

vii. A waste inspection plan, which shall include a program for detecting and preventing the disposal of all unauthorized waste types, including regulated hazardous wastes. This program shall include, at a minimum, but not be limited to, the following:

(1) Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain unauthorized waste types, including regulated hazardous waste or TSCA waste;

(2) Records of any inspections;

(3) Training of facility personnel to recognize any unauthorized waste types, including regulated hazardous waste; and

(4) Notification procedures to report to the Department any discovery of any unauthorized waste types, including regulated hazardous waste at the facility; and

viii. For ID 72 liquid waste transfer stations, a description of the methods to be employed to meet the waste analysis and incompatible wastes requirements of N.J.A.C. 7:26-2B.9(g)2 and 3.

10. The Department will review the O and M manual and notify the applicant of any deficiencies which need to be addressed. The necessary changes shall be incorporated into a revised O and M manual. The revised O and M manual shall be submitted to the Department subsequent to completion of the construction phase, but at least 60 days prior to initiating full-scale operations. Full-scale facility operations shall not be initiated before formal Department approval of the revised O and M manual.

11. A landscaping plan delineating the existing site vegetation to be retained, and discussing the methods to be employed in order to ensure protection during the clearing, grading and construction phases of the project and the supplemental vegetation to be planted, shall be submitted as part of the engineering design. Information relating to vegetation type, location and purpose, such as for buffer, screening or aesthetics, and schedules for planting, shall accompany the plan. Facility exterior grounds shall be landscaped in a manner which enhances the visual appearance of the property.

12. Foundation sources and basis documents supporting all factual information submitted and all conclusions drawn, shall be identified.

New Rule, R.1985 d.65, effective February 19, 1985.

See: 16 N.J.R. 440(a), 17 N.J.R. 446(a).

New Rule, R.1987 d.235, effective June 1, 1987.

See: 18 N.J.R. 883(a), 19 N.J.R. 928(b).

This section was recodified without change to 2.12.

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

See: 28 N.J.R. 2144(a), 28 N.J.R. 5248(a).

In (a), deleted two references to exemptions under N.J.A.C. 7:26-2.4(c) and amended the references made to 7:26-2B; rewrote (b)1; in (b)4i, amended N.J.A.C. reference; in (b)5vi, added reference to storm water drainage, sanitary sewer, water supply, and energy systems; in (b)6, substituted "North American Datum of 1983" for "New Jersey Plane Coordinate Datum of 1927"; deleted (b)7iii; in (b)9, amended reference to manual from preliminary manual; added (b)9ii(1); and in (b)10, amended reference to manual from preliminary manual.

Administrative change.

See: 30 N.J.R. 3948(a).

Amended by R.2001 d.86, effective March 5, 2001.

See: 32 N.J.R. 2536(a), 33 N.J.R. 880(a).

Rewrote (b).

Amended by R.2002 d.181, effective June 17, 2002.

See: 33 N.J.R. 4218(a), 34 N.J.R. 2049(a).

In (a), deleted "except for those facilities as specified in N.J.A.C. 7:26-2.4(c)" and inserted the fourth sentence; inserted (b)9viii.

### 7:26-2.11 General operational requirements

(a) The operational requirements identified in this section are general requirements for all solid waste facilities, except as noted in (e) below. Additional operational requirements for sanitary landfills are set forth in N.J.A.C. 7:26-2A.8. Additional operational requirements for thermal destruction facilities are set forth in N.J.A.C. 7:26-2B.8. Additional operational requirements for transfer stations and materials recovery facilities are set forth in N.J.A.C. 7:26-2B.9.

(b) The general operational requirements for all solid waste disposal facilities are as follows:

1. Within each 24 hour period the operator shall clean each area where waste has been deposited or stored, except for those storage areas at thermal destruction facilities which are designed for multiple day storage capability and as exempted by (c)2 below; for sanitary landfills, all areas where waste has been deposited shall be covered with the appropriate cover material except as permitted by (c)2 below;

2. No waste shall be stored overnight at any facility without effective treatment to prevent odors associated with putrefaction;

3. Facility property surrounding the actual disposal area shall be maintained free of litter, debris, and accumulations of unprocessed waste, process residues and effluents. Methods of effectively controlling wind-blown papers and other lightweight materials such as fencing shall be implemented at all facilities;

4. Methods of effectively controlling dust shall be implemented at all facilities in order to prevent offsite migration;

5. The operation of the facility shall not result in the emission of air contaminants in violation of N.J.A.C. 7:27-5.2(a);

6. The operator shall maintain all facility systems and related appurtenances in a manner that facilitates proper operation and minimizes system downtime. When requested, the operator of the facility shall furnish proof that provisions have been made for the repair and replacement of equipment which becomes inoperative;

7. An adequate water supply and adequate fire-fighting equipment shall be maintained at the facility or be readily available to extinguish any and all types of fires. Fire-fighting procedures as delineated in the approved O and M manual, including the telephone numbers of local fire, police, ambulance and hospital facilities, shall be posted in and around the facility at all times;

8. The operator shall effectively control insects, other arthropods and rodents at the facility by means of a program in compliance with the requirements of the New Jersey Pesticide Control Code, N.J.A.C. 7:30, and implemented by an applicator of pesticides, certified in accordance with the New Jersey Pesticide Control Code, N.J.A.C. 7:30;

9. The operator shall at all times comply with the conditions of the SWF permit, as well as all other permits or certificates required and issued by the Department or any other Federal or State authority. The operator shall not receive, store, handle, process or dispose of waste types not specifically identified in that facility's SWF permit or other permit or certificate issued by the Department;

10. The quantity of waste received by the facility operator shall not exceed the system's designed handling, storage, processing or disposal capacity as identified in that facility's SWF permit or other permit certificate. The designed processing and disposal capacity approved within any solid waste facility permit, other permit certificate or approval conditions as a ton per day operational maximum shall be inclusive of all solid waste received at the facility as well as all tonnages of source separated recyclables received;

11. The facility shall be operated in a manner that employs the use of the equipment and those techniques for the receipt, storage, handling, processing or disposal of incoming waste and process residues that are specifically authorized by the facility's SWF permit; and

12. The approved final O and M manual shall be maintained at the facility. A written description of any proposed changes to the approved, final O and M manual shall be submitted to the Department for review. These proposed changes shall not be implemented at the facility until the Department approves the changes.

(c) In addition to the requirements listed at (b) above, those solid waste disposal facilities that receive solid waste from off site shall also comply with the following:

1. Only solid waste vehicles properly registered, pursuant to N.J.A.C. 7:26-3, with the Division of Solid and Hazardous Waste, unless exempt from the registration requirement pursuant to N.J.A.C. 7:26-3.3, and displaying the appropriate registration number and solid waste decal shall be admitted for loading or unloading of any solid waste at the facility. Solid waste vehicles exempt from registration pursuant to N.J.A.C. 7:26-3.3, or those which must be manually unloaded, shall not be admitted to the tipping area when registered, commercial type solid waste vehicles including, but not limited to, compactor trucks, trailers or any solid waste vehicle that tilts or uses other mechanical means to discharge its solid waste are being unloaded, or when other heavy equipment is being operated in the tipping area. The facility shall be sufficiently staffed to ensure that this requirement is not violated;

2. The operator shall designate a secure area under the facility's control, located a safe distance from the tipping area, where solid waste may be unloaded from those solid waste vehicles which are either exempt from the registration requirements of N.J.A.C. 7:26-3.3 or which must be manually unloaded. Bulky items and recyclable materials may be provided for in this manner. The operator may establish a separate secure area, with the approval of the Department, for the drop-off and/or transfer of asbestos and asbestos-containing waste material (ACWM) separate and apart from the disposal areas described in this paragraph or in N.J.A.C. 7:26-2A.8(i)2i and ii. The operator shall ensure that the container used for drop-off and/or transfer is fully enclosed and located on an impermeable surface. No person other than facility personnel or a licensed asbestos removal contractor may load the asbestos or ACWM into the container used for drop-off and/or transfer. The facility operator shall be responsible for the sanitary conditions and orderly operation of the designated areas. It shall be the operator's responsibility to remove the bulky items, recyclable materials, ACWM or other waste from the designated area at a frequency so as not to exceed the storage capacity of the areas;

3. The operator shall designate a secure area under the facility's control, located a safe distance from the active disposal area, where solid waste, including suspected hazardous waste, which the facility is not permitted to receive shall be deposited until the operator receives instruction from the Department as to the proper disposal of the unpermitted waste;

4. The operator shall maintain a record of the quantity of each authorized waste type accepted for disposal, in accordance with N.J.A.C. 7:26-2.13. In the event that the facility is exempt from the use of scales to physically weigh the waste, volume to weight conversions shall be made by means of formulae furnished by the Department; and

5. The operator shall provide a means of removing mud, solid waste or other debris from the tires of all vehicles. Vehicle tires shall be cleaned prior to the vehicle's departure from the facility's boundaries.

(d) Department inspectors shall have the right to enter and inspect any building or other portion of the facility, at any time. This right to inspect includes, but is not limited to:

- i. Sampling any materials on site;
- ii. Photographing any portion of the facility;
- iii. Investigating an actual or suspected source of pollution of the environment;
- iv. Ascertaining compliance or non-compliance with the statutes, rules or regulations of the Department, including conditions of the facility's SWF permit or other permit or certificate issued by the Department; or

(c) The Department and borrower may enter into a mutual agreement to terminate the loan agreement at any time pursuant to terms which are consistent with this subchapter. The termination agreement shall establish the effective date of termination of the project and the schedule for the repayment of the entire loan.

(d) The effect of termination of the loan, in whole or in part, shall be as follows:

1. Upon termination, the borrower may be required to immediately refund or repay the entire amount of the loan to the Fund. If the loan is guaranteed by a security/deficiency agreement, the agreement shall be brought into effect to ensure the entire repayment of the loan. At the Department's discretion, it may authorize the immediate repayment of part of the loan and allow the remaining balance to be repaid in accordance with the loan agreement repayment schedule.

2. The borrower shall reduce the amount of outstanding commitments insofar as possible and report to the Department the uncommitted balance of funds awarded under the loan. The Department shall make the final determination of the allowability of termination costs.

(e) In addition to any termination action, the Department retains the right to pursue other legal remedies as may be available under Federal, State and local law as warranted.

Recodified from 7:26-14A.23 by R.1996 d.578, effective December 16, 1996.  
See: 28 N.J.R. 2144(a), 28 N.J.R. 5248(a).  
Former section recodified to N.J.A.C. 7:26-14A.15.

**7:26-14A.20 Certifications**

Whenever in this subchapter a certification is required pursuant to this section, such certification shall include the following statement:

"I certify under penalty of law that the information provided in this document is true, accurate and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil administrative penalty as set forth at N.J.A.C. 7:26-5 and that submitting false information may be grounds for denial, revocation or termination of any solid waste facility permit or vehicle registration for which I may be seeking approval or now hold."

Recodified from 7:26-14A.24 and amended by R.1996 d.578, effective December 16, 1996.  
See: 28 N.J.R. 2144(a), 28 N.J.R. 5248(a).  
Added last sentence in certification statement. Former section recodified to N.J.A.C. 7:26-14A.16.

**7:26-14A.21 Administrative hearings**

(a) The Department shall decide in writing all disputes arising under a loan.

(b) A borrower may request an administrative hearing within 15 days of a written decision by the Department. Such hearing requests shall be addressed to Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, CN 402, Trenton, New Jersey 08625-0402. The borrower shall be required to specify in writing and in detail the basis for its appeal.

(c) Following receipt of a complete request for a hearing pursuant to (b) above, the Department may attempt to informally settle the dispute by conducting such proceedings, meetings and conferences as deemed appropriate.

(d) If the Department determines the matter to be a contested case, the Department shall file the request for an administrative hearing with the Office of Administrative Law. Such hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

Recodified from 7:26-14A.25 and amended by R.1996 d.578, effective December 16, 1996.  
See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).  
Former section recodified to N.J.A.C. 7:26-14A.17.

**7:26-14A.22 Severability**

If any provision, clause or portion of this subchapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subchapter shall not be affected thereby.

Recodified from 7:26-14A.26 by R.1996 d.578, effective December 16, 1996.  
See: 28 N.J.R. 2144(a), 28 N.J.R. 5248(a).  
Former section recodified to N.J.A.C. 7:26-14A.18.

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**SUBCHAPTER 15. RECYCLING GRANTS AND LOANS PROGRAM**

**7:26-15.1 Scope**

This subchapter shall constitute the rules of the Department governing the disposition of grants and loans pursuant to the Recycling Act, N.J.S.A. 13:1E-92 et seq.

Amended by R.1996 d.578, effective December 16, 1996.  
See: 28 N.J.R. 2144(a), 28 N.J.R. 5248(a).

**7:26-15.2 Construction**

(a) This subchapter shall be liberally construed as to permit the Department to discharge its statutory functions and effectuate the purposes of the law.

(b) The Commissioner may, from time to time, amend, expand or repeal this subchapter in accordance with the

provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Amended by R.1996 d.578, effective December 16, 1996.  
See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

### 7:26-15.3 Practice where these rules do not govern

The Commissioner shall exercise discretion in respect to any matters not explicitly covered by this subchapter.

Amended by R.1996 d.578, effective December 16, 1996.  
See: 28 N.J.R. 2114(a), 28 N.J.R. 5248(a).

### 7:26-15.4 Definitions

The following words and terms when used in this subchapter shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means the Clean Communities and Recycling Act, N.J.S.A. 13:1E-92.1 et seq.

“Applicant” means a county or a municipality submitting an application for a Recycling Tonnage grant pursuant to N.J.A.C. 7:26-15.5.

“Collection” means any of a number of procedures by which recyclable materials are collected from residential or commercial sources.

“Commercial source” means apartment buildings with 10 or more dwelling units, farms and wholesale, retail or service establishments including but not limited to restaurants, markets, retail and wholesale outlets, theaters, hotels, warehouses, schools, hospitals, institutions, research facilities, public and private offices, and gas stations.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Conversion” means the physical or chemical process by which recyclable materials are made into an economically valuable raw material or product other than fuel.

“County” means any of the 21 counties in New Jersey.

“Department” means the New Jersey Department of Environmental Protection.

“EDA” means the New Jersey Economic Development Authority.

“Education Fund” means the portion of the State Fund specified by Section 5(b)(5) of the Act.

“Education Grant” means grants awarded by the Department from the Education Fund.

“Market” means a purchaser of recyclable materials.

“Municipality” means any of the forms of local government subdivisions below the county level, including cities, townships, towns, boroughs, or villages located in New Jersey.

“NJDEP” means the New Jersey Department of Environmental Protection.

“Planning and Program Fund” means the portion of the State Fund specified by Section 5(b)(4) of the Act.

“Planning and Program Grant” means any grant awarded by the Department from the Planning and Program Fund.

“Processing” means treating recyclable materials so as to conform to market specifications, including but not limited to separating materials by type, grade or color, crushing, grinding, shredding or baling, or removing contaminants.

“Recyclable materials” means materials generated by residential and commercial sources which can be separated from the solid waste stream for the purpose of recycling.

“Recycling” means any process or processes by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream of raw materials or products.

“Recycling business and industry” means a for-profit business which collects, processes, sells, purchases or converts recyclable materials.

“Recycling Business Loan” means a loan or loan guarantee made from the Recycling Business Loan Fund.

“Recycling Business Loan Fund” means the portion of the State Fund specified by Section 5(b)(2) of the Act.

“Recycling coordinator” means a person designated to organize, supervise or coordinate recycling programs and activities within a county.

“Recycling Tonnage Grant” means any grant awarded by the Department from the Recycling Tonnage Grant Fund.

“Recycling Tonnage Grant Fund” means the portion of the State Fund specified by Section 5(b)(1) of the Act.

“Recipient” means any person to whom monies have been allocated by the Department from any of the Funds established pursuant to the Act, whether or not said person has actually received monies.

“Regional recycling coalition” means an intermunicipal recycling coordinating agency organized under the InterLocal Services Act (N.J.S.A. 40:8A-1 et seq.) or through a joint purchasing agreement under the Local Public Contracts Law (N.J.S.A. 40A:11-10), or a county-sponsored recycling program serving two or more municipalities within the county.