NJDEP Compliance Assistance Workshop

PRESENTERS FROM:

A-901 UNIT, UTILITIES UNIT, VEHICLE REGISTRATION UNIT, TRANSPORTATION OVERSIGHT UNIT
Objectives for this workshop:

• To understand the requirements and responsibilities as a licensed entity in the New Jersey Solid and Hazardous Waste Industry

• To understand associated regulations

• To become aware of future filing obligations

• To receive assistance in maintaining compliance as a licensee
A-901 Basics

**A-901 License:**
Under New Jersey Statute, businesses commercially engaged in the waste industry are required to be licensed with NJDEP.

- This includes solid, medical, hazardous waste transporters, solid and hazardous waste brokers and solid/hazardous waste facilities

The A-901 Unit is the licensing agency, and in conjunction with the Attorney General’s Office and State Police, reviews the disclosure statements to ensure the company, and all key individuals are fit to engage in the waste industry.
YOU MUST REVIEW ALL OF YOUR CONDITIONS
Acknowledgement and Agreement

- All licenses include an “Acknowledgement and Agreement” page, which is signed by key employees of the company.

- This represents your agreement to the conditions of your license.
All A-901 Licenses are Conditional:

Standard conditions include:

- Label equipment/bill/operate under the name registered with the Secretary of State.
- Disclose all key employees (someone who makes discretionary decisions in the day-to-day waste operations of your business).
- Prohibition of selling your company if you have zero customers or equipment without prior Department approval.
- There are lessor disclosure requirements if you lease at least 10 pieces of equipment and drivers from the same lessor or 20% of your fleet, if you have 10 or more pieces of equipment.
- Licensee must comply with FMCSA and USDOT requirements.
- Attend a compliance assistance workshop within 90 days of licensure.
Added conditions can result from:

1. Lack of experience in the solid/hazardous waste industry.
   - Obtain a waste consultant or attorney and have the attorney or consultant **submit a letter of experience** to Roxanne Feasel prior to completing the CPCN application.

2. Failure to disclose information.
   - “Failure to provide full and honest answers to all questions in the annual updates and any requests for information or failure to cooperate with the requests for information from the Department or the Attorney General shall **constitute grounds for immediate revocation** of this A-901 license.”

3. Prohibition of an individual from any involvement in your business.
Filing Requirements:

- **Letter of experience**: please review your conditions to verify whether or not you have this requirement.

- **Broker certification page**: if you’re a broker, it is included in your license.

- **Fulfill any listed conditions included in your license**.

- **Certificate of Public Convenience and Necessity**

- **A-901 Annual Update**: Due November 1st. *failure to file will result in a hold on your decals, issuance of associated penalties from Enforcement, and revocation of your license*

- **Change in Address**: must be submitted to the DEP no later than 30 days after change.

- **Key Employees**: must be submitted to the Attorney General’s Office no later than 30 days after hire.

- **Request for Additional Approval**: submit a written request to Roxanne Feasel.

- **Surrender**: if you choose to close your business, you must provide a notice of surrender.

- **Requests for Information (RFI’s)**: Applicant/licensee has 30 days to respond to a request for information from either the DEP or the Attorney General’s Office.
Annual A-901 Update

- Due every **November 1st**

- In late September, the Annual A-901 Update is emailed to your company by the Attorney General’s Office, but can also be found and printed from online

- If not completed by the due date:
  - Notice of Suspension
  - Hold placed on decals
  - January – enforcement action with a $4,500 penalty assessed
  - Possible revocation of your A-901 license
## Adding Key Employees

### A-901 Annual Update

### Lessor Disclosure Forms
Notice of Surrender

Should you choose to no longer operate, please submit a notice of surrender to the Department and file as instructed.
Certificate of Public Convenience and Necessity

• Authorizes companies to engage in solid waste industry

• Needed by solid (and medical) waste collectors, transporters, brokers, facilities

• CPCN holders are considered public utilities

  • Public utilities provide necessities, such as electricity, natural gas, telephone communications, and waste collection services in NJ

• Never expires as long as company remains in good standing
Who Doesn’t Need a CPCN?

• Hazardous waste collectors/transporters/brokers

• Rail carriers that engage in the transportation of solid waste by rail only

• Companies that exclusively collect/transport/dispose of septic waste, cooking oil, or sewage sludge

• Companies that transport liquids exclusively

• A-901 Exempt companies
  • Self-generators: companies that generate their own waste
Basic Overview of CPCN Application

• Application is a minimum of 9 pages and must include Tariff
• Asks for specific information about the company
• List prior experience/education related to collection/disposal of solid waste
• Provide a detailed business plan:
  • Type of solid waste services being provided
  • Waste types being collected
  • Type of customers
  • Collection times
  • Equipment/vehicles that will be used
• If application is completed correctly, processing time is approximately 2-4 weeks
• **Application fee: $25.00 plus 1/10 of 1% of estimated gross operating revenue**

The application can be found at [http://www.state.nj.us/dep/dshw/swpl/index.html](http://www.state.nj.us/dep/dshw/swpl/index.html)
Solid Waste Tariff

• Provide territories (counties) where company will provide service
• Days and hours of operation
• Holidays in which no services will be provided
• Billing and payment information
• Schedule of rates for the type of solid waste services proposed

• Miscellaneous Services Page: complete if your proposed service isn’t included in the solid waste collection tariff
  • Ex: Clean-out services, junk removal, etc.

• Only complete pages of the tariff that apply to the types of services you will provide
• *Brokers and medical waste collectors/transporters/facilities are exempt from completing tariff*
What’s Included in the Approved/Issued CPCN?

**Certificate** – should be displayed in company’s business location

**Order** – written notice from the DEP which states the CPCN approval to the extent consistent with the application and supporting documents

**Solid Waste Number** – identification number for the company (“SW” followed by 4 numbers)
CPCN Requirements for Applicants in NJ

- Application must be completed and notarized (unless completed by an attorney)
- Provide a copy of your A-901 approval
- Describe your experience in the waste industry
- Submit a copy of Certificate of Incorporation (if Inc.)
- Submit a copy of Certificate of Formation (if LLC)
- Provide a copy of your NJ Business Registration Certificate
- If you’re using an alternate name to do business in NJ, provide a copy of your “Registration of Alternate Name” (expires every 5 years)
- For a Sole Proprietorship or General Partnership using a business name, provide a copy of “Registration of Trade Name” as registered with the County Clerk’s Office in the county where the business is located
- Submit a completed Tariff (not required for Solid Waste Brokers)
CPCN Requirements for Applicants in NJ (continued)

- Provide a Statement of Financial Condition to prove financial responsibility (balance sheet, income statement, proforma statement)
- Copy of “Commercial Vehicle Liability Insurance Policy,” and a copy of General Business Liability Insurance (including Policy Declaration Pages with terms and conditions)
- Broker’s copy of company’s standard business contract, proposal, service, or operating agreement
- Copy of Certificate of Authority allowing new businesses to collect NJ Sales & Use Tax
- Verification Statement, signed and notarized

For Solid Waste Brokers Only:

- Complete the entire CPCN
- Complete page 1 of Solid Waste Collection Tariff – submit a blank copy of the company’s standard Business Contract, Service Agreement, Business Proposal or Operating Agreement
- Provide all other information/documentation requested
CPCN Requirements for Applicants outside of NJ

- Original formation documents filed in the company’s home state
- A filed New Jersey “Certificate of Authority/Registration” issued by the New Jersey Department of Treasury, Division of Revenue
- A filed registration of the company’s Registered Agent in New Jersey
  - An official contact for the company; required for all solid waste utilities
  - Registered Agents for a company outside of New Jersey must have a physical address in New Jersey
  - New Jersey companies can use their own key employees as a Registered Agent
- Petition the DEP (in writing) to request to keep books and records out of state with the ability to be requested by the DEP
Tax Requirements

• All solid waste utilities must register for a “Certificate of Authority to Collect NJ Sales and Use Tax” through the Division of Taxation

• The Division of Taxation will review your state tax account as a part of your CPCN application process

• The Department will not issue your CPCN until Taxation issues a tax clearance statement to the Utilities Unit

• Tax questions: Call the Division of Revenue, Client Services Unit – (609) 292-9292
• Report for solid waste transported directly out of state

• For waste that does not touch any NJ facility

• Due 20 days after reporting month end
  • Ex: March 2019 report is due April 20th

• Only required if waste is sent OOS during a given month
Required Information

- Contact information
- Facility waste is transported to
- County of origin
- Municipality of origin
- Quantity and solid waste type
Downloading & Submitting

• Available on the DSHW webpage as fillable PDF
  • [https://www.nj.gov/dep/dshw/resource/forms.htm](https://www.nj.gov/dep/dshw/resource/forms.htm)
• Locate the report in the table as seen below
• Must be opened and filled out using Adobe Reader
• Submit the monthly reports as an email attachment to swtransporterreporting@dep.nj.gov
• Questions or problems with the report should be directed to that email
Annual Solid Waste Utility Reports

• All* CPCN holders (except medical) must file an annual report, pursuant to N.J.A.C 7:26H-1.19;

• **Filing of Annual Report**
  The Annual Report summarizes the ownership, financial condition, contractual agreements and operations for the preceding calendar year

• *Medical Waste Haulers are not required to file an Annual Report
Solid Waste Annual Utility Reports

• **Required Deadline**
  - Report will be emailed in April to the address provided and will be due June 1
  - A fillable PDF version of the annual report is available online
  - Submission required even if company had no activity

• **Annual Assessment**
  - An annual assessment will be calculated at the rate of \( \frac{1}{4} \) of 1% of reported Gross Operating Revenue
  - $500 minimum fee for facilities, $600 minimum fee for collectors/brokers
  - Invoice will be mailed from Treasury after the report is submitted to NJDEP. Please **do not send checks to NJDEP** with your annual report submission
Annual Utility Report Specifics (continued)

- **Gross Revenue**
  - Breakdown of waste collection by county
  - Reportable and Non-Reportable Waste

- **Disposal Information**
  - Address of Disposal Utility
  - Waste Type
  - County Origin of Waste
  - Total Tons Picked up in County
  - Total Tons Disposed at Facility
  - Total Amount of Disposal Fee
  - Recycling Tax (if applicable)
  - Gross Revenue associated with waste
Annual Utility Report Specifics

- **Vehicle Information**
  - Cabs, Containers, Single Unit Vehicles, Trailers

- **Tariff Update**
  - Rates, Service, and Territory

- **Brokers Used By Collector**
  - A-901 Licensed with CPCN

- **Collectors Used By Broker**
  - A-901 Licensed with CPCN

- **Customer Information**
  - Scheduled vs One-Time
  - Customer List
  - Customer Bill of Rights
Proper Billing and Customer Bill of Rights

Itemized Bill: (NJAC 7:26H-4.4 B3)

• Displays and lists separately the Service component and Disposal component
• Disposal component is the actual weight for roll-off services
• Cannot inflate disposal component

Customer Bill of Rights

• All regularly scheduled customers must receive customer bill of rights once annually
Economic Transactions—Collection and Disposal Utilities

- Solid Waste Utility Petitions
  - § 7:26H-3.1 Scope of transactions and requirements
    - Asset and Stock Sales
  - Petition Package
    - Detailed Description of Transaction
    - Evidence of Purchase Agreement
    - Customer Notice

- NJDEP Review and Approval
  - Taxation
  - Utility Fees up to date
  - Annual Utility Report
  - Fair and Effective Competition
The New Jersey Department of Environmental Protection (NJDEP) requires ALL solid, medical, and hazardous waste transporters to register with the Department prior to picking up or disposing of waste in New Jersey:

https://wastedecals.nj.gov
**Initial Application for A-901 Licensed Registered Solid Waste and/or Medical Waste Transporter**

**FOR NJDEP Use Only:**
- NJDEP Registration #:  
- NJEMS Program Interest #: 
- 

**Company Name:**  
**Alternate Name:**  
**Physical Address:**  
- City:  
- State:  
- Zip:  
**Mailing Address:**  
- City:  
- State:  
- Zip:  
**Contact Name/Last:**  
**Office Phone:**  
**Cell Phone:**  
**E-Mail Address:**  
**Organization Type (Circle One):**  
- Proprietor  
- Partnership  
- Corporation  
- LLC  
- Homeowner  
- Other:  
**Social Security Number:**  
**Federal Employer ID #:**  
**Incorporation Date:**  
**Does your company engage in interstate (out of State) transportation of solid waste?**  
- Yes  
- No  
**Policy #:**  
**Insurance Company Name:**  
**Waste To Be Transported (Circle ALL That Apply):**  
- 10 - Municipal (Household, Commercial & Institutional)  
- 12 - Dry Sewage Sludge  
- 13 - Bulky Waste  
- 13C Construction & Demolition  
- 23 - Vegetative Waste  
- 25 - Animal & Food Processing Wastes  
- 27 - Dry Industrial  
- 72 - Bulk Liquids & Semi Liquids  
- 73 - Septic Tank Clean Out Waste  
- 74 - Liquid Sewage Sludge  
- Regulated Medical Waste -- Generated by Others  
- Regulated Medical Waste -- Self-Generated  
- Radioactive Materials  
- CPMC Number (If applicable):  
- 
**EQUIPMENT (COMPANY OWNERSHIP):**  
- "Equity" means any ownership interest in a business. It includes sole proprietorship, partner's shares, and stock in corporations. The form of ownership interest should be indicated in your answers below and under the heading, Type of Equity, state whether shares are voting or non-voting. Attach additional sheets if needed.  
- Name:  
- Federal Employer ID #:  
- Type of Equity:  
- % of Total Equity:  

**CERTIFICATION:** I hereby certify that the foregoing statements are true and I am aware that any of the foregoing statements made by me are subject to punishment. 

**Printed Name:**  
**Signature:**  
**Title:**  
**Date Signed:**  

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**DO NOT SUBMIT PAYMENT AT THIS TIME**

You will be mailed a bill (Invoice) automatically from the Department of the Treasury's Revenue Office. Upon receipt of your invoice, you can go online at [https://www.nj.gov/dep/soring](https://www.nj.gov/dep/soring) and pay with a check, credit card or mail payment directly to REVENUE at the address listed on the invoice. NJDEP will then mail your decals.

**FEE CHART - AMOUNT YOU WILL BE BILLED:**

<table>
<thead>
<tr>
<th>VEHICLE TYPES</th>
<th>Letter</th>
<th>Date Issued</th>
<th>State</th>
<th>Medical Waste Transporters (Mail Waste) Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>SW Single Unit</td>
<td>S</td>
<td>5/1/2010-6/30/2021</td>
<td>$100</td>
<td>A-901 Licensed Medical Waste Transporter Fee $7,000 $3,950</td>
</tr>
<tr>
<td>SW Cab (not solid waste)</td>
<td>M</td>
<td>5/1/2010-6/30/2021</td>
<td>$40</td>
<td>A-901 Exempt Medical Waste Transporter Fee $1,300 $500</td>
</tr>
<tr>
<td>SW Trailer</td>
<td>T</td>
<td>5/1/2010-6/30/2021</td>
<td>$60</td>
<td>A-901 Exempt Medical Waste Transporter Fee $400 $200</td>
</tr>
<tr>
<td>SW Container</td>
<td>C</td>
<td>5/1/2010-6/30/2021</td>
<td>$60</td>
<td>A-901 Exempt Medical Waste Transporter Fee $400 $200</td>
</tr>
</tbody>
</table>

**EQUIPMENT:** Please list below each piece of equipment to be used for transporting waste. For all such equipment (except containers) you must include a copy of MOTOR VEHICLE REGISTRATION and PROOF OF INSURANCE. Passenger or Pass-Cab's vehicle registrations are not acceptable.

- **VIN:** Vehicle Identification Number as it appears on the motor vehicle registration
- **OVERNIGHT ADDRESS:** Where vehicle is parked overnight
- **STATE:** Which issued motor vehicle registration
- **LICENSE PLATE NO.:** Permanent License Plate Number
- **EQUIPMENT LEASED?** If yes, attach Lease Agreement & lease Certification

**Printed Name:**  
**Signature:**  
**Title:**  
**Date Signed:**

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**Printed Name:**  
**Signature:**  
**Title:**  
**Date Signed:**
Cab Card

Cab card must be carried in the cab of the vehicle
Cab Card

Cab card **must** be carried in the cab of the vehicle.
Transporter Decals

Hazardous Waste

A-901 Licensed Haulers
Expires every June 30th every odd year

A-901 Exempt

Solid Waste

A-901 Licensed Haulers

A-901 Exempt Containers

A-901 Exempt Containers

Public Entity

A-901 Exempt

A-901 Exempt Containers
HOW TO DISPLAY YOUR SOLID WASTE NJDEP NUMBER AND DECAL

Using letters and numbers at least 3 inches in height, paint or affix the letters “NJDEP”, your unique NJDEP number and the carrying capacity to your vehicle or container, then PERMANENTLY affix the decal below to a clean surface. This information must be displayed on the DRIVER SIDE of the vehicle in the area indicated by the arrows below so that it will be visible to the operator of the waste facility. Your registered company name (official company name that was registered with the State of New Jersey, Division of Commercial Recordings) must also be displayed in at least 3 inch letters.

Your registered company name must be displayed in at least 3 inch letters on your vehicle/equipment.

NJDEP 12345
___ CU YDS.

NJDEP 12345
___ CU YDS.

NJDEP 12345
___ CU YDS.
NJDEP VEHICLE REGISTRATION UNIT
DECAL RENEWAL PROCESS

• NJDEP Solid And Hazardous Waste Transporter Decals expire biennially (every two years) E.G., June 30, 2017; June 30, 2019; June 30, 2021;

• Beginning in February of each odd calendar year, the VR Unit will email Solid And Hazardous Waste Transporters with instructions and a link to renew decals online;

• This email will also advise you of any holds that were placed on your account and the contact for the hold. You cannot renew until all outstanding issues are rectified;

• Only Solid Waste Transporters pay for decals and may do so online with e-check or credit card;

• Hazardous Waste Transporters must renew but do not pay for decals. Instead, will be billed annually, In March, based on tonnage;

• All Transporters are required to renew by May 1.
What is Waste Flow?

**Waste Flow:** When a county directs its stream of municipal, commercial, or industrial solid waste to specific disposal sites:

https://www.nj.gov/dep/dshw/rhwm/03cplsum.htm

Atlantic County
All solid waste solid waste types 10, 13, 13C, 23, 25, 27 and 27A generated from within Atlantic County must be disposed of at the Atlantic County Utilities Authority Landfill in Egg Harbor Township.

Bergen County
Open market

Burlington County
All solid waste types 10, 23 and 25 generated from within Burlington County must be disposed of at the Burlington County Resource Recovery Complex located in Florence Township and in Mansfield Township.

Camden County
Open market

Cape May County
All solid waste generated from within Cape May County not disposed out of state must be disposed of at the Cape May County MUA Landfill in Woodbine Borough.

Cumberland County
All processed waste types 10, 13, 13C, 23, 25, 27, and 27A generated from within Cumberland County must be disposed of at the Cumberland County Solid Waste Complex, located in Deerfield Township.

Essex County
All processed solid waste types 10, 23, 25, and 27 are directed to the Essex County RRF. All non-processable solid waste types 13, 13C, 21, and 27 are directed to the Waste Management of New Jersey, Inc. Transfer Station/Material Recovery Facility (TS/MRF) in Elizabeth (Julia Street), Union County.

Gloucester County
All processable waste generated from within Gloucester County must be disposed of at the Gloucester County RRF in West Deptford Township. All non-processable waste from the Gloucester County RRF must be disposed of at the Gloucester County Improvement Authority Landfill in South Harrison Township. Ash residue and non-processable waste are not subject to flow control.

Hudson County
All solid waste types 10 and 25 generated from within Hudson County are directed to the Advanced Enterprises Recycling Transfer Station in Newark. All Hudson 13, 13C, 23 and 27 go to Waste Management of New Jersey, Inc. TS/MRFs located at 840 Julia Street in the City of Elizabeth, 625-640 South Front Street in the City of Elizabeth, and 61 Broad Street in the Borough of Fairview.

Hunterdon County
Open market

Mercer County
All solid waste types generated within Mercer County are directed to the Mercer County Improvement Authority Transfer Station in Ewing Township. New Jersey and transferred for disposition at the Waste Management disposal facilities in Falls Twp. and Tullytown, PA. Also, waste types 13 and 13C may go to the Mercer Group, Int.-TS/MRF located in Ewing Township. All residue generated from the operation of the Mercer Group- TS/MRF shall be disposed of pursuant to the County Plan.

Middlesex County
Open market with solid waste management fee charged on all Middlesex County-generated solid waste disposed of out of county.

Monmouth County
All solid waste type 10 generated from within Monmouth County not disposed out of state must be disposed of at the Monmouth County Landfill in Tinton Falls Borough.

Morris County
All solid waste types generated from within Morris County are directed to either of the Morris County Municipal Utilities Authority’s TS/MRFs in Mt. Olive or Parsippany-Troy Hills.

Ocean County
All non-recycled solid waste types generated from within Ocean County not transported out of state for disposal must be disposed of at the Ocean County Landfill in Manchester Township.

Ocean County
All non-recycled solid waste types generated from within Ocean County not transported out of state for disposal must be disposed of at the Ocean County Landfill in Manchester Township.

Passaic County
Open market

Salem County
All waste types 10, 13, 13C, 23, 25, 27 and 27A generated from within Salem County must be disposed of at the Salem County Improvement Authority Landfill located in Alloway Township.

Somerset County
Open market

Sussex County
All solid waste generated from within Sussex County must be disposed of at the Sussex County Municipal Utilities Authority Landfill in Lafayette.

Union County
All solid waste types 10 and 25 generated from within Union County must be disposed of at the Union County RRF in Rahway.
All solid waste types 13 (except automobiles, trucks, trailers, large vehicle parts, drums and appliances), 13C, 23, and 27 are directed to the Waste Management of NJ, Inc. TS/MRF in the City of Elizabeth.

Warren County
Open market
County Solid Waste Management Officials are available for questions or concerns:


Know where to dispose before you pick up!
County Environmental Health Act (CEHA)

- Authorizes the county health agencies to act as the regulating arm of the DEP
- CEHA inspectors enforce state environmental laws
  - Investigates local complaints received by citizens/DEP
    - Illegal dumping of solid waste, unregistered haulers, transporter route violations, etc.
  - Conduct routine compliance inspections of solid waste facilities
  - Monitor transporters hauling solid waste to ensure compliance with DEP regulations
  - Compile and maintain files to support DEP and county enforcement actions
How to Properly Handle Asbestos-Containing Material

https://www.nj.gov/dep/dshw/rrtp/asbestos.htm
Diesel Retrofit Requirements

Applicable to:
- publicly-owned garbage trucks
- trucks used in a municipal contract

Don’t forget these important requirements!

Idling
Did you know that Idling longer than three minutes is against the law in New Jersey? That’s for gasoline and diesel powered vehicles, whether they are on-road or off-road. Excessive idling causes an unnecessary release of air contaminants into the air in New Jersey, including fine particulates and air toxins. Every year, hundreds of New Jerseyans die prematurely from exposure to vehicle exhaust. Many suffer heart disease, lung cancer, asthma and bronchitis attacks, and worsening allergies due to this exposure. Exhaust from diesel-powered vehicles is a known human carcinogen. Visit www.StopTheSoot.org for informational materials, penalty amounts (fines start at $250), a No Idling Toolkit, and No Idling Signs for sale.

Vehicle Inspection & Maintenance
All diesel-powered trucks greater than 18,000 pounds must be inspected annually at a licensed diesel inspection facility. New Jersey’s Diesel Inspection and Maintenance Program is administered jointly by the NJDEP, the Motor Vehicle Commission and the State Police. This program reduces diesel emissions which cause serious acute and chronic health effects, contributes to global warming, and contribute to regional haze and other adverse welfare impacts. New Jersey has approximately 2800 registered solid waste vehicles which are subject to an annual inspection. Proper maintenance is important as these vehicles operate in residential and/or urban areas. Reducing emissions from these vehicles enable air quality benefits, including local reduction in air toxics.

Retrofits
Do you own publicly-owned garbage trucks, or ones that are used on a public contract? If so, you are required to get retrofits installed, at no cost, to your vehicles. While there are federal engine emission standards in place for newer vehicles, heavy-duty diesel engines have a long life which means an old truck can pollute for many decades before it is replaced with a newer, cleaner engine. To address this gap, the Diesel Retrofit Law was passed in 2005 to clean up emissions from certain on-road, diesel-powered motor vehicles and non-road vehicles/equipment through the use of retrofit emission control technology. This will reduce the harmful diesel exhaust that N/J citizens are exposed to every day. The regulations require a variety of vehicles and equipment to install retrofits by established deadlines at State expense.

For more information, please go to our website, www.StopTheSoot.org or call us at 609-292-7953.
Common Violations
7:26-3.4(h)-No name/DEP #
7:26-3.4(h)3-No capacity
7:26-3.4(f) - Poor condition
Example of Proper Container Labeling

Lawrence Lewis Hauling
Compliance and Enforcement

- Provides compliance assistance
- Investigates complaints
- Conducts inspections
- Issues enforcement documents, both formal and informal which may include assessed penalties
- Assists the Attorney General in developing enforcement cases and testifies in court
- Negotiates compliance schedules and penalty settlements
Leasing Equipment

• Be sure to establish boundaries and proper handling of leased equipment with your lessor

• **YOU** will be held responsible for wrongdoing by your lessor

Lessee Information Required to be kept by USDOT

1 - List of Drivers & Licenses

1a - Drug and alcohol tests if lease runs equal to or more than (30) days Lessee required to keep copies.

2 - Driver logs must be maintained for (6) months and provided to Lessee within (13) days by Lessor.

3 - Daily Vehicle Inspection Reports (DVIR) required to be submitted to Lessee by Lessor.

4 - 100 mile radius exemption-exempts requirement for Lessor to keep logs, however the start and finish times must be tracked and kept by Lessee. Some use timecards or payroll records.

5 - Dispatch records must be kept by Lessee.

6 - Manifest/shipping documents must list the Lessee as the transporter.
Lease Agreement
Between

Lessor: Click or tap here to enter text.

Lesse: Click or tap here to enter text.

Whereas NJAC 7:26-3.2(j) requires “a permittee, licensee or exempt transporter who files a lease in connection with the registration statement for a solid waste vehicle, which the permittee, licensee or exempt transporter will operate, shall ensure that such lease is signed and dated by the parties thereto, provides for the exclusive use, control and possession of such equipment by the permittee, licensee, or exempt transporter during the lease and also includes”:

1. The dates on which the lease begins and ends, during which the permittee, licensee, or exempt transporter will have exclusive use, possession and control over the equipment; The lease will begin on Click or tap to enter a date at (time) and end on Click or tap to enter a date at (time).

2. The amount and method of payment for the lease; The Lessee shall pay the lessor per by for the lease.

3. The company or person responsible for payment of gas, oil, maintenance and insurance for the equipment; Click or tap here to enter text will be responsible for the above costs.

4. The company or person responsible for payment of any tipping fees; will be responsible for any tipping fees.

5. Identification of the equipment by vehicle identification number (VIN) as it appears on the Motor Vehicles Registration card, license plate number, state which issued license plate and vehicle type; Click or tap here to enter text.

(or see attached list of equipment if multiple vehicles are involved)

6. A provision that the lease shall not be assigned to any person; and

The Lessee and Lessor agree the lease shall not be assigned to any other person.

Whereas NJAC 7:26-3.2(j) requires “In addition to the requirements of (j) above, when a permittee, licensee, or exempt transporter files a lease in connection with an application for a registration statement for a solid waste vehicle, the lease shall provide that the leased equipment is or will be under the exclusive management, direction, and control of the permittee, licensee, or exempt transporter while being used to conduct solid waste activities for the licensee, permittee, or exempt transporter. This subsection is in no way

intended to affect whether the operator or operators of solid waste vehicles leased to a permittee, licensee, or exempt transporter are or should be deemed to be employees of the permittee, licensee, or exempt transporter.”

The Lessee and Lessor agree the leased equipment is or will be under the exclusive management, direction, and control of the permittee, licensee, or exempt transporter while being used to conduct solid waste activities for the licensee, permittee, or exempt transporter.

Date: Click or tap to enter a date.

Lessor: Click or tap here to enter text. __________________________

Signature

Name of Authorized Person on Behalf of Lessor

Date: Click or tap to enter a date.

Lesse: Click or tap here to enter text. __________________________

Signature

Name of Authorized Person on Behalf of Lessee
CERTIFICATION

1. I certify that I am the ___________________ of _______ and I am ____________________________, authorized to make this certification/affidavit on behalf of ____________________________, and that I have personal knowledge of the facts set forth below. N.J.A.C. 7:26-3.2(1)(7)(i)1 and N.J.A.C. 7:26G-7.2(a)(3)

2. The Lease filed by me as part of the registration statement for the equipment,

   Vehicle Type ____________________________, VIN/Serial No. ____________________________

   Issued by the State of ____________________________, License Number ____________________________

   contains the true terms of the lease and has a bona fide business purpose and is not filed with the purpose of preventing the discovery of information which would disqualify, for any reason set forth in N.J.S.A. 13:1E-133, the lessor or any other person from receiving a license. N.J.A.C. 7:26-3.2(1)(7)(i)2 and N.J.A.C. 7:26G-7.2(a)(3)

3. I further certify that my company and I understand that it must exercise exclusive use, possession and control over each piece of equipment which is included in the NJDEP registration statement; and such equipment is used to transport solid and/or hazardous waste. N.J.A.C. 7:26-3.2(1)(7)(i)3 and N.J.A.C. 7:26G-7.2(a)(3)

4. I further certify that my company and I understand that it must take reasonable measures to ensure that the above-described equipment will not, during the period of this lease, be used by any other person for the purpose of transporting solid and/or hazardous waste. N.J.A.C. 7:26-3.2(1)(7)(i)4 and N.J.A.C. 7:26G-7.2(a)(3)

5. My company and I understand that the above-described equipment is or will be under the exclusive management, direction and control of a Permittee, Licensee, or Exempt Transporter while being used to conduct solid and/or hazardous waste activities for Permittee, Licensee, or Exempt Transporter. N.J.A.C. 7:26-3.2(1) and N.J.A.C. 7:26G-7.2(a)(3)

6. My company and I understand that, for purposes of solid and/or hazardous waste activities and to the extent provided for under New Jersey law, my company will be responsible for the actions and omissions of their lessees and their vehicle operators, and for selecting lessees and vehicle operators with appropriate qualifications. N.J.A.C. 7:26-3.2(1).

7. My company and I understand that, when the NJDEP issues decals to a Permittee, Licensee, or Exempt transporter for affiliation to the solid and/or hazardous waste vehicle(s) of a lessor from which the permittee, licensee, or exempt transporter is leasing solid and/or hazardous waste, the permittee, licensee or exempt transporter to which the lessor has leased solid and/or hazardous waste vehicles, and the lessor itself, are under independent obligations to notify the Department, return the NJDEP registration decal to the Department, and remove and destroy the NJDEP registration number and decals from the solid and/or hazardous waste vehicles of the lessor at the expiration and non-renewal of the lease pursuant to which decals were issued; and such decals shall be deemed expired. When used for solid and/or hazardous waste transportation purposes, such vehicles may only be used pursuant to the lease, and in compliance with all requirements of N.J.A.C. 7:26-3.2 and, if used in transporting hazardous waste, N.J.A.C. 7:26G-7.2, N.J.A.C. 7:26-3.2(1) and N.J.A.C. 7:26G-7.2(b)(3).

8. My company and I understand that reasonable measures must be taken to remove and destroy expired decals and registration numbers after the expiration and non-renewal of the lease; and failure to do so may constitute a violation and may subject both the lessor and the Permittee, Licensee, or Exempt Transporter to penalties and licensing actions. N.J.A.C. 7:26-3.2(1) and N.J.A.C. 7:26G-7.2(b)(3).

9. The term of the attached Lease:

   Begins at ____________________________ and Terminates at ____________________________

   If usage during the term is intermittent, occasional, or on an “as needed” basis, please explain:

______________________________

I am aware that if any of the foregoing information or statement is willfully false, I am subject to punishment.

Name of LESSOR: ____________________________

Street Address: ____________________________

City: ____________________________

State: ____________________________

Zip Code: ____________________________

Signed by: ____________________________

Name of Authorized Official: ____________________________

Date: ____________________________

Tel: ( )

Telephone Number: ____________________________

Name of LESSEE: ____________________________

Street Address: ____________________________

City: ____________________________

State: ____________________________

Zip Code: ____________________________

Signed by: ____________________________

Name of Authorized Official: ____________________________

Date: ____________________________

Tel: ( )

Telephone Number: ____________________________
The Lease Agreement and Certification Forms can be found here:

Origin and Disposal Forms

• The Department will provide the registered transporter with an approved O and D form

• The transporter will thereafter duplicate the form for use with each load of solid waste destined for an in-State solid waste facility

• Completed by the transporter PRIOR to disposal

• Retaining a copy is recommended
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION - COUNTY ENVIRONMENTAL & WASTE INFRINGEMENT

SOLID WASTE ORIGIN AND DISPOSAL (O&D) FORM

A. Transporter Section:

1. Name of Registered Transporter: ____________________________
   Phone No: ____________________________

2. NJDEP Registration No.: ____________________________

3. Type of Transporter Registration: (Check One) 
   ☐ Licensed 
   ☐ Registered w/Garden 
   ☐ Registration Exempt

4. Waste Self-Generated: (Check One) 
   ☐ YES 
   ☐ NO

5. Name of LESSEE if the solid waste vehicle is leased: ____________________________

6. Decal No. ____________________________
   License Plate No. ____________________________
   Capacity ____________________________
   Leased – Yes or No ____________________________

7. A. Waste Types: (Please circle)
   ☐ ID 10 
   ☐ ID 15 
   ☐ ID 20 
   ☐ ID 20A 
   ☐ ID 25 
   ☐ ID 27A 
   ☐ ID 27B

B. Source Separated Recyclables: (Please circle)
   ☐ Paper 
   ☐ Corrugated 
   ☐ Glass 
   ☐ Metal 
   ☐ Plastic
   ☐ Concrete 
   ☐ Asphalt 
   ☐ Wood 
   ☐ Yard Materials

C. Transporter to complete waste origin information:
   Municipality(ies) ____________________________
   County(ies) ____________________________
   State ____________________________
   % of Total Load ____________________________

* Sending Facility: (If solid waste is transported from a solid waste transfer, transfer, or material recovery facility, list the facility name in the Municipality column, ID 4 in the County column and the State in which the sending facility is located in the State column.)

D. Date Waste Collected: ____________________________

E. Transporater's Certification: I CERTIFY THAT THE INFORMATION PROVIDED ON THIS FORM IS TRUE TO THE BEST OF MY KNOWLEDGE.

PRINT DRIVER'S NAME ____________________________
SIGNATURE ____________________________
DATE ____________________________

B. Disposal Destinations:

11. Final Disposal Facility Name & State: (Transporter Completes 11 & 12)
   ☐ Final Disposal Facility Name ____________________________
   ☐ State ____________________________

12. Non-Hazardous Manifest # or Bill of Lading # or Pull Ticket #: ____________________________

13. In-State weight location (Weigh master completes 13 through 16):
   ☐ Scale Ticket No. (IN STATE DIVORCE ONLY) ____________________________
   ☐ Gross Weight ____________________________
   ☐ Net Weight ____________________________
   ☐ Scale Ticket No. (IN STATE DIVORCE ONLY) ____________________________
   ☐ Scale Ticket #: ____________________________
   ☐ Gross Weight ____________________________
   ☐ Net Weight ____________________________

14. Weight master Certification: I CERTIFY THAT THIS FORM HAS BEEN COMPLETED AT THE REGISTERED TRANSPORTER IDENTIFIED ABOVE, AND THAT THE GROSS WEIGHT FIGURE IS TRUE AND ACCURATE FOR LOADING OUT OF STATE.

SIGNATURE ____________________________
DATE ____________________________

C. In-State Disposal Facility Section:

(To be completed by facility operator for loads disposed of in State only)

17. New Jersey Recycling Facility Operator Certification: I CERTIFY THAT THIS FORM HAS BEEN COMPLETED AT THE REGISTERED TRANSPORTER IDENTIFIED ABOVE, AND THAT THE WASTE AS IDENTIFIED BY THE TRANSPORTER IS PERMITTED TO BE DISPOSED OF AT THIS FACILITY.

RECEIVING FACILITY PERMIT OR ID #: ____________________________
TIME ____________________________
OPERATOR'S STAMP OR SIGNATURE ____________________________

Instructions for completing NJDEP Solid Waste Origin And Disposal Form

1. Name of Registered Transporter and Phone Number: The transporter must use the registered trade name of the transporter as identified on the NJDEP Solid Waste Transporter Registration along with the appropriate telephone number including area code of the company. Nondescript, aliases and abbreviations are not acceptable.

2. NJDEP Registration No.: The current NJDEP Solid Waste Transporter Registration Number must be filled out. This number appears on the registration certificate which must be carried with the vehicle.

3. Type of Transporter Registration: The appropriate box must be checked depending on whether the transporter is licensed, is a selfgenerator exempted from licensing requirements, or the vehicle is not subject to NJDEP registration requirements.

4. Waste Self-Generated: The appropriate box must be checked to disclose whether the waste was self-generated by the entity performing the transportation.

5. Name of LESSEE if the solid waste vehicle is leased: The name of the lessor as indicated on the lease must be filled in if the vehicle is leased. The lease must be carried in the registered vehicle.

6. Decal No., Type, License Plate No., Capacity, and Leased: The decal number must be filled in for the appropriate type of registered equipment (i.e. container, trailer, cab, etc.). The License plate must also be filled in for the appropriate equipment along with the capacity (i.e. 30 cubic yard container). Yes or No must be filled in next to the appropriate type of equipment to indicate if it is leased.

7. Waste Types and Source Separated Recyclables: The transporter must indicate the type(s) of waste being transported by circling the appropriate waste types. An example of "other" would be non-hazardous bulk liquid (type 72) for example. If a load consists of separate recyclables the transporter must circle the appropriate material. If the load consists of more than one co-mingled type of recyclable, "co-mingled" must be indicated under the "Other" section along with the approximate percentages (i.e. co-mingled paper 23%, metal 30%, plastic 25%)

8. Municipality, County State, % of Load: The transporter must identify the waste origin by municipality, county, and state along with the respective percentage of each waste origin.

9. Date Waste Collected: The transporter must fill in the actual date the solid waste was collected.

10. Transporater's Certification: The driver representing the transporter must print and sign his/her name and date to certify the information in the Transporter Section was completed accurately.

11. Final Disposal Facility Name & State: The transporter must fill in the final disposal facility name and state in which the facility is located.

12. Non-Hazardous Manifest # or Bill of Lading # or Pull Ticket #: The transporter must identify the appropriate manifest or bill of lading number for loads being transported for out of State disposal. The pull ticket number must be recorded for all loads where such a document is generated.

13. In State weight location (Weigh master completes 13 through 16):
   ☐ Scale Ticket No. (IN STATE DIVORCE ONLY) ____________________________
   ☐ Gross Weight ____________________________
   ☐ Net Weight ____________________________
   ☐ Scale Ticket No. (IN STATE DIVORCE ONLY) ____________________________
   ☐ Scale Ticket #: ____________________________
   ☐ Gross Weight ____________________________
   ☐ Net Weight ____________________________

14. Weight master Certification: The weigh master must verify the information he or she recorded is accurate.

15. New Jersey Recycling Facility Operator Certification: The person responsible for recording information for loads received at New Jersey solid waste facilities must fill in the facility number the date and time stamp or sign the form to certify the form was completed by the transporter and that the waste identified by the transporter was permitted to be accepted at the facility for disposal.

Failure to carefully follow these instructions in accurately completing the Solid Waste Origin and Disposal Form can lead to enforcement action including penalties.

Waste Type ID 10 = municipal solid waste
Waste Type ID 13 = bulky solid waste
Waste Type ID 15 = construction & demolition debris
Waste Type ID 21 = vegetative waste
Waste Type ID 22 = animal & food processing waste
Waste Type ID 23 = dry industrial waste
Waste Type ID 27A = asbestos containing waste
Waste Type ID 27B = incinerator ash
Regulations and Violations

Types of Violations:

• **Major:** potential serious risk to health, safety, economic viability and welfare of people; seriously violates applicable Acts

• **Moderate:** potential substantial risk to health, safety, economic viability and welfare of people; substantially deviates from applicable Acts

• **Minor:** minimal risk to public health/safety, resources; doesn’t impair regulations; can be corrected within grace period
Notices of Violation and Other Enforcement Documents

Notice of Violation:

• Issued as response to minor violations
• Grace period for correctional actions
• Penalties might be issued if violation isn’t corrected

Enforcement Documents and Penalties

• Formal Enforcement Action
• Penalties are assessed
• Option to file a hearing request within 20 days of receipt of document
Illegal Dumping

N.J.S.A. 13:1E-9.3

Prohibits collection, transportation, or disposal of solid waste >0.148 y^3 or 30 gallons of liquids at unauthorized sites

- **1st offense**: $2,500
- **2nd offense**: up to $5,000
- **Subsequent**: up to $10,000

- Community service (up to 90 days)
- Loss of driver’s license (6 months-1 year)
- Proceeds from conveyances: CFO of municipality for enforcement
Illegal Dumping

N.J.A.C. 7:26-3.4(b)

All collected solid waste shall be properly deposited at an approved facility in accordance with N.J.A.C. 7:26-1 and 2.

Solid waste or recyclable materials shall be deposited at a solid waste/recycling facility only to the extent the materials contained in an individual load are waste types/recyclable materials permitted for acceptance at that facility and commingled only to the extent permitted in the operating approvals for that facility.
Hazardous Waste

Fees and Registration for Hazardous Waste Transporters N.J.A.C. 7:26G-3.3(g)

Fee Schedule: Hazardous Waste transporter fees will be collected annually, and mailed out by DEP in March of each calendar year.

- Hazardous waste transporter fees are based on the prior year’s manifested tonnage
Hazardous Waste

- Identified and regulated by the United States Environmental Protection Agency (USEPA) pursuant to 40CFR and are incorporated into the regulations of NJDEP

- The licensee must comply with all governing State and Federal laws applicable to hazardous waste transportation in New Jersey.

- Prior to the transportation of hazardous waste, you must:
1. Obtain a USEPA ID Transporter Registration Number


2. Proof of minimum financial responsibility to cover:
   • public liabilities
   • property damage
   • environmental restoration
49 C.F.R. Part 387 in a form approved by the Department; MCS 90


3. Proof of Hazmat training
(49 CFR 172.700 to 172.704.)
4. Proper registration with the **US Department of Transportation (USDOT)** for any applicable transportation activities.

- Companies that operate commercial vehicles transporting passengers or hauling cargo in interstate commerce must be registered with the FMCSA and must have a USDOT Number.

- Also, commercial intrastate hazardous materials carriers who haul types and quantities requiring a safety permit must register for a USDOT Number.

  ([https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number](https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number))
5. Proof of current registration with the **Pipeline Hazardous Materials Safety Administration** to transport hazardous material. Offerors and transporters of certain quantities and types of hazardous materials, including hazardous wastes, are required to file an annual registration statement with the U.S. Department of Transportation and to pay a fee (see Title 49 CFR Part 107, Subpart G (107.601 - 107.620). ([http://www.phmsa.dot.gov/hazmat/registration](http://www.phmsa.dot.gov/hazmat/registration))
6. Authority to Operate by obtaining a registration with Federal Motor Carrier Safety Administration. (FMCSA)

- Operating authority is often identified as an "MC," "FF," or "MX" number, depending on the type of authority that is granted.

- Unlike the USDOT Number application process, a company may need to obtain multiple operating authorities for planned business operations.

- Operating Authority dictates the type of operation a company may run and the cargo it may carry. ([https://www.fmcsa.dot.gov/registration/get-mc-number-authority-operate](https://www.fmcsa.dot.gov/registration/get-mc-number-authority-operate))
7. If applicable, completion of the NJ State Police - new entrant program; maintain good standing with NJ State Police Motor Vehicle Enforcement.

8. Have a completed Hazardous Waste “Manifest” form in the vehicle with the appropriate Emergency Response Telephone number.
In order for hazardous waste transporter registration application to be approved by the Department, the hazardous waste transporter is required to meet conditions 1 through 8 noted above.

Failure to comply with these conditions may result in formal enforcement actions or denial of NJDEP Transporter registration statement and issuance of decals.
Inspections

- Introduction & presentation of credentials
- Request for documents
  - Shipping papers/HW manifest
    - Reviewed for completeness & compatibility issues
  - Driver’s license w/applicable endorsements
  - Medical card
  - Motor vehicle registration/Insurance/DEP cab card
- Safety equipment
  - Charged fire extinguisher
  - Safety triangles
- Walk around vehicle
  - Check condition of equipment
  - Compare placarding to HW manifest
**Inspections**

- Box trailers
  - Placarding
  - Load securement
  - Container markings

- Cargo tank trailers
  - Placarding
  - Specification
  - Test/inspection dates

- Roll off containers
  - Placarding, package closure & condition
Inspections

- No violation observed:
  - Driver will be asked if there is a compensation program in place
  - If yes, inspector will provide a business card and notation of inspection date and that no violations were observed

- Violations:
  - Verbal warnings (very minor issue)
  - Field NOV’s
  - Formal enforcement action (serious violations = Penalty)

- Referrals to US DOT:
  - Complex matters or for hazardous material
  - Violations not related to hazardous waste
Applicable State & Federal Transporter Regulations

- NJAC 7:26-16.3 (A-901 licensing solid & hazardous waste)
- NJAC 7:26-3 (Solid waste transporter regulations)
- NJAC 7:26-3A (Regulated medical waste)
- NJAC 7:26G-7.2 (Hazardous waste registration)
- 49 CFR 171 – 180 & 49 CFR 390 - 397 *(NJDEP authority only applicable to hazardous waste)*
- 40 CFR 263 (Transporter regulations)
IMPORTANT FILING DATES

- **Decal Renewal** – Due May 1st every odd year
- **CPCN Annual Report** – Due June 1st each calendar year
- **A-901 Update** – Due November 1st each calendar year
NJDEP Contacts:

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Website Links:

A-901 Forms:
http://www.nj.gov/dep/dshw/a901/a901frms.htm

CPCN Forms:
http://www.nj.gov/dep/dshw/swpl/index.html

Vehicle Registration Unit (Decals):
http://www.wastedecals.nj.gov

SW Initial Application:
https://www.wastedecals.nj.gov/pagelinks/initial-app-a901.pdf

HW Initial Application:

Lease Info.:

Verification of SW or HW Transporter, or Broker:
https://www13.state.nj.us/DataMiner - Click on “Search by Category” -> Vehicle Registration (2009 Forward) -> Transporters – A-901 Licensed

Solid and Hazardous Waste Rules:
http://www.state.nj.us/dep/dshw/resource/rules.htm

USDOT:
https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number

USEPA:

NJDEP Transporter Compliance History via Data Miner:
https://www13.state.nj.us/DataMiner

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Thank you!

ANY QUESTIONS?