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## **ENVIRONMENTAL PROTECTION**

### **SITE REMEDIATION AND WASTE MANAGEMENT**

#### **Notice of Readoption**

#### **Solid Waste Utility Regulations**

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

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

Authorized By: Shawn LaTourette, Commissioner, Department of Environmental Protection.

Effective Date: December 15, 2021

New Expiration Date: December 15, 2028

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the Solid Waste Utility Regulations at N.J.A.C. 7:26H are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on March 9, 2022. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted, with technical changes. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1(c), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

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

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

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

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