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NJDEP
SOLID WASTE COMPLIANCE & ENFORCEMENT

*What to expect when
you're expecting....a solid
waste inspection!*



Expect this....just kidding!



First things first....what is solid waste?

From *N.J.A.C. 7:26-1.6*:



7:26-1.6 Definition of solid waste

(a) A solid waste is any garbage, refuse, sludge, or **any other waste** material except it shall **not include** the following:

- 1. Source separated food waste collected by livestock producers;
- 2. Recyclable materials that are exempted from regulation pursuant to *N.J.A.C. 7:26A*;
- 3. Materials approved for beneficial use or categorically approved for beneficial use pursuant to *N.J.A.C. 7:26-1.7(g)*;
- 4. Spent sulfuric acid which is used to produce virgin sulfuric acid, provided at least 75 percent of the amount accumulated is recycled in one year; or
- 5. Dredged material, from New Jersey's coastal or tidal waters.

(b) Any "**other waste material**" is any solid, liquid, semi-solid or contained gaseous material, including, but not limited to spent material, sludge, by-product, discarded commercial chemical products, or scrap metal resulting from industrial, commercial, mining or agricultural operations, from community activities, or any other material which has served or can no longer serve its original intended use, which:

1. Is discarded or intended to be discarded; or
2. Is accumulated, stored or physically, chemically or biologically treated prior to, or in lieu of, being discarded;
3. Is burned for energy recovery;
4. Is applied to the land or placed on the land or contained in a product that is applied to or placed on the land in a manner constituting disposal; or
5. Is recycled.

What types of inspections does the solid waste department do?



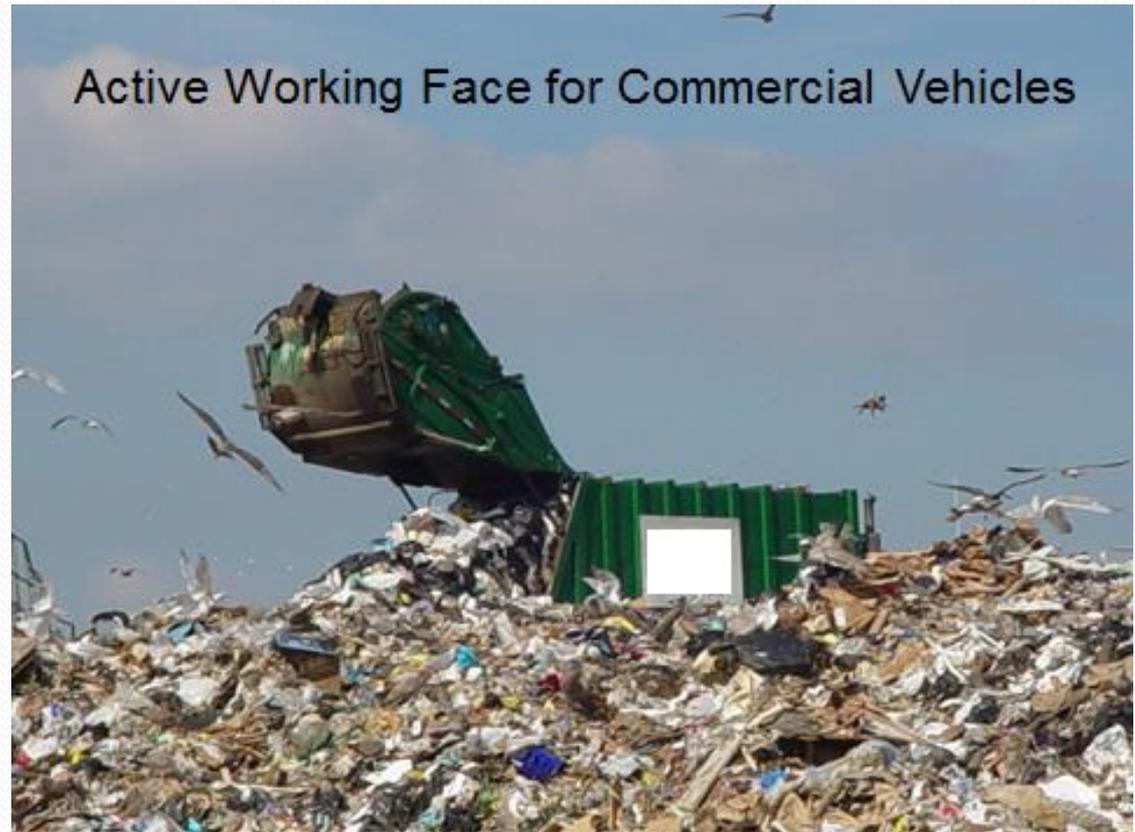
I. INCIDENTS



All types of citizen complaints or “Incidents” are investigated either directly by the NJDEP or your local CEHA solid waste inspector. Incidents can involve residential properties, commercial businesses, and government owned sites.

II. FACILITIES WITH SOLID WASTE PERMITS

- Active Landfills



II. FACILITIES WITH SOLID WASTE PERMITS

- Waste to Energy Plants



II. FACILITIES WITH SOLID WASTE PERMITS



- Closed Landfills

II. FACILITIES WITH SOLID WASTE PERMITS



- Transfer Stations

II. FACILITIES WITH SOLID WASTE PERMITS



- Material Recovery Facilities

III. RECYCLING FACILITIES WITH APPROVALS

- Class B
(Wood)

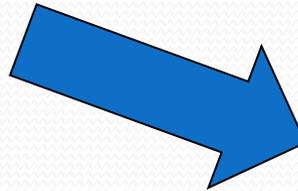




Raw Material



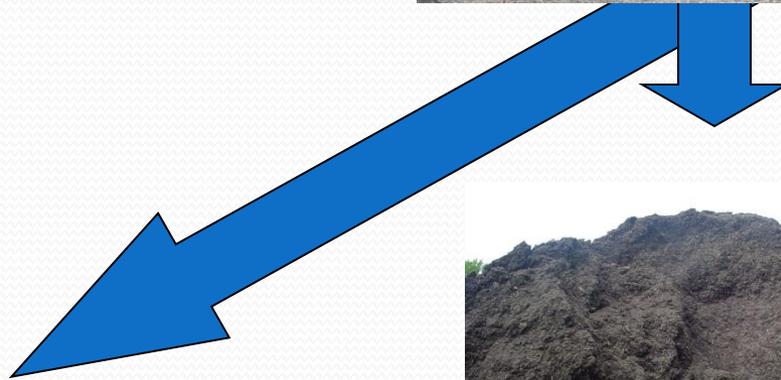
Mulch



Trommel



"Overs"



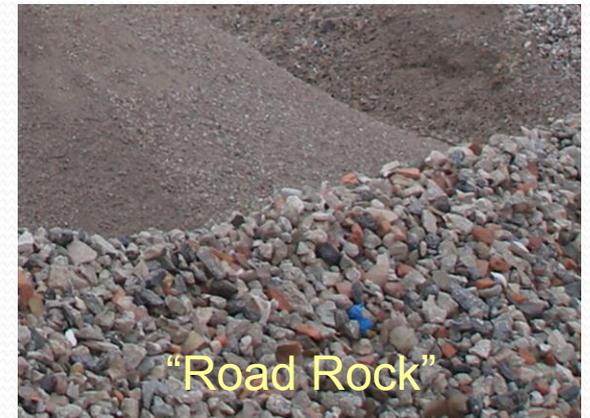
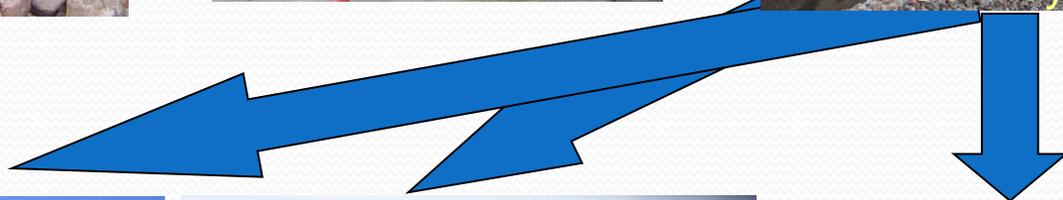
Top Soil

III. RECYCLING FACILITIES WITH APPROVALS

- Class B
(Concrete,
Asphalt)



Class B Recycling: Concrete to Road Rock, I5 & RCA



III. RECYCLING FACILITIES WITH APPROVALS

- Class C
(Composting)



IV. EXEMPT RECYCLING FACILITIES



If one can follow the criteria listed at recycling exemption regs., he/she is EXEMPT from having to get:

- 1) Included in a district's SWM Plan (except for #13); and,
- 2) A General or Limited Approval from the DEP

Commonly Conducted Exemptions:

- #2 – Generation, processing, & reuse of material on-site
- #3 – Receipt, storage, processing of tree parts
- #5 – Receipt and storage of tires
- #12 – Leaf mulching on a farm
- #13 – Yard trimmings composting ($\leq 10,000$ c.y.)
- #18 – Yard trimmings composting on a farm
- #19 – Receipt and temporary transfer of leaves
- #20 – Receipt, storage, and processing of concrete, asphalt, brick, and/or block
- #22 – “Small” leaf and/or grass transfer

How does one become exempt?

- Operational criteria
 - Volumetric capacity
 - Duration
 - On-site v. off-site use
- Compliance with all other applicable laws/regs
 - Includes, but not limited to, local land use/zoning
- Notification criteria
 - Host municipality
 - Host county
 - The Department
- Reporting criteria?

NOTIFICATION OF EXEMPT RECYCLING ACTIVITIES

NAME: _____ TITLE: _____

CORPORATION / COMPANY: _____

STREET ADDRESS: _____

MUNICIPALITY: _____ STATE: _____ ZIP: _____

TELEPHONE NUMBER: (_____) _____ FAX NUMBER: (_____) _____
area code area code

WHICH EXEMPTION FOUND AT N.J.A.C. 7:26A-1.4(a) WILL YOU BE OPERATING PURSUANT TO?*

(see back of form and enter the exemption number) _____

LOCATION WHERE ACTIVITY IS TO BE CONDUCTED: (if activity is to be conducted at more than one location, you must complete and submit a notification form for each location.)

MUNICIPALITY: _____ COUNTY: _____

STREET ADDRESS: _____ BLOCK #: _____ / LOT #: _____

LOCATION DESCRIPTION: (construction or demolition site, shopping mall, farm, industrial park, etc.) _____

DATE ACTIVITY WILL COMMENCE:

_____/_____/_____
Month Day Year

ANTICIPATED COMPLETION DATE: (if applicable)

_____/_____/_____
Month Day Year

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I further certify that the operation described herein satisfies the criteria for exemption as set forth in N.J.A.C. 7:26A-1.4. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for termination of any exemption.

Name (print) _____

Title (print) _____

Signature _____

Date: ____/____/_____
Month Day Year

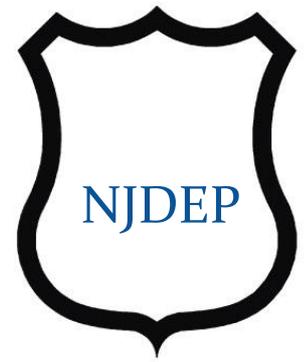
Please complete and mail this form to your host municipality and host county health department and solid waste coordinator. Please then mail the completed form along with proof of mailing to your host municipality and county to: New Jersey Department of Environmental Protection, Solid and Hazardous Waste Program, Bureau of Recycling & Planning, P.O. Box 414, Trenton, New Jersey 08625-0414.

Received by NJDEP Solid & Hazardous Waste Program (This section to be completed by NJDEP)

Signature _____

Date: ____/____/_____
Month Day Year

Maybe you've wondered...



- What gives NJDEP the authority to inspect my private facility?
- Can I ask an inspector to come back another time if I'm busy or "not in the mood" for an inspection?
- Can I request that all inspections be announced?

Authority to Inspect

NJAC 7:26A-1.7 Right of Entry and Inspection

The NJDEP or an authorized representative acting pursuant to the County Environmental Health Act, NJSA 26:3A2-1 et seq., shall have the right to enter and inspect any building or other portion of a recycling center, recycling depot or any site at which an exempted activity is conducted pursuant to NJAC 7:26A-1.4(a), at any time in order to determine compliance with the provisions of all applicable laws or rules and regulations adopted pursuant thereto. This right includes:

1. Sampling any materials on site
2. Photographing any portion of the recycling center
3. Investigating an actual or suspected source of pollution, and
4. Ascertaining compliance with the statutes, rules or regulations of the Department, including permit conditions.

(b) The right of entry specified in (a) above shall be limited to normal operating hours for the purpose of reviewing and copying all applicable records, which shall be made available during an inspection upon request.



What does a solid waste inspector do before, during, and after an inspection?

BEFORE.....in office

Inspector will conduct a thorough review of available records:

- Permit
- Site Plan
- Applicable Rules & Regulations
- Previous Inspection Reports
- Enforcement Actions
 - (e.g., Notices of Violation, Administrative Orders, etc.)
- Google Earth Images

DURING.....

Off site



The first thing most inspectors do is spend a few minutes observing the facility and surrounding area from an off-site location to look for adverse impacts:

- Odors.
- Dust.
- Noise.
- Traffic back-ups or mud tracking.
- Litter.

DURING.....

On site



Once on-site, the inspector will announce themselves and the purpose of the inspection to a facility owner or manager.

DURING.....



All inspectors have their own style, but often records will be requested and reviewed at this point. If you need more time to pull them, just ask and the inspector can return to the office after the facility inspection.

Reviewing Records

- Do daily incoming records identify the type, amount and source?
- Are end market letters or contracts in place?
- Are waste disposal or recycling receipts available?
- Are residues being routinely disposed of at authorized facilities?
- Have tonnage reports been submitted?
- Is facility within their daily incoming volume limits?
- And the list goes on depending on your facility type!



DURING.....

Once the inspector has completed his/her records review, the inspection of the facility operations will begin. It is your option to accompany the inspector or not, however, your presence is usually helpful.



DURING.....

Every facility is different and there are many different types, so every inspection is also unique. However, there are some common things an inspector will be looking for.

LET'S GO!



Compare Permit and Site Plan with Observed Site Conditions

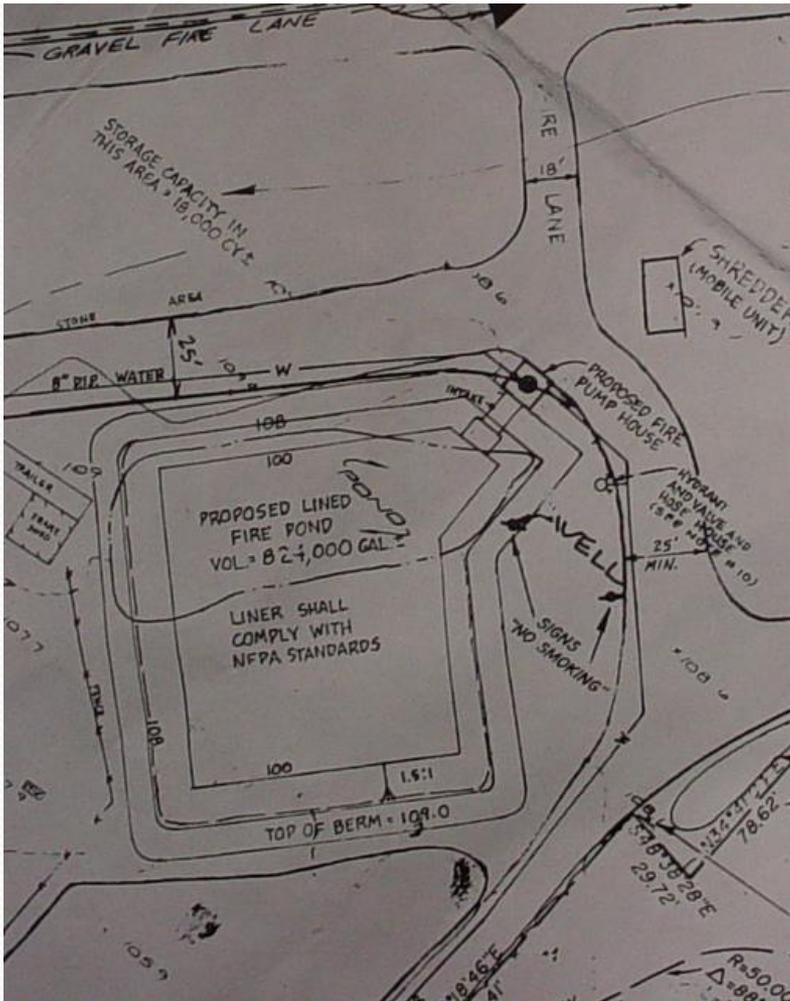
- Are materials stored where they should be?
- Are materials present which should not be there?
- Are pile height and width limits being adhered to?
- Are correct access roads being used?
- Are signs present and readily visible?

Site Plans are important!



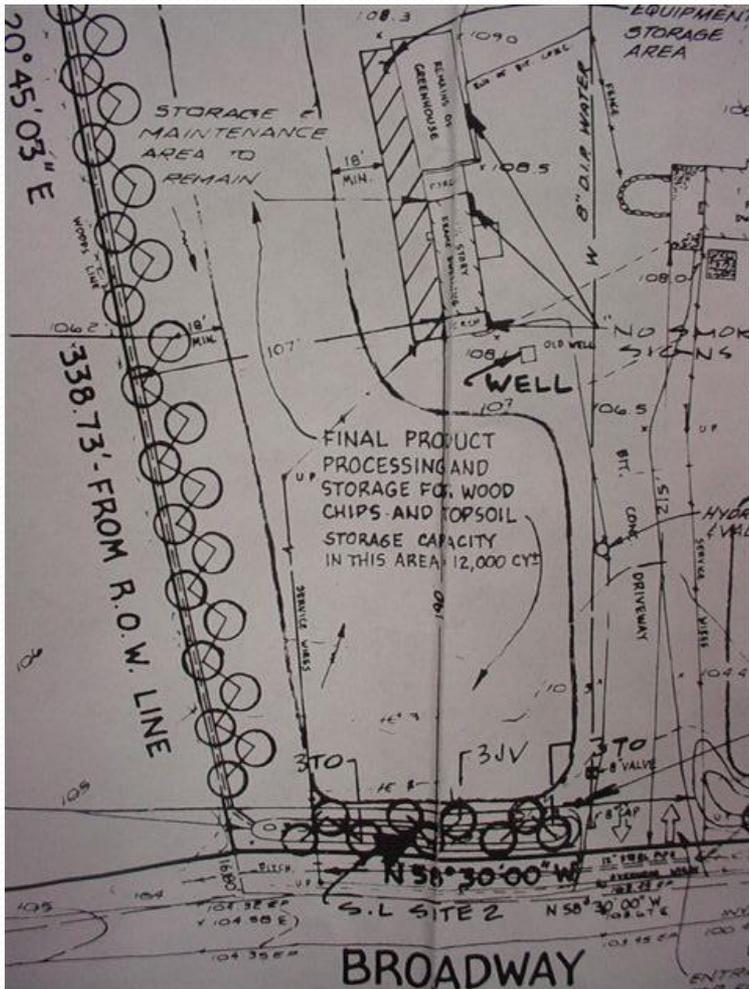
Discrepancies

Site plan shows “Proposed Lined Fire Pond Vol = 824,000 Gal” with notation that “Liner Shall Comply With NFPA Standards. Plan also shows a “Proposed Fire Pump House” and “Hydrant And Valve And Hose House (See Note #10).” Both buildings are missing and pond is unlined and of insufficient capacity.



Discrepancies

Timbers are being stored in area designated for “Final Product Processing and Storage For Wood Chips And Topsoil”



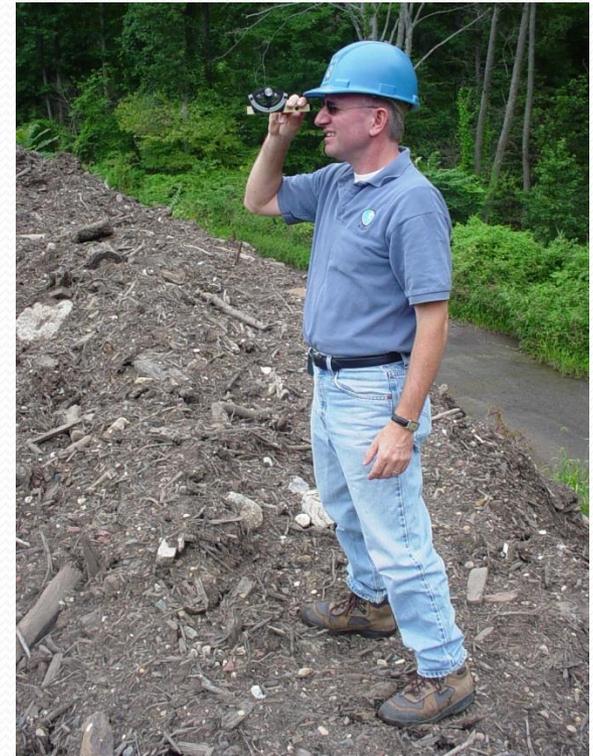
Are the required horizontal & vertical control markers present?



Discrepancies

Is facility currently storing materials at or below the height limits defined in the approval?

Are vertical and horizontal points present, in good condition, and located in the right places?



that fire department apparatus can be supported.

3. All storage piles of wood chips, stumps, logs, brush, and wood debris shall not be more than 25 ft. high. A minimum 18 ft wide access lane shall be maintained between all storage piles.

59. Horizontal and vertical control points for the unprocessed and processed materials stockpile areas shall be set and maintained on-site. Horizontal limitation markers shall be set at the corners of the stockpile areas as depicted on the approved site plan. Vertical limitation markers shall be set at locations in close proximity of the stockpile areas and shall clearly establish elevation height of 20 feet above the existing grade for the unprocessed stockpile area and 20 feet above the existing grade for the processed stockpile area. [N.J.A.C. 7:26A-3]

Discrepancies

Is the facility accepting unauthorized materials (in this case, grass)?



Are windrows being turned? Is the equipment being used that which is listed in the Approval or Permit?



Is leachate or wastewater
discharging
out of piles?



Is leachate discharging from building? Are floor drains and storm water control systems functional and being maintained?



Is leachate being controlled? Are there erosion breaks in side slopes?



Is erosion being controlled?



Is there a sign listing acceptable waste types?



Is each solid waste load accompanied by a properly completed Origin & Disposal (O&D) form?



Is someone inspecting loads to ensure only permitted materials are being brought in and recyclables are minimal?



Is all tipping, processing, sorting and compacting being conducted within enclosed building and capacity not being exceeded?



Are visible emissions exiting building? Is air emission control system functioning and being properly maintained?



Are dust control measures adequate?



Is it time for the
water truck?



Are only properly registered transporters being allowed into facility?



Is there a pest management program and indications it is being followed such as rat bait boxes and application log?



09/17/2004 11:32 7322711824 MED PEST CONTROL

*Ann: M217
Ext: 732-560-3412*

Med Pest Control
CHEMICAL HISTORY FOR ONE CUSTOMER
September 17, 2004

Importico's
120 Bakeland Ave
Middlesex, NJ 08846

DATE	CHEMICAL, EPA REG #, % UNITS	QUANTITY	TARGET PEST	TARGET AREA
01/08/03	DITRAC, 12455-29, 1 1.50Z PIG	6	RODENTS	INTERIOR/EXTERIOR
01/08/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
01/21/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
02/04/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
02/04/03	DITRAC, 12455-29, 1 1.50Z PIG	6	RODENTS	INTERIOR
02/21/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
02/21/03	DITRAC, 12455-29, 1 1.50Z PIG	8	RODENTS	INTERIOR
03/14/03	DITRAC, 12455-29, 1 1.50Z PIG	4	RODENTS	INTERIOR
03/14/03	DRAX #9444-131, GRAMS	12	CRAWLING INSECTS	INTERIOR
03/18/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
04/01/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
04/21/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
05/16/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
06/19/03	TEMPO SC ULTRA #3125-498, .025%, conc	64	CRAWLING INSECTS	INTERIOR
07/21/03	TEMPO SC ULTRA #3125-498, 0.025%, gal	.5	CRAWLING INSECTS	INTERIOR
07/21/03	GLUEBOARDS	2	CRAWLING INSECTS	INTERIOR



Is there appropriate fire fighting equipment in place such as sprinkler system, hydrant, fire hose, extinguisher?



Are height limits being exceeded?



12'

How is litter being addressed?



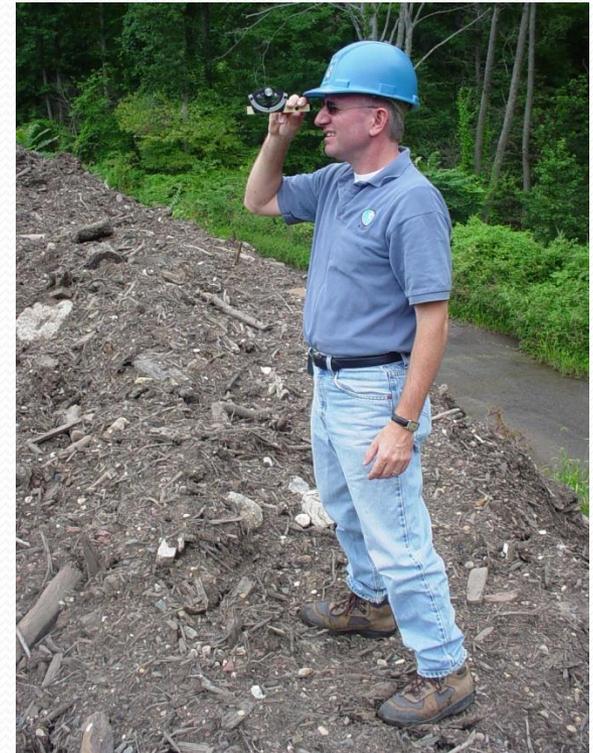
Is material encroaching upon or in protected wetlands?



Pile Height Limits

Site plan states “All storage of wood chips, stumps, logs, brush, and wood debris shall not be more than 25 ft. high...” yet the approval establishes 20 feet as the vertical limit. Approval takes precedence over site plan thus limit is 20 feet.

Facility currently storing materials higher than 20' feet. Vertical control points tilted and no horizontal points present.



that fire department apparatus can be supported.

3. All storage piles of wood chips, stumps, logs, brush, and wood debris shall not be more than 25 ft. high. A minimum 18 ft wide access lane shall be maintained between all storage piles.

59. Horizontal and vertical control points for the unprocessed and processed materials stockpile areas shall be set and maintained on-site. Horizontal limitation markers shall be set at the corners of the stockpile areas as depicted on the approved site plan. Vertical limitation markers shall be set at locations in close proximity of the stockpile areas and shall clearly establish elevation height of 20 feet above the existing grade for the unprocessed stockpile area and 20 feet above the existing grade for the processed stockpile area. [N.J.A.C. 7:26A-3]

2002



2004



Is material being stored onsite beyond 1 year?

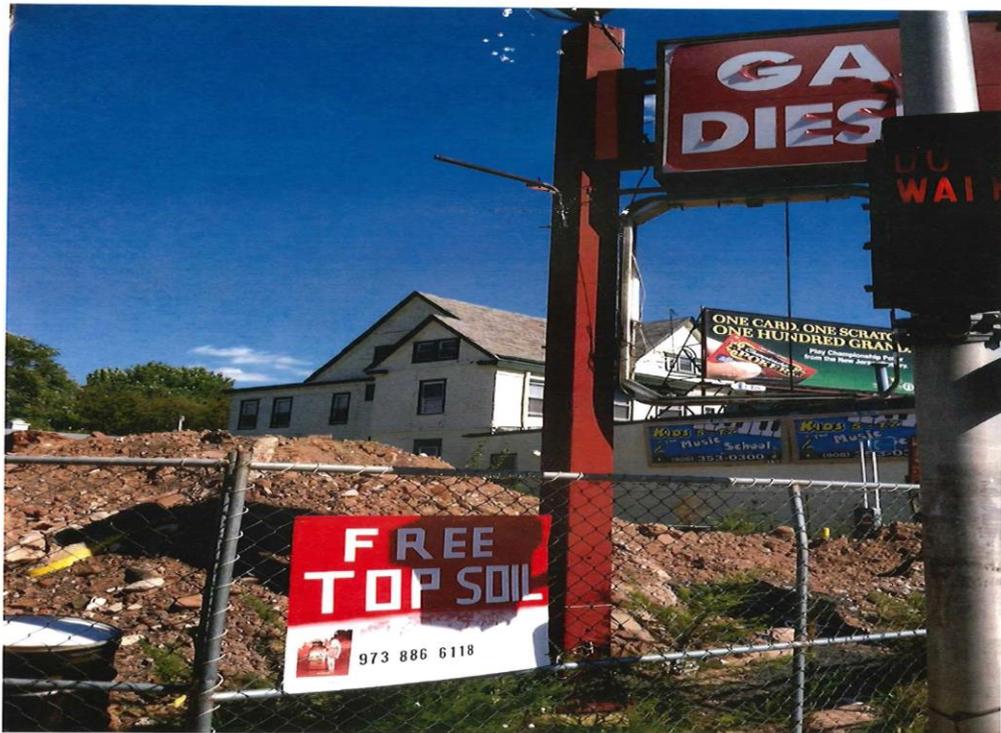
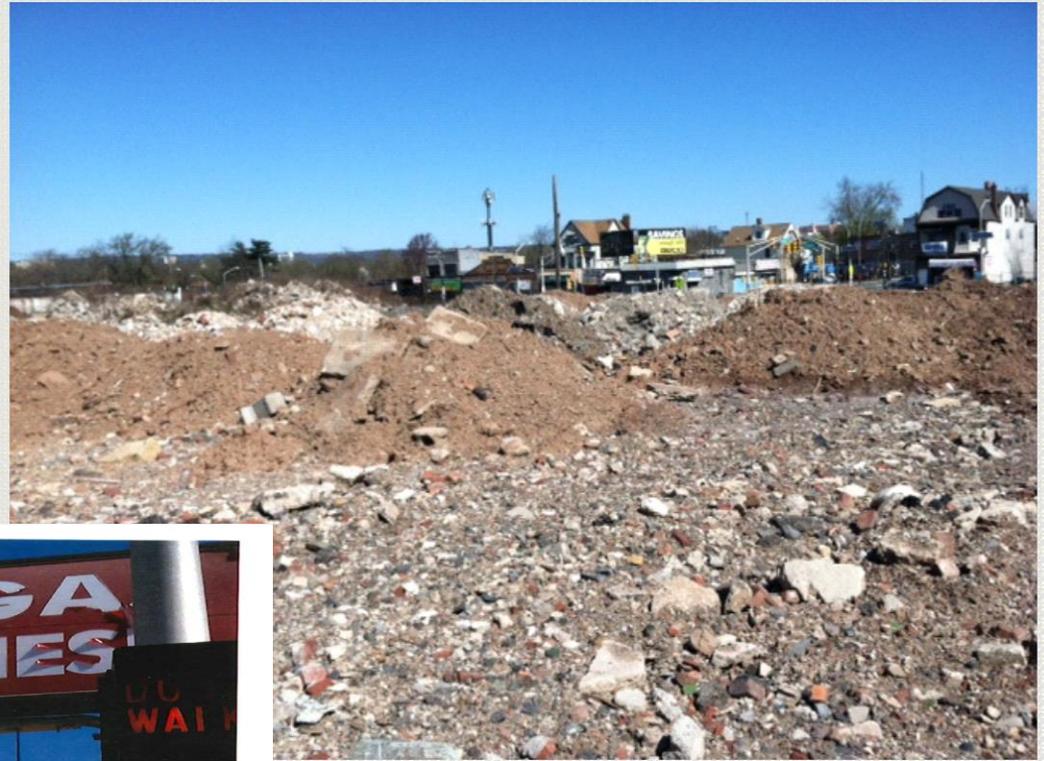
2007



Does your site have imported fill? If so, could it be “Dirty Dirt”?



Is this dirty dirt or clean fill?



Definition of clean fill:

Solid Waste Management Act defines Clean Fill as:

- “...an uncontaminated non-water-soluble, non-decomposable, inert solid such as rock, soil, gravel, concrete, glass, clay &/or ceramic products. Clean fill shall not mean processed/ unprocessed mixed construction and demolition debris.....
-The non-water soluble, non-decomposable inert products generated from an approved Class B recycling facility are considered clean fill.”

How is “Dirty Dirt” Solid Waste ?

Pursuant to N.J.A.C. 7:26-2.13(g), the following Solid Waste Types can be applied to “dirty dirt”:

- When soils are intermixed with or entrained onto construction and demolition waste, they can be considered as Solid Waste Type 13C which contains the term “dirt” in its definition.
- Historically, soils that have undergone the waste classification process to determine whether or not they are hazardous wastes are considered Solid Waste Type 27 which is defined as “dry industrial waste”.

What is an inspector looking for?

- Signs of contamination within the soil pile such as pieces of solid waste at amounts more than 1%;
- Odors indicative of petroleum or chemicals;
- Oily or other unusual staining.



What will the inspector ask you about the fill?

- Has the fill been placed as part of the remedy directed by a Licensed Site Remediation Professional (LSRP) within the purview of the NJDEP Site Remediation and/or Waste Management Program (SRP/WM)?
- Contact info. for LSRP and LSRP Company and SRP and/or WM Site Name/ID#?
- Is there a Certificate of Authority to Operate (CAO) a Beneficial Use Determination in place to address the subject fill?

NOTE: IF THE ABOVE LSRP/BUD INFORMATION IS CONFIRMED TO BE VALID, THERE IS NO NEED FOR THE INSPECTOR TO PROCEED FURTHER AS THE FILL EVALUATION IS THE RESPONSIBILITY OF THE LSRP. IF THERE IS NO CONFIRMED LSRP INVOLVED, THE INSPECTOR WILL CONTINUE.....

What will the inspector ask you/evaluate if there is no LSRP?

- What is the volume of fill added (in cubic yards)?
- What is/are the sources of the fill material (provide as much information as possible, site name, address, contact information)?
- Is there lab data associated with this fill material?
- Which source(s) does the lab data reportedly address?
- Who collected and analyzed the samples for each source and what is their contact information?
- What is the sampling AND analytical frequency per cubic yard?
- If no lab data exists, is there a suspicion of compromised soil quality? (odors, staining, construction and demolition debris and/or solid wastes > 1% throughout). Inspector will take pictures and describe.

Bottom line:

Know where your soil comes from and be prepared to prove with appropriate documentation that it is not contaminated!



DURING – INSPECTION CLOSEOUT



Following the facility inspection, the inspector will:

- Review the inspection findings with you, including any violations or areas for improvement.
- Inform you of the next step – issuance of a NOV, scheduling of a follow up inspection or meeting, etc.
- Give you an opportunity to ask questions.



AFTER.....

Back at the office, the inspector will:

- Record the inspection report in NJEMS;
- Issue applicable enforcement documents;
- Schedule a follow up inspection or meeting.

INSTRUCTIONS FOR ACCESSING DEP DATA MINER – FACILITY RECORDS

Go to <http://www.nj.gov/dep/>

- ✓ On bottom left of page, select ‘Data Miner’ link.
- ✓ On middle right of page look for the box labeled ‘INSTRUCTIONS’. Click Launch.
- ✓ Follow instructions on page to locate your facility’s records. It is helpful if you know your facility’s PI (“Program Interest”) number, as that will get you there quickly. Ask your DEP or CEHA Inspector if you don’t know it.
- ✓ If you have problems accessing/using Data Miner, please contact Elizabeth Hennessey at 609-292-3569.

Suggestions from an inspector's viewpoint....

- ❖ Read your permit or approval – know what's in it and what you are required to do before an inspector shows up.
- ❖ Familiarize yourself with the regulations that apply to your facility – if you don't know where to start, go to NJDEP's website or call your inspector.
- ❖ Always be truthful and don't be afraid to say that you don't know.
- ❖ Try your best to follow through on promises that you make and expect the same from your inspector.
- ❖ Always keep the lines of communication open.

QUESTIONS....

