

**NEW JERSEY STATE LIBRARY**

**CHAPTER 26G**

**HAZARDOUS WASTE**

**Authority**

N.J.S.A. 13:1E-1 et seq., 13:1B-3, 13:1D-1 et seq., 13:1E-9, 13:1D-125 et seq., 26:2C-1 et seq., 47:1A-1 et seq., 58:10-23.11 and 58:10A-1 et seq.

**Source and Effective Date**

R.2002 d.140, effective April 15, 2002.  
See: 33 N.J.R. 3794(a), 34 N.J.R. 1669(b).

**Chapter Expiration Date**

Chapter 26G, Hazardous Waste, expires on April 15, 2007.

**Chapter Historical Note**

Chapter 26G, Hazardous Waste, was adopted by R.1996 d.500, effective October 21, 1996. See: 28 N.J.R. 1693(a), 28 N.J.R. 4606.

Chapter 26G, Hazardous Waste, was readopted as R.2002 d.140, effective April 15, 2002. See: Source and Effective Date. See, also, section annotations.

Petition for Rulemaking: Hazardous Waste Rules. See: 36 N.J.R. 221(b).

**Law Review and Journal Commentaries**

Proving Bad Faith in Environmental Coverage Actions. Patrick Nucciarone, Jeffrey A. Cohen, Alexa Richman-La Londe, 149 N.J.L.J. 468 (1997).

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 7:26G-1.1 Scope of rules
- 7:26G-1.2 Construction and severability
- 7:26G-1.3 Practice where rules do not govern
- 7:26G-1.4 Incorporation by reference of the Code of Federal Regulations
- 7:26G-1.5 Document availability

**SUBCHAPTER 2. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADMINISTRATIVE HEARINGS**

- 7:26G-2.1 Scope and purpose
- 7:26G-2.2 Procedures for assessment and payment of civil administrative penalties
- 7:26G-2.3 Procedures to request an administrative hearing to contest an administrative order or a notice of civil administrative penalty assessment and procedures for conducting administrative hearings
- 7:26G-2.4 Civil administrative penalties for violations of rules adopted pursuant to the Act
- 7:26G-2.5 Civil administrative penalty determination
- 7:26G-2.6 Civil administrative penalty for submitting inaccurate or false information
- 7:26G-2.7 Civil administrative penalty for failure to allow lawful entry and inspection
- 7:26G-2.8 Civil administrative penalty for failure to pay a fee
- 7:26G-2.9 Civil administrative penalty for economic benefit

**SUBCHAPTER 3. HAZARDOUS WASTE FEES**

- 7:26G-3.1 General provisions
- 7:26G-3.2 Payment of fees
- 7:26G-3.3 Fee schedule for hazardous waste facilities, generators, and transporters
- 7:26G-3.4 Exemption from fee payment
- 7:26G-3.5 (Reserved)

**SUBCHAPTER 4. HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL**

- 7:26G-4.1 Incorporation by reference
- 7:26G-4.2 State definitions
- 7:26G-4.3 Petitions to amend N.J.A.C. 7:26A-7 to include additional hazardous wastes

**SUBCHAPTER 5. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

- 7:26G-5.1 Incorporation by reference
- 7:26G-5.2 through 7:26G-5.3 (Reserved)
- 7:26G-5.4 Swine food

**SUBCHAPTER 6. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE**

- 7:26G-6.1 Incorporation by reference
- 7:26G-6.2 Waste code(s)
- 7:26G-6.3 Rejected loads

**APPENDIX TO SUBCHAPTER 6**

**SUBCHAPTER 7. STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE**

- 7:26G-7.1 Incorporation by reference
- 7:26G-7.2 Registration statement and registration requirements
- 7:26G-7.3 Other requirements
- 7:26G-7.4 Requirements for hazardous waste transfer facilities

**SUBCHAPTER 8. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

- 7:26G-8.1 Incorporation by reference

**SUBCHAPTER 9. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

- 7:26G-9.1 Incorporation by reference

**SUBCHAPTER 10. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES**

- 7:26G-10.1 Incorporation by reference

**SUBCHAPTER 11. LAND DISPOSAL RESTRICTIONS**

- 7:26G-11.1 Incorporation by reference

**SUBCHAPTER 12. HAZARDOUS WASTE PERMIT PROGRAM**

- 7:26G-12.1 Incorporation by reference
- 7:26G-12.2 Environmental and Health Impact Statement

**SUBCHAPTER 13. PROCEDURES FOR DECISIONMAKING**

- 7:26G-13.1 Incorporation by reference
- 7:26G-13.2 Other requirements

**SUBCHAPTER 14. SITING CRITERIA FOR NEW MAJOR COMMERCIAL HAZARDOUS WASTE FACILITIES**

- 7:26G-14.1 Scope and authority
- 7:26G-14.2 Construction
- 7:26G-14.3 Purpose of the regulations
- 7:26G-14.4 Applicability
- 7:26G-14.5 Severability
- 7:26G-14.6 Definitions
- 7:26G-14.7 Protection of the population of the State
- 7:26G-14.8 Structural stability
- 7:26G-14.9 Protection of surface water
- 7:26G-14.10 Protection of environmentally sensitive areas
- 7:26G-14.11 Ensuring safe transportation
- 7:26G-14.12 Protection of groundwater
- 7:26G-14.13 Protection of air quality

**SUBCHAPTER 15. HAZARDOUS WASTE FACILITIES SITING COMMISSION: POLICIES AND PROCEDURES**

- 7:26G-15.1 Scope and authority
- 7:26G-15.2 Construction
- 7:26G-15.3 Purpose
- 7:26G-15.4 Severability
- 7:26G-15.5 Definitions
- 7:26G-15.6 Procedure for designating a facility site at the request of any hazardous waste industry pursuant to N.J.S.A. 13:1E-59
- 7:26G-15.7 (Reserved)
- 7:26G-15.8 Procedure for resolving disputes regarding payment of the gross receipts tax

**SUBCHAPTER 16. AVAILABILITY OF INFORMATION; CONFIDENTIAL BUSINESS INFORMATION**

- 7:26G-16.1 Scope and exchange of information
- 7:26G-16.2 Definitions
- 7:26G-16.3 Classes of information
- 7:26G-16.4 Administration procedures and appeals for requests for information
- 7:26G-16.5 Claims of confidentiality
- 7:26G-16.6 Criteria for confidentiality determinations
- 7:26G-16.7 Confidential files
- 7:26G-16.8 Exception to granted confidentiality claims
- 7:26G-16.9 Access to and safeguarding of confidential information
- 7:26G-16.10 Class determinations
- 7:26G-16.11 Procedure regarding fees for information requests
- 7:26G-16.12 Fee schedule for confidentiality claims

**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:26G-1.1 Scope of rules**

(a) Unless otherwise provided by rule or statute, this chapter shall constitute the rules of the Department of Environmental Protection which govern the registration, operation, closure and post-closure maintenance of hazardous waste facilities in the State of New Jersey as may be approved by the Department; registration, operation, and maintenance of hazardous waste transporting operations and facilities in the State of New Jersey; and a fee schedule for services provided by the Department to hazardous waste facilities, generators and transporters.

(b) The definitions, exemptions, exclusions and discussions of solid and hazardous waste found in this chapter are for the purposes of classifying and regulating hazardous waste and do not provide any exemptions from the definition or regulation of solid waste found at N.J.A.C. 7:26.

(c) Hazardous waste facilities are exempt from district solid waste planning of N.J.A.C. 7:26-6, Solid Waste Planning Regulations; the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq.; the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq.; and those provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., which relate to district solid waste planning.

(d) In addition to the rules in this chapter, all hazardous waste facilities are required to obtain other necessary approvals.

Amended by R.2001 d.86, effective March 5, 2001.  
See: 32 N.J.R. 2536(a), 33 N.J.R. 880(a).  
Rewrote (c).

**7:26G-1.2 Construction and severability**

(a) These rules shall be liberally construed to permit the Department to discharge its statutory functions.

(b) If this chapter or any subchapter, section, subsection, paragraph, subparagraph, sub-subparagraph or any portion thereof, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, in any judicial proceeding, such judgment shall be confined in its operation to this chapter or any subchapter, section, subsection, paragraph, subparagraph, sub-subparagraph or any portion or application thereof, directly involved in the controversy in which such judgment shall have been rendered, and it shall not affect or impair the remainder of this chapter.

**7:26G-1.3 Practice where rules do not govern**

The Department may rescind, amend or expand these rules from time to time, and such rules shall be filed with the Office of Administrative Law as provided by law. In any matter concerning hazardous waste management that arises not governed by these rules, the Department shall exercise its discretion within the authority of N.J.S.A. 13:1E-1 et seq., 58:10-23.11, 58:10A-1 et seq., 47:1A-2, 13:1D-9 and 18 and all other legislatively conferred powers.

**7:26G-1.4 Incorporation by reference of the Code of Federal Regulations**

(a) Unless specifically excluded by these rules, when a provision of the Code of Federal Regulations (C.F.R.) is incorporated by reference, all notes, comments, appendices, diagrams, tables, forms, figures, and publications are also incorporated by reference.

(b) Prospective incorporation by reference means the ongoing process, beginning May 6, 2002, whereby all provisions of regulations incorporated into this Chapter from the Federal regulations at 40 C.F.R. Subparts 124, 260-266, 268, and 270 are continually automatically updated in order to maintain consistency with the most current Federal rules. Thus, any supplements, amendments, and any other changes including, without limitation, repeals or stays that affect the

meaning or operational status of a Federal rule, brought about by either judicial or administrative action and adopted or otherwise noticed by USEPA in the Federal Register, shall be paralleled by a similar change to the New Jersey rule so that the New Jersey rule will have the same meaning and status as its Federal counterpart. Similarly, to maintain consistency, all new Federal regulations are also adopted into this Chapter by this automatic process.