

See: 36 N.J.R. 4602(a), 37 N.J.R. 2497(a).  
In (a), rewrote the first sentence in 1.

**7:26-3A.48 Requirements for generators using out-of-State facilities disposing of regulated medical waste from New Jersey**

(a) A generator using an out-of-State intermediate handler, destination facility, transfer facility, or other medical waste disposal facility operating for any purpose that uses the U.S. Postal Service or other parcel delivery service in New Jersey and uses the U.S. Postal Service or other authorized mail or parcel delivery service to transport regulated medical waste from New Jersey to the out-of-State facility, shall request a certification from the out-of-State facility, which shall include copies of any state and local authorizations and/or permits. Copies of this certification shall be sent by the generator to the Bureau of Resource Recovery and Technical Programs at the address given at N.J.A.C. 7:26-3A.8(f)4. This information shall be provided by the generator prior to sending any RMW out-of-State for disposal.

(b) A generator using the out-of-State facility described in (a) above shall also submit a certification of any and all changes to the out-of-State facilities authorizations or permits within 30 days of such changes.

(c) A generator of regulated medical waste in this State shall not send regulated medical waste by the U.S. Parcel Service or other parcel delivery service to an out-of-State facility that has not submitted a certification to the Department in accordance with this section.

New Rule, R.1996 d.578, effective December 16, 1996.  
See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).  
Administrative change.  
See: 30 N.J.R. 3948(a).  
Amended by R.2005 d.223, effective July 5, 2005.  
See: 36 N.J.R. 4602(a), 37 N.J.R. 2497(a).  
In (a), rewrote the second sentence.

**7:26-3A.49 Duration of the letter of authorization; letter of authorization renewal requirements; continuation of an expiring letter of authorization and transfer of an existing letter of authorization for commercial collection facilities**

(a) A letter of authorization issued pursuant to this subchapter shall be effective for a fixed term not to exceed five years except as provided in (c) and (d) below. A letter of authorization may be renewed in accordance with (b) below only for the duration of the facility's inclusion in the applicable District Solid Waste Management Plan and provided that the waste processing rate, as specified in the letter of authorization is not exceeded.

1. The term of a letter of authorization shall not be extended by modification beyond the maximum duration specified in this section.

2. Nothing in this section shall be construed to allow the bearer of a letter of authorization to exceed the maximum waste processing rate of the facility as set forth in the letter of authorization for the facility at any time during the term of the letter of authorization. Any expansion, extension, enlargement or other increase beyond the letter of authorization waste processing rate shall be considered a new facility and shall require submittal of an application to the Department for approval of a new letter of authorization.

3. The Department may issue any letter of authorization for a duration that is less than the full allowable term under this section.

(b) Commercial collection facility letter of authorization renewal submission requirements and procedures shall be as follows:

1. The bearer of a letter of authorization of an authorized commercial collection facility shall apply for a letter of authorization renewal at least 90 days prior to the expiration date of the existing letter of authorization provided the facility is included in the applicable District Solid Waste Management Plan.

2. As an application to renew the letter of authorization for a commercial collection facility, the bearer of the letter of authorization for the facility, or the owner or operator of the facility shall submit all fees required by N.J.A.C. 7:26-3A.8(d)2, a letter requesting renewal of the letter of authorization for the facility and the following additional documents, if necessary to update the facility's operations:

- i. An updated registration statement on forms provided by the Department;
- ii. An updated engineering design for the facility;
- iii. An updated Operations and Maintenance Manual for the facility; and
- iv. An amendment to the disclosure statement as required pursuant to N.J.A.C. 7:26-16.6.

3. The Department shall publish notice in the DEP Bulletin and shall notify all parties as specified in N.J.A.C. 7:26-2.4(g)6 and 7 of the letter of authorization renewal application.

4. The Department shall review the application for completeness in accordance with the procedures set forth at N.J.A.C. 7:26-2.4(g).

(c) The conditions of an expired letter of authorization are continued in force pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1, until the effective date of a new letter of authorization if:

1. The bearer of the letter of authorization has submitted a timely and complete application for a renewal pursuant to (b) above; and

2. The Department, through no fault of the bearer of the letter of authorization, does not issue a new letter of authorization with an effective date on or before the expiration date of the previous letter of authorization, due to time or resource constraints.

(d) Letters of authorization continued under this section remain fully effective and enforceable. If the bearer of a letter of authorization is not in compliance with any one of the conditions of the expiring or expired letter of authorization during the continuance, the Department may do any or all of the following:

1. Initiate enforcement action based upon the letter of authorization which has been continued;

2. Issue a notice of intent to deny the new letter of authorization under N.J.A.C. 7:26-2.4. If the letter of authorization is denied, the owner or operator shall immediately cease activities authorized by the continued letter of authorization or be subject to enforcement action for operating a commercial collection facility without an approved letter of authorization;

3. Issue a new letter of authorization under N.J.A.C. 7:26-2.4 with appropriate conditions; or

4. Take such other actions as are authorized by these regulations or the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

(e) A bearer of a letter of authorization shall not transfer the letter of authorization directly to a new owner or operator without the Department's approval.

1. Any transfer of a letter of authorization shall be pre-approved by the Department and a written request for permission to allow such transfer shall be received by the Department at least 180 days in advance of the proposed transfer of ownership or operational control of the facility. The request for approval shall include the following:

i. A registration statement completed by the prospective new bearer of the letter of authorization on forms provided by the Department;

ii. A disclosure statement as required by N.J.A.C. 7:26-16.4 completed by the proposed transferee; and

iii. A written agreement between the bearer of the existing letter of authorization and the proposed bearer of the new letter of authorization containing a specific future date for transfer of ownership or operations.

2. A new owner or operator may commence operations at the facility only after the existing letter of authorization has been revoked and a new letter of authorization is issued pursuant to N.J.A.C. 7:26-3A.39.

3. The bearer of a letter of authorization of record remains liable for ensuring compliance with all conditions of the letter of authorization unless and until the existing letter of authorization is revoked and a new letter of authorization is issued in the name of the new owner or operator.

4. Compliance with the transfer requirements set forth in this subsection shall not relieve the bearer of the letter of authorization to be transferred from the separate responsibility of providing notice of such transfer pursuant to the requirements of any other statutory or regulatory provision which may apply.

New Rule, R.2002 d.181, effective June 17, 2002.  
See: 33 N.J.R. 4218(a), 34 N.J.R. 2049(a).

## 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 vehicle 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.

Amended by R.1974 d.234, effective August 21, 1974.  
See: 6 N.J.R. 343(c).

Amended by R.1983 d.269, effective July 5, 1983.  
See: 15 N.J.R. 662(a), 15 N.J.R. 1095(b).

Amended by R.1989 d.54, effective January 17, 1989.  
See: 20 N.J.R. 1995(a), 21 N.J.R. 190(a).

Added text "of solid waste, excluding hazardous waste".  
Repeat and New Rule, R.1989 d.216, effective April 17, 1989.

See: 20 N.J.R. 2668(a), 21 N.J.R. 1002(b).

Amended by R.1995 d.205, effective April 17, 1995.

See: 26 N.J.R. 3922(a), 27 N.J.R. 1576(b).

Amended by R.1996 d.578, effective December 16, 1996.

See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

In (a), inserted reference to thermal destruction facilities and composting facilities; and in (b), added last sentence.  
Amended by R.2002 d.181, effective June 17, 2002.

See: 33 N.J.R. 4218(a), 34 N.J.R. 2049(a).  
In (b), substantially amended first sentence.