

(c) Each solid waste disposal utility that makes a filing under (a) above shall, after being advised by the Department of the time and place fixed for hearing, if any, and unless otherwise ordered or permitted by the Department, serve notice at least 20 days prior to such time on those persons specified in (b)1 and 2 above; and shall give such notice to those persons designated in (b)3 above as current customers billed on a recurring basis, by bill insert or by publication 20 days prior to the date set for hearing, in newspapers published and circulated in the solid waste disposal utility's service area.

(d) The notices provided for in (b) and (c) above may be given simultaneously.

(e) Where notice is prescribed under this section it shall be at the cost and expense of the party obligated to give or serve the notice.

(d) Effective September 1, 1996, all approved disposal tariffs currently on file with the Department shall conform with the format and language as outlined in this subchapter.

#### 7:26H-4.3 Arrangement and form of filed schedules

(a) All rate sheets shall be clearly printed, photocopied or typewritten on paper measuring 8.5 × 11 inches in size. Approved tariffs filed with the Department for public inspection shall be printed or typewritten; no facsimile reproductions will be accepted. All sheets shall be bound in loose leaf form so that changes can be made by substituting or inserting a single sheet and the left hand margin of each sheet must be two inches wide.

(b) The first tariff or series of schedules issued by a solid waste collection or disposal utility, shall be designated as DEP No. 1—Solid Waste. This designation shall appear as part of the caption of each schedule sheet, directly under the company name at the upper left-hand corner. When a tariff is refiled in its entirety it should be given the next consecutive number.

(c) Each tariff filed with the Department must contain the following:

1. A tariff cover page showing the DEP number, the territories served, the complete name, address and telephone number of the solid waste collector or disposal facility and the name of the officer authorized to issue the tariff;
2. A table of contents containing a complete list of contents by schedule number, description of service, and sheet numbers. Whenever a new schedule of rates or a new sheet is added, the table of contents shall be revised to show the title of the new sheet, the schedule number and the sheet number; and
3. Standard terms and conditions shall be filed on sheets consecutively numbered or in consecutive sections with the sheets of each section consecutively numbered, following the Table of Contents.

(d) In addition to the requirements of (c)1 through (3) above, each disposal tariff filed with the Department must contain a set of rate schedules in accordance with the following:

1. All rates for solid waste disposal services shall be included in a single tariff. Within each class of service, the rates for each waste type collected shall be filed as a separate schedule and shall whenever feasible and practicable begin on a separate sheet.
2. All rates for solid waste disposal services shall be included in a single tariff. The rates for each waste type accepted shall be filed on a rate schedule listing the cost of disposal per ton and the cost of disposal per cubic yard, to be applied only when scales are inoperable;

## SUBCHAPTER 4. SOLID WASTE UNIFORM TARIFF

### 7:26H-4.1 Scope

This subchapter shall govern the arrangement, filing and posting of tariffs, schedules, rates and other charges including standard terms and conditions for solid waste collection and disposal utilities.

### 7:26H-4.2 General

(a) All solid waste collection and disposal utilities shall file tariffs with the Department and shall keep a copy of all tariffs open to public inspection on the premises of the utility or at the office of a designated agent. Tariffs must show the service area, standard terms and conditions, and all general privileges and franchises granted. The tariffs shall be available during office hours, and shall be produced on demand for any Department official, local government official or any person for examination during normal business hours.

(b) All solid waste disposal utility tariffs approved and on file with the Department in effect as of June 3, 1996 shall continue in force until legally changed. All new tariffs or amendments to existing tariffs, filed after June 3, 1996, shall conform to this subchapter. The Department, upon written notice to a utility, may direct the reissuance or modification, as to form of any tariff or any part thereof whenever the tariff or amendment thereto fails to conform with the provisions of this subchapter.

(c) All new disposal tariffs submitted to the Department after (the effective date of these rules) shall be in conformance with the format and language as outlined in this subchapter.

3. Each rate sheet for a material recovery facility shall, for waste received from each district of origin, be arranged alphabetically, with the following printed at the top or bottom of every rate sheet: "For Waste Type \_\_\_ Accepted From \_\_\_ District; to Be Processed with Residual Return in Accordance With N.J.A.C. 7:26-2.11, 2.13(a), and 2B.9"; and

4. For solid waste disposal services the rate schedules for each separate and distinct class of service shall be numbered consecutively, so as to facilitate reference to the rate schedules.

(e) Each sheet of every tariff shall bear a sheet number which shall be placed in the upper right-hand corner of the sheet in a position opposite the name of the company, except that, where separate sheets are filed for each of a given number of specified areas, designation by area may be used in lieu of a sheet number. Upon the first filing of the sheet it shall be designated as Original Sheet No. \_\_\_\_, or Original Sheet where no number is required. This same sheet number (or section and sheet number) shall appear on all subsequent issues of the sheet, and the revisions of the sheet shall be numbered, as follows:

1. On the first revision of the sheet shall be designated:

FIRST REVISED SHEET NO. \_\_\_

SUPERSEDING

ORIGINAL SHEET NO. \_\_\_

2. On the second revision of the sheet shall be designated:

SECOND REVISED SHEET NO. \_\_\_

SUPERSEDING

FIRST REVISED SHEET NO. \_\_\_

3. On all subsequent revisions the sheet shall bear consecutive revision numbers and shall indicate the cancellation of the superseded sheet, tariff, or portion thereof. Revision numbers used on sheets disapproved or rejected by the Department may be repeated on refileing.

4. When a schedule of rates is filed for a new class of service, an original sheet number shall be assigned to the sheet on which the new rates appear.

5. In the arrangement of the tariff it will be recognized that it may be necessary in the future to file additional schedules of rates within the established series. To provide a proper place for subsequent filings in relation to schedules, terms and conditions, and so forth, already filed, reservation of sheet numbers may be made at time of original filing. The reservation of sheet numbers should be noted in the table of contents.

6. In lieu of the requirements listed in (d)1 through 5 above, the tariff may be divided into numbered sections, and the sheets in each section numbered consecutively beginning with Sheet 1.

7. Whenever a tariff is to be revised pursuant to an order or authorization of the Department, additions must be identified by underline and deletions must be signified by brackets.

(f) Each page containing rates or provisions established or revised pursuant to an order or authorization of the Department shall bear the issue date, the effective date and the bear the name of the individual authorized by the facility to issue the tariff and shall bear the following notation:

"Filed pursuant to (here insert nature of authorization including docket number) of the New Jersey Department of Environmental Protection, dated \_\_\_\_\_".

#### 7:26H-4.4 Solid waste collection tariff terms and conditions

(a) The following shall apply to all solid waste collection companies:

1. The solid waste collection utility shall have unencumbered access to any customer's container, utility container or other area from which solid waste is to be collected. If containers are located in an enclosed structure, said structure must allow for access. In the event that the structure prevents access, the collector shall return on the next regularly scheduled collection date. All containers and areas from which solid waste is to be collected shall be kept free from all hazards and potential hazards. During periods of inclement weather, containers are to be reasonably free from ice and snow.

2. Collection service shall be provided according to a schedule contained in a the collector's tariff.

3. Where more than one rate schedule is available to a particular customer, the solid waste utility shall have at all times the responsibility to assist such customer in the selection of the rate schedule most favorable for their individual requirements and to make every reasonable effort to ensure that such customer is served under the most advantageous schedule. Each such utility shall include among the terms and conditions of its tariff the provision that it will assist customers in the selection of the rate schedule most favorable for their individual requirements.

4. The collector may provide miscellaneous collection services, including collection of yard clippings, garden refuse, bulky household refuse and additional types of solid waste not provided for in the basic service. Specific provisions must be outlined in the appropriate service section of the collector's tariff.