

SOLID WASTE REGULATIONS
N.J.A.C. 7:26
Subchapter 4. Fees for Solid Waste

7:26-4.1 General provisions

(a) The fee schedule set forth in this subchapter shall apply to all sanitary landfill operations, thermal destruction facilities, transfer stations, processing facilities, resource recovery facilities, municipal solid waste composting, co-composting or any other methods of transportation or disposal of solid waste, excluding hazardous waste, requiring licensing and registration with the Department.

(b) Persons transporting only their own household refuse in vehicles bearing passenger license plates or persons transporting their own solid waste in vehicles registered with a motor vehicles agency as having a maximum gross weight of 9,000 pounds for a single vehicle or 16,000 pounds combined maximum gross vehicle weight for a vehicle pulling a trailer, and claiming said exemption under N.J.A.C. 7:26-3.3, need not pay any solid waste fee to the Department. Any person transporting solid waste who does not meet the criteria for exemption under this subsection shall be subject to the fee requirements applicable to transporters of solid waste set forth at N.J.A.C. 7:26-4.4.

(c) Any fee under this subchapter that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

7:26-4.2 Payment of fees

(a) Fees for activities related to solid waste transporters and facilities shall be paid by certified check or money order and made payable to "Treasurer, State of New Jersey" at the following address:

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
PO Box 414
Trenton, NJ 08625-0414

(b) Engineering design fees and transporter registrations may be paid in person at the address set forth in (a) above.

7:26-4.3 Fee schedule for solid waste facilities

(a) The fee schedule for solid waste annual facility registration is as follows:

1. Each solid waste facility permittee shall pay an annual facility registration update fee of \$6,006. The annual facility registration update fee is due at the time the annual registration update is submitted, but in no event later than May 1 of each calendar year.

(b) Each solid waste facility permittee shall pay the applicable annual fee listed in the following table for compliance monitoring services. The fees are payable in equal quarterly installments, due on January 1, April 1, July 1 and October 1 of each year.

Type of Facility	Compliance Monitoring Fees
Sanitary Landfill—operating at 31,200 tons	\$8,286

per year (tpy) or more	
Sanitary Landfill—operating at less than 31,200 tpy	\$5,418
Transfer Stations and Materials Recovery Facilities—operating at 31,200 tpy or more	\$8,286
Transfer Stations and Materials Recovery Facilities—operating at less than 31,200 tpy	\$5,418
Thermal Destruction Facilities—operating at 9.6 tons per day or more	\$8,286
Thermal Destruction Facilities—operating at less than 9.6 tons per day	\$1,806
Solid Waste Composting and Co-Composting Facilities	\$8,286
Closed Landfills	\$451.00
Landfill Disruption	\$451.00
Research Demonstration & Development/ Certificate of Authority to Operate	\$8,826

(c) The following tables set forth the classifications of solid waste facilities:

1. Thermal destruction facilities:

Class A: small scale thermal destruction facility (as such term is defined at N.J.A.C. 7:26-1.4)

Class B: design capacity greater than 9.6 tons per day

2. Sanitary landfills:

Class A: Class I sanitary landfill (as such term is defined at N.J.A.C. 7:26-1.4)

Class B: Class II sanitary landfill (as such term is defined at N.J.A.C. 7:26-1.4)

Class C: Class III sanitary landfill (as such term is defined at N.J.A.C. 7:26-1.4)

3. Sanitary landfill closure plan submissions:

Closure Plan

Class A: less than 10 acres

Class B: 10 to 30 acres

Class C: more than 30 acres

(d) The following table sets forth fees (in dollars) for services for the classes of solid wastes facilities set forth in (c) above, specified by activity. The Department may, in its discretion, refrain from commencing work or suspend work at any time until the applicant or permittee has paid the designated fee.

1. Thermal Destruction Facilities

	Class	
	A	B
i. Initial permit	\$83,286	\$271,452
ii. Permit renewal	\$49,355	\$140,661
iii. Major modification to permit	\$22,210	\$74,032
iv. Minor modification to permit	\$12,339	\$18,508
v. Transfer of ownership of permit	\$12,956	\$22,827

vi. Minor technical review	\$3,085	\$6,169
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2. Sanitary Landfill Facilities

	Class		
	A	B	C
i. Initial permit	\$157,131	\$111,737	\$78,566
ii. Permit renewal	\$101,262	\$69,836	\$40,156
iii. Major modification to permit	\$41,902	\$26,538	\$17,808
iv. Minor modification to permit	\$15,713	\$10,475	\$6,984
v. Transfer of ownership of permit	\$17,459	\$12,338	\$10,825
vi. Minor technical review	\$2,095	\$1,397	\$698.00
vii. Landfill disruptions	\$3,485	\$3,485	\$3,485

3. Transfer Stations and Materials Recovery Facilities

i. Initial permit	\$138,680
ii. Permit renewal with modification(s)	\$109,047
iii. Permit renewal without modification(s)	\$31,141
iv. Major modification to permit	\$77,906
v. Minor modification to permit	\$11,206
vi. Transfer of ownership of permit or permit without modification	\$31,141
vii. Minor technical review	\$2,586

4. Closure Plan

	Class		
	A	B	C
i. Initial closure plan approval	\$13,243	\$19,864	\$27,299
ii. Closure plan renewals	\$5,808	\$8,712	\$11,617
iii. Major modification to approval	\$3,485	\$5,227	\$6,970
iv. Minor modification to approval	\$1,162	\$2,323	\$3,485
v. Transfer of ownership of approval	\$2,323	\$3,485	\$5,227
vi. Minor technical review	\$697.00	\$1,394	\$2,091

5. Annual Topographic Map Submissions

i. Engineering design report review \$3,525

(e) For submissions concerning methane venting systems, on-site disposal, cover material, RD&D reviews, hearing officer's report, construction facility inspection, contaminated soil reviews, or the solid waste facility performance partnership agreement, the applicant/permittee shall request an initial review of the submission. As part of its initial review, the Department shall determine the fees for performing its services in connection with the submission. Such fees shall be equal to the number of hours estimated by the Department to be required for the performance of such services, multiplied by an hourly rate of \$106.00.

(f) The omission of any type of service from the fee schedules set forth in (a), (b), (d) and (e) above shall not be construed as a waiver of the Department's authority to assess fees for such services. An applicant/permittee making a submission which it believes is not included in any of the schedules set forth in (a), (b), (d) and (e) above shall request an initial review of the submission. As part of its initial review, the Department shall determine the fees for performing its services in connection with the submission. The solid waste facility performance partnership agreement will be assessed a fee based on the hour for hour negotiation of the document with the permittee. This assessment will allow for the flexibility required by the Department and the permittee in establishing its permit pursuant N.J.A.C. 7:26-2.14. Such fees shall be equal to the number of hours estimated by the Department to be required for the performance of such services, multiplied by an hourly rate of \$106.00. The Department will calculate the fee for performance of the Department's services as follows:

1. If the Department determines, in its discretion, that the activity is of a type listed in (a), (b), (d) or (e) above, the amount of the fee shall be equal to the amount listed in (a), (b), (d), or (e).

2. If the Department determines, in its discretion, that such activity is not of a type listed in (a), (b), (d) or (e) above, the fee shall be equal to the Department's estimate of the number of person-hours required to perform such activity, multiplied by the hourly rate of \$106.00.

(g) A determination of a fee made pursuant to (e) or (f) above shall expire on the date which is 90 days after the date such determination has been issued, unless the applicant or permittee has paid such fee to the Department in full before expiration. If the applicant or permittee desires to continue to pursue the submission for which the fee determination has expired, such applicant or permittee shall request a redetermination of the fee in writing, and the Department shall redetermine the fee in accordance with (e) or (f) above, as applicable.

(h) The Department may, in its discretion, refrain from commencing work on the activity which is the subject of a fee determined pursuant to (e) or (f) above until the Department has received full payment of the fee. If the Department has already commenced work, the Department may, in its discretion, suspend such work until it has received full payment of the fee.

(i) The following table sets forth fees (in dollars) for services in reviewing beneficial use applications and issuing certificates of authority to operate (CAO) a beneficial use project pursuant to N.J.A.C. 7:26-1.7(g). The Department may, in its discretion, refrain from commencing work or suspend work at any time until the applicant has paid the designated fee.

1. Beneficial Use Review

i. In-State (no sampling results)	\$534.00
ii. In-State (sampling results)	\$962.00
iii. Out-of-State (no sampling results)	\$321.00
iv. Out-of-State (sampling results)	\$962.00

2. For additional activities such as pre-application meetings and site visits or any other activity which the Department determines, in its discretion, is required to fully evaluate the applicant's submission, the Department shall determine the fee for performing the additional services. Such fees shall be equal to the number of hours estimated by the Department to be required for the performance of such services, multiplied by an hourly rate of \$106.00.

7:26-4.4 Fee schedule for transporters

(a) For solid waste transporters, excluding those solely transporting hazardous waste, an biennial registration and inspection fee shall be paid. Annual registration shall continue through the registration period of calendar year 2002. In accordance with (b) below, the odd numbered year for biennial registration shall begin calendar year 2003. The five year registration period for public entities shall begin calendar year 2001. The registration of a solid waste transporter is non-transferable and fees are non-refundable.

(b) The registration period shall be biennial, except that it will be five years for public entities, unless otherwise established by the Department, and shall extend from July 1 through June 1 of each odd numbered year, except that it will extend from July 1 through June 1 of every fifth year after 2001 for public entities. Fees shall be payable prior to May 1 of each registration period..

(c) All transporters shall pay a biennial fee of \$40.00 (\$20.00 for calendar year 2002) for each solid waste cab.

(d) All transporters shall pay a biennial fee of \$60.00 (\$30.00 for calendar year 2002) for each solid waste trailer.

(e) All transporters shall pay a biennial fee of \$60.00 (\$30.00 for calendar year 2002) except that public entities shall pay a registration period fee of \$22.00 (fee set as of March 1999) for each solid waste container.

(f) All transporters shall pay a biennial fee of \$100.00 (\$50.00 for calendar year 2002) for each solid waste single vehicle.

(g) All transporters shall pay a biennial fee of \$60.00 (\$30.00 for calendar year 2002) for the registration of container meeting the requirements at N.J.A.C. 7:26-3.5(f).

(h) The registration of a solid waste vehicle is non-transferable.

(i) Fees will be prorated as follows:

1. Solid waste vehicles registered after May 1 of the second year of the registration period shall be assessed half the fee listed above for said solid waste vehicle.

2. Public entities registering after May 1 of the second year shall be prorated year for year except that containers shall not be prorated.

(j) All transporters shall pay a fee of \$10.00 for the replacement of a lost, stolen, or plate changes of registration card.

7:26-4.5 County enforcement activity fees for solid waste control program

(a) General provisions are as follows:

1. Scope: Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department of Environmental Protection concerning fees to be charged for enforcement activities undertaken by county health departments pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H.

2. Construction: This section shall be liberally construed to permit the Department and its component divisions to effectuate the purposes of the above referenced laws.

3. Purpose: This section is promulgated for the following purposes:

i. To aid counties in the development and implementation of a solid waste control program; and

ii. To provide a basis for the Department to review county department fees for enforcement activities related to their solid waste control program based upon the objectives in N.J.S.A. 13:1E et seq. and N.J.A.C. 7:26-1.

4. Definitions: The following words and terms, when used in this section, shall have the following meanings. Where words and terms are used which are not defined herein, the definitions of those words and terms will be the same as the definitions at

"County department" means a county department of health established pursuant to P.L. 1975, c.329 (N.J.S.A. 26:3A2-1 et seq.) as amended and supplemented, with the purpose of providing environmental health programs throughout the county and other local health programs in any municipality which contracts therefor with the county board (N.J.S.A. 26:3A2-21 et seq.)

"Owner or operator" means and includes, in addition to the usual meanings thereof, every owner of record of any interest in land whereon a sanitary landfill facility is located, and any person or corporation which owns a majority interest in any other corporation which owns a majority interest in any sanitary landfill facility.

"Program" means a solid waste control program prepared by the county department pursuant to this section and the procedures and standards authorized by the County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H, and which has been submitted to the Department for review.

(b) Enforcement activity fee schedule established: In accordance with N.J.S.A. 13:1E-9, there is hereby established a fee schedule which shall apply to all sanitary landfill facilities required to be registered with the Department and subject to a county department program.

1. Duties and powers of the county department are as follows:

i. Any county department may charge and collect from the owner or operator of any sanitary landfill fees established by ordinance or resolution adopted by the county governing body. Such fees shall be established in accordance with this section for the purpose of enforcing the rules and regulations adopted by the Department related to solid waste collection and disposal, and in conformance with all applicable County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C.

7:1H, adopted pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.

ii. Within six months of the effective date of this section and by September 1 of each succeeding year as part of its annual work program, pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq., a county department shall submit to the Department a Solid Waste Control Program (Program). The Program shall be submitted to each municipality located in the county for review and comment prior to its submittal to the Department and shall contain monitoring and enforcement activities at least equivalent to those set forth in N.J.A.C. 7:1H-3.4(a) through (u) and shall also include the following:

- (1) Identification and number of operating facilities to be inspected;
- (2) Projection of the number of inspections to be conducted by facility name (minimum twice per month);
- (3) Purpose of inspections;
- (4) A description of the procedures for:
 - (A) Determining inspection frequency;
 - (B) Accounting for activities performed;
 - (C) Actions to be taken after inspections have been performed; and
 - (D) Taking legal action.
- (5) In each succeeding year, a report on the previous year's activities, including a detailed financial statement of the previous year's expenditures, actual amount of fees collected and any surplus which can be credited to the next year's costs.

iii. The Program shall include certain county budgetary costs as follows, provided they are both reasonable and necessary. The Department may consider additional costs based upon particular local needs and abilities provided the Department is satisfied that those additional costs are both reasonable and necessary.

- (1) Personnel: Identify type, number, and salary required, including benefits therefor;
- (2) Local training: In addition to county department training costs, personnel performing solid waste inspections shall also be trained by the Department through the arrangement of joint inspections with departmental inspectors experienced in facility inspections. It shall be the responsibility of the county department to arrange such joint training inspections;
- (3) Protective equipment;
- (4) Vehicles and maintenance;
- (5) Test equipment;
- (6) Laboratory analysis;
- (7) Office equipment and supplies;
- (8) Secretarial, office and general administrative support; and
- (9) Costs based on (b)1ii(1) through (5) above.

2. Fees for the Program are as follows:

i. After review by the Department of its Program, and pursuant to a resolution or ordinance adopted by the county governing body, any county department may charge and collect fees from the owner or operator of any sanitary landfill facility within its jurisdiction, as follows:

(1) At the maximum rate of \$0.01 per cubic yard of solid waste accepted for disposal at a facility;

(2) In the event that any solid waste is measured, upon acceptance for disposal, by other than cubic yards, the fee shall be assessed on the equivalents utilized pursuant to the Sanitary Landfill Closure and Contingency Fund Act, P.L. 1981, c.306, and the Recycling Act, P.L. 1981, c.278;

(3) Fees shall be assessed and collected by a county department each month in the manner provided for in (b)2 of this section;

(4) Except as otherwise provided for herein, the owner or operator of every sanitary landfill facility subject to a county department program shall submit to the appropriate county department, on or before the 20th of each month, a fee equal to \$0.01 per cubic yard of solid waste accepted for disposal during the preceding month, together with a completed copy of Department form No. SFA-001 which is submitted for that month to the Department in accordance with the escrow account reporting requirements pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act, P.L. 1981, c.306.

ii. Subject to the approval of the Department, a higher fee may be assessed in the event that the county department documents the need for a greater amount in a succeeding year's program.

3. Utilization of fees: Fees provided for in this section shall be utilized exclusively to fund county solid waste monitoring and enforcement activities as identified in the Program.

7:26-4.6 (Repealed)

7:26-4.7 Fee schedule for intermodal container facilities

(a) Each person authorized by the Department pursuant to N.J.A.C. 7:26-3.6 to operate an intermodal container facility shall:

1.b Pay an application fee of \$11,206. Such fee shall be submitted with the application required pursuant to N.J.A.C. 7:26-3.6(b);

2. Pay an annual fee of \$216.00 on January 1 of each year for the costs of reviewing and maintaining the quarterly reports submitted pursuant to N.J.A.C. 7:26-3.6(e);

3. Pay the compliance monitoring fee set forth at N.J.A.C. 7:26-4.3(b);

4. Pay the costs of any other inspections or activities conducted by the Department as related to the authorization, inspection, and revocation of authorization to operate an intermodal container facility. Such costs shall be in accordance with the fee schedule set forth at N.J.A.C. 7:26-4.3; and

5. Pay a fee of \$2,586.00 for an authorization modification issued pursuant to N.J.A.C. 7:26-3.6.(m), which shall be paid on issuance of the authorization modification.

7:26-4.8 Confidentiality claims

Any person submitting information to the Department and asserting a confidentiality claim in accordance with the procedures set forth in N.J.A.C. 7:26-17 or 7:26-16.4 shall pay a fee of \$350.