

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

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

Repealed "Smoking, smoldering or burning landfill".

Emergency Amendment, R.1988 d.547, effective October 26, 1988 (expires December 25, 1988).

See: 20 N.J.R. 2817(a).

Added sections 1.11 or 1.12.

Adopted Concurrent Proposal, R.1989 d.55, effective December 23, 1988.

See: 20 N.J.R. 2817(a), 21 N.J.R. 198(a).

Provisions of Emergency Amendment R.1988 d.547, readopted without change.

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

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

In (e), (f), (g) and (i), amended N.J.A.C. references; in (k), inserted text "Except for ... 7:26-2.6(d)"; and added (p) through (r).

Administrative change.

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

#### Case Notes

Notice of violation of the Solid Waste Management Act issued by the Department of Environmental Protection, which orders the immediate cessation of operation of a solid waste facility, is an order of abatement within the intent of N.J.S.A. 13:1E-9(c), which entitles the recipient to an administrative hearing to challenge the violation. *Gloucester County Improvement Auth. v. New Jersey Dep't of Env'tl. Protection*, 391 N.J. Super. 244, 917 A.2d 833, 2007 N.J. Super. LEXIS 79 (App.Div. 2007).

Liability and penalties under the Solid Waste Management Act extend beyond the corporation to corporate officers who have personal knowledge of the unlawful nature of the regulated activities and are in a position of authority to ensure that such activities do not continue. *N.J. Dep't of Env'tl. Prot. v. A. Montone Construction*, OAL Dkt. No. ESW 10090-2005S, 2007 N.J. AGEN LEXIS 1037, Final Decision (April 11, 2008).

Revocation of solid waste transporter's license due to lack of permit and failure to pay sales taxes modified. *New Jersey Department of Environmental Protection and Energy, Division of Solid Waste Management*, 97 N.J.A.R.2d (EPE) 50.

Denial and revocation of licenses was justified for recycling facility that handled solid waste without a permit. *Department of Environmental Protection and Energy v. Tempesta & Sons, Inc.*, 96 N.J.A.R.2d (EPE) 247.

#### 7:26-2.9 Environmental and Health Impact Statement requirements

(a) The Environmental and Health Impact Statement, (hereinafter EHIS), shall be prepared utilizing a systematic, interdisciplinary approach in order to ensure the integrated assessment of technical, economic, environmental and social parameters potentially affected by the proposed facility.

(b) An EHIS prepared and submitted pursuant to this section shall address each category described at (c)3 below. The magnitude and detail of the environmental inventory, the environmental assessment, the health impact assessment and the overall EHIS shall reflect the type, size and location of the proposed solid waste facility. Where the information addressing a requirement of the inventory is supplied in the engineering designs or reports, reference to such designs or reports may be noted in the inventory, provided the appropriate section and page number of the design or report is cross referenced and indexed. If any category described at (c)3 below presents no impact relative to the proposed facility, a notation of non-applicability shall be entered in the environmental inventory for that category. The Department shall allow variances to the requirements of this section for any category, or to reduce the size of the general area to be described in the inventory relative to site specific impacts, if the applicant demonstrates during the pre-application conference that specific categories are not applicable or the area is not appropriately subject to the EHIS based on the type, size and location of the proposed solid waste facility.