's approval of a sampling and analytical plan which insures monitoring of the characteristics of the residue from the operations of the facility, as set forth in N.J.A.C. 7:26G-5 and the most recent edition of the USEPA publication SW-846 "Test Methods for Evaluating Solid Waste-Physical/Chemical Methods," incorporated herein by reference. The operator shall perform sampling and analysis quarterly, including without limitation the Toxicity Characteristic Leaching Procedure (TCLP) parameter as set forth in N.J.A.C. 7:26G-5. The operator shall submit the analysis performed in accordance with the approved sampling to the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** for classification on January 15, April 15, July 15 and October 15, provided however that if the Department approves less frequent sampling and analysis, the owner/operator shall submit the analysis on the dates specified in the Department's approval of that sampling. Upon a request by the facility and as approved by the Department, the sampling frequency of the approved sampling and analytical plan may be reduced. The owner/operator of the facility shall

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submit a revised sampling and analytical plan which documents how the accuracy and precision criteria as required in SW-846 will be maintained with a reduced schedule;

iii. On February 15 and August 1 of every year, the owner/operator of the scrap metal shredding facility shall submit to the Department and to the solid waste district in which the facility is located, a report on forms provided by the Department consistent with the Department's Annual Recycling Tonnage Reporting Manual including the following information:

(1) - (3) (No change.)

(4) The report shall be submitted to the following address:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste  
Management**

Bureau of Solid Waste Planning and Licensing

Mail Code 401-02C

P.O. Box 420

401 East State Street Trenton, NJ 08625-0420; and

ix. (No change.)

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6. - 7. (No change.)

8. Non-residentially generated chemically treated wood, such as wood treated with creosote, pentachlorophenol (PCP) or chromated copper arsenate (CCA), or scrap tires that are destined for incineration and/or energy recovery provided that the following conditions are met:

i. - iv. (No change.)

v. Applications for approval and annual tonnage reports shall be submitted

to:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Planning and Licensing

Mail Code 401-02C

P.O. Box 420

401 East State Street Trenton, N.J. 08625-0420

7:26-6.10 Modifications to district solid waste management plans; plan amendments

(a) - (d) (No change.)

(e) The plan amendment in (d) above shall be submitted to:

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New Jersey Department of Environmental Protection

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(f) - (h) (No change.)

## SUBCHAPTER 14A. RESOURCE RECOVERY AND SOLID WASTE DISPOSAL FACILITY LOANS

### 7:26-14A.4 Definitions

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

...

"Division" means the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** in the Department.

### 7:26-14A.6 Application procedures

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(a) - (d) (No change.)

(e) All questionnaires shall be submitted to:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Planning and Licensing

Mail Code 401-02C

P.O. Box 420

401 East State Street

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7:26-14A.13 Fraud and other unlawful or corrupt practices

(a) (No change.)

(b) The borrower shall pursue available judicial and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of such illegality or corrupt practices. The borrower shall immediately notify in writing the Division of [Solid and Hazardous Waste] **Sustainable Waste Management** when such allegation or evidence comes to its attention, and shall periodically advise the Division of the status and ultimate disposition of any related matter.

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## SUBCHAPTER 15. RECYCLING GRANTS AND LOANS PROGRAM

### 7:26-15.5 Application and award procedure for Recycling Tonnage Grants

(a) (No change.)

(b) Application for Recycling Tonnage Grants shall be accepted by the Department between January 1 and April 30 of each grant year. Applications shall be made on forms provided by the Department, or electronic means as approved by the Department and shall be submitted to:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Planning and Licensing

Mail Code 401-02C

P.O. Box 420

401 East State Street

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(c) - (g) (No change.)

### 7:26-15.6 Application and award procedures for Recycling Business Loans

(a) - (b) (No change.)

(c) Applications may be made at such times as announced and on such forms as provided by the Department and shall be submitted in triplicate to:



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New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Planning and Licensing

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(d) - (k) (No change.)

7:26-15.7 Application and award procedures for Planning and Programs Grants and Education Grants

(a) (No change.)

(b) Applications for Planning and Program Grants and Education Grants shall be made at such time as announced on such forms provided and in accordance with any guidelines issued by the Department. Applications shall be submitted to:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Bureau of Solid Waste Planning and Licensing

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1. - 2. (No change.)

(c) - (g) (No change.)

## SUBCHAPTER 17. CONFIDENTIALITY DETERMINATIONS

7:26-17.5 Correspondence, inquiries, and notices

(a) (No change.)

(b) A claimant shall direct all correspondence, inquiries, notices, and submissions concerning confidentiality claims under this chapter to the Department at the following address:

New Jersey Department of Environmental Protection

Division of [Solid and Hazardous Waste] **Sustainable Waste Management**

Mail Code 401-02C

P.O. Box 420

401 East State Street

Trenton, New Jersey 08625-0420