

**NEW JERSEY STATE LIBRARY**

**CHAPTER 26G**

**HAZARDOUS WASTE**

**Authority**

N.J.S.A. 13:1B-3, 13:1D-1 et seq., 13:1E-1 et seq., 13:1E-49 et seq., 26:2C-1 et seq., 47:1A-1 et seq., 58:10-23.11 et seq., and 58:10A-1 et seq.

**Source and Effective Date**

R.1996 d.500, effective October 21, 1996.  
See: 28 N.J.R. 1693(a), 28 N.J.R. 4606(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 26G, Hazardous Waste, expires on October 21, 2001.

**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 Adjustment of fees

**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 Additional special requirements for hazardous waste generated by conditionally exempt small quantity generators
- 7:26G-5.3 Requirements for universal waste
- 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. EXISTING 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 and waste flow requirements of N.J.A.C. 7:26-6, Interdistrict and intradistrict solid waste flow, the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., and 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, 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.

**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) When a provision of 40 C.F.R. is incorporated by reference all internal references contained therein are also incorporated by reference for the purposes of that provision, unless otherwise noted. Each internal reference to the C.F.R. shall be interpreted to include, in addition to the Federal citation, any changes or additions or deletions made to that citation by the corresponding state subchapter. For example, all references within the C.F.R. to 40 C.F.R. Part 261 shall include the changes, additions and deletions which N.J.A.C. 7:26G-5 makes to 40 C.F.R. Part 261.

(c) Provisions of 49 C.F.R. incorporated by reference are prospective and all internal references contained therein are also incorporated by reference for the purposes of that provision, unless otherwise noted. Provisions of 49 C.F.R. shall be interpreted to include, in addition to the Federal citation, any changes or additions or deletions made to that citation by the following State agencies and corresponding State rules: