

# **Solid Waste Forum on Waste Flow and Recycling in Sussex County**



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Department of Environmental  
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# Why are we here today?

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## **An amendment to the Sussex County Solid Waste Management Plan (SCSWMP)**

- Effective January 15, 2010
- Enforcement will begin on June 1, 2010

# What is the amendment to the **SCSWMP**?

## 6.7 Waste Flow

- The facility that is currently operating in Lafayette Township, known as the Sussex County Solid Waste Facility, is hereby designated as the sole facility to which all Sussex County generated waste in categories ID 10, 13, 23, 25 and 27 as specified in Section 2.1.1 of the Sussex County District Codified Solid Waste Management Plan as well as ID 13C, 27A and 27I as described in the current SCMUA Solid Waste Facility Permit for Site 1E.

# 6.7 Waste Flow

## What is required?

- All solid waste of the following types shall be brought to the SCMUA:
  - Waste Type ID 10 = municipal solid waste
  - Waste Type ID 13 = bulky solid waste
  - Waste Type ID 13C = construction & demolition debris
  - Waste Type ID 23 = vegetative waste
  - Waste Type ID 25 = animal and food processing waste
  - Waste Type ID 27 = dry industrial waste
  - Waste Type ID 27A = asbestos containing waste
  - Waste Type ID 27I = incinerator ash

# 6.7 Waste Flow

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## Exception

- Waste Type ID 13C = construction & demolition debris

**Note:** These waste types can be brought to **GRINNELL RECYCLING INC** for material recovery.

# NJAC 7:26 -6.12 (b)

## Compliance with district solid waste management plan

- **All solid waste facility operators and transporters registered with the Department shall operate in compliance with the applicable district solid waste management plan as well as any amendments to and/or approved administrative actions concerning such plan. Any facility operator or transporter who fails to comply with the applicable solid waste management plan as well as any amendment to or approved administrative actions concerning such plan shall be deemed to be in violation of the Act and this chapter and shall be subject to the applicable penalties provided under the Act and this chapter, and any other applicable law or regulation.**

# Base Penalties

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## NJAC 7:26-6.12(b)

- Failure to comply with the applicable district solid waste management plan.
- \$4,500 Non-Minor (NM) – No grace period

# NJAC 7:26 – 3.4(m)

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- All solid waste transporters shall haul solid waste in accordance with the Solid Waste Management Plan developed by the county or district of waste origin pursuant to N.J.A.C. 7:26-6.



# Base Penalties

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## NJAC 7:26-3.4(m)

- Failure of transporter to haul solid waste in accordance with the Solid Waste management Plan developed by the county or district of waste origin pursuant to N.J.A.C. 7:26-6.
- \$4,500 Non-Minor (NM) – No grace period

# Severity Factor

(dependent upon past violation history)

## **NJAC 7:26-5.4(f)**

- |   |            |
|---|------------|
| i. Violator had violated the same rule less than 12 months prior to the violation.  | ..... 1.00 |
| ii. Violator had violated a different rule less than 12 months prior to the violation.  | ..... 0.50 |
| iii. Violator had violated the same rule during the period which began 24 months prior to the violation and ended 12 months prior to the violation.   | ..... 0.50 |
| iv. Violator had violated a different rule during the period which began 24 months prior to the violation and ended 12 months prior to the violation. | ..... 0.25 |

# Severity Factor

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## EXAMPLE:

- Base penalty (for violation of N.J.A.C. 7:26-6.12(b)) = \$4,500
  - Subparagraph (f)3iii applies:  
 $0.50 \times 4500 = \$2,250$
  - Subparagraph (f)3iv applies:  
 $0.25 \times 1000 = \$1,125$
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- Total civil administrative penalty = \$7,875

# NJAC 7.26 – 3.5(h)2

## Transporter requirements

- (h) O and D form requirements for transporters hauling solid waste to in-State solid waste facilities are as follows:
  1. The Department shall provide the registered transporter with an approved O and D form. The transporter shall thereafter duplicate the form for use with each load of solid waste destined for an in-State solid waste facility.
  2. Prior to transport of the solid waste to the disposal site, the transporter shall complete the O and D form and sign it, thereby certifying the accuracy of the information provided.
  3. The completed and signed O and D form shall be given to the facility operator in accordance with N.J.A.C. 7:26-2.13(c).

# O & D Form - Page #1

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION-DIVISION OF SOLID AND HAZARDOUS WASTE

## **SOLID WASTE ORIGIN AND DISPOSAL FORM**

### **A. Transporter Section** *(To be completed by the Transporter prior to transport to the disposal site)*

1. Name of Registered Transporter: _____		Phone No. _____		2. NJDEP Registration No.: _____	
3. Type of Transporter Registration: (Check One) <input type="checkbox"/> A-901 Licensed <input type="checkbox"/> Registered self-generator <input type="checkbox"/> Registration Exempt					
4. Waste Self-Generated: (Check One) <input type="checkbox"/> YES <input type="checkbox"/> NO					
5. Name of LESSOR if the solid waste vehicle is leased: _____					
6. Decal No.	Type	License Plate No.	Capacity	Leased – Yes or No	7. A. Waste Types (Please circle)
_____	Cab or Single Unit	_____	_____	_____	ID 10 ID 13 ID 13C ID 23
_____	Container	N/A	_____	_____	ID 25 ID 27 ID 27A ID 27I
_____	Trailer	_____	_____	_____	Other: _____
8. Transporter to complete waste origin information.					
Municipality (ies)	County(ies)	State	% of Total Load		
_____	_____	_____	_____		
_____	_____	_____	_____		
_____	_____	_____	_____		
_____	_____	_____	_____		
9. Date Waste Collected: _____					
10. Transporter's Certification: <i>I CERTIFY THAT THE INFORMATION PROVIDED ON THIS FORM IS TRUE TO THE BEST OF MY KNOWLEDGE.</i>					
PRINT DRIVER'S NAME		SIGNATURE		DATE	

\* Sending Facility: *(If solid waste is transported from a solid waste intermodal, transfer, or material recovery facility, list the facility name in the Municipality column, ID # in the County column and the State in which the sending facility is located in the State column.)*

### **B. Disposal Destinations**

11. Final Disposal Facility Name & State (Transporter Completes 11 & 12): _____	
12. Non Hazardous Manifest # or Bill of Lading # or Pull Ticket #: _____	
13. In State weigh location (Weigh master completes 13 through 16): _____	
14. GROSS WT.: _____	NET WT. (IN STATE DISPOSAL ONLY): _____
15. SCALE TICKET No. (IN STATE DISPOSAL ONLY): _____	
16. Weigh master's Certification: <i>I CERTIFY THAT THIS FORM HAS BEEN COMPLETED BY THE REGISTERED TRANSPORTER IDENTIFIED ABOVE, AND THAT THE GROSS WEIGHT FIGURE IS TRUE AND ACCURATE FOR LOADS GOING OUT OF STATE.</i>	
SIGNATURE: _____	DATE: _____

### **C. In State Disposal Facility Section** *(To be completed by facility operator for loads disposed of in State only)*

17. New Jersey Receiving Facility Operator Certification: *I CERTIFY THAT THIS FORM HAS BEEN COMPLETED BY THE REGISTERED TRANSPORTER IDENTIFIED ABOVE, AND THAT THE WASTE AS IDENTIFIED BY THE TRANSPORTER IS PERMITTED TO BE DISPOSED OF AT THIS FACILITY*

Receiving Facility Permit or ID#: _____	DATE _____	TIME _____	OPERATOR'S STAMP OR SIGNATURE _____
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# O & D Form - Page #2

## Instructions for completing NJDEP Solid Waste Origin And Disposal Form

- Name of Registered Transporter and Phone Number:** The transporter must use the registered trade name of the transporter as identified on the NJDEP Solid Waste Transporter Registration along with the appropriate telephone number (including area code) of the company. Nicknames, aliases and abbreviations are not acceptable.
- NJDEP registration No.:** The correct NJDEP Solid Waste Transporter Registration Number must be filled out. This number appears on the registration certificate which must be carried with the vehicle.
- Type of Transporter Registration:** The appropriate box must be checked depending on whether the transporter is licensed, is a self generator exempted from licensing requirements, or the vehicle is not subject to NJDEP registration requirements.
- Waste Self Generated:** The appropriate box must be checked to disclose whether the waste was self generated by the entity performing the transportation.
- Name of LESSOR if the solid waste vehicle is leased:** The name of the lessor as indicated on the lease must be filled in if the vehicle is leased. The lease must be carried in the registered vehicle.
- Decal No., Type, License Plate No., Capacity, and Leased:** The decal number must be filled in for the appropriate type of registered equipment (i.e. container, trailer, cab, etc.). The License plate must also be filled in for the appropriate equipment along with the capacity (i.e. 30 cubic yard container). Yes or No must be filled in next to the appropriate type of equipment to indicate if it is leased.
- Waste Types and Source Separated Recyclables:** The transporter must indicate the type(s) of waste being transported by circling the appropriate waste types. An example of "other" would be non hazardous bulk liquid (type 72) for example. If a load consists of source separated recyclables the transporter must circle the appropriate material. If the load consists of more than one co-mingled type of recyclable, "co-mingled" must be indicated under the "Other" section along with the approximate percentages (i.e. co-mingled paper 25%, metal 50%, plastics 25%)
- Municipality, County State, % of Load:** The transporter must identify the waste origin by municipality, county, and state along with the respective percentage of each waste origin. In the event waste is transported from one solid waste facility to another (for example from a transfer station to a landfill for disposal) the transporter must indicate the sending facility's name in the municipality column, the facility permit # in the County column, and the State in which the sending facility is located in the State column, in addition to the waste origin(s). The percentage of waste sent from a single solid waste facility such as a transfer station should be recorded as 100%.
- Date Waste Collected:** The transporter must fill in the actual date the solid waste was collected.
- Transporter's Certification:** The driver representing the transporter must print and sign his/her name and date to certify the information in the Transporter Section was completed accurately.
- Final Disposal Facility Name & State:** The transporter must fill in the final disposal facility name and State in which the facility is located.
- Non Hazardous Manifest # or Bill of Lading # or Pull Ticket #:** The transporter must identify the appropriate manifest or bill of lading number for loads being transported for out of State disposal. The pull ticket number must be recorded for all loads where such a document is generated.
- In State weigh location:** The weigh master must complete the location of the weighing facility. For most instances of in State disposal this is the same location as the disposal facility, however in cases involving loads being transported out of State, the weigh location may be designated to be a location other than a disposal facility.
- Gross Wt. And Net Wt.:** The weigh master must complete the gross weight for all vehicles transporting waste and recyclables into solid waste facilities within this State. The gross weight must also be completed for all loads destined for out of State waste disposal facilities. The net weight must be recorded for all loads being disposed of in this State.
- Scale ticket #:** The weigh master must record the appropriate scale ticket # generated for loads received for disposal within this State.
- Weigh master's Certification:** The weigh master must certify the information he or she recorded is accurate.
- New Jersey Receiving Facility Operator Certification:** The person responsible for recording information for loads received at New Jersey solid waste facilities must fill in the facility number the date and time and stamp or sign the the form to certify the form was completed by the transporter and that the waste identified by the transporter is permitted to be accepted at the facility for disposal.

Failure to carefully follow these instructions in accurately completing the Solid Waste Origin and Disposal Form can lead to enforcement action including penalties.

Waste Type ID 10 = municipal solid waste  
Waste Type ID 13 = bulky solid waste  
Waste Type ID 13C = construction & demolition debris  
Waste Type ID 23 = vegetative waste  
Waste Type ID 25 = animal and food processing waste  
Waste Type ID 27 = dry industrial waste  
Waste Type ID 27A = asbestos containing waste  
Waste Type ID 27I = incinerator ash

# Base Penalties

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## NJAC 7:26-3.5(h)2

- Failure of transporter to complete and sign O and D form prior to transporting solid waste.
- \$3,000 Minor (M) – grace period
- One day to comply with violation for 1<sup>st</sup> offense

# NJAC 7.26-5.6

## **Civil administrative penalty for submitting inaccurate or false information**

- (a) The Department may assess a civil administrative penalty pursuant to this section against each violator who submits inaccurate information or who makes a false statement, representation or certification in any application, record or other document required to be submitted or maintained pursuant to the Act or any rule promulgated, any administrative order, permit, license or other operating authority issued, any district solid waste management plan approved pursuant to the Act.



# NJAC 7.26-5.6

## Civil administrative penalty for submitting inaccurate or false information

- (c) The Department shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator at the mid-point of the following ranges :

For each intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty per act or omission shall be in an amount of not more than **\$50,000** nor less than **\$40,000** per act or omission; and

For all other conduct, the civil administrative penalty, per act or omission, shall be in the amount of **\$1,000** per violation.

# NJAC 7.26-5.7

## Civil Administrative penalty for failure to allow lawful entry and inspection

- The Department shall assess a civil administrative penalty for violations described in this section at the midpoint of the following ranges except as adjusted pursuant to (d) below as follows:
  - For refusing, inhibiting or prohibiting immediate lawful entry and inspection of any premises, building or facility for which an administrative order, permit, license or other operating authority requirement exists under the Act, the civil administrative penalty shall be in an amount of not more than **\$30,000** nor less than **\$20,000** per violation; and
  - For any other refusal, inhibition, or prohibition of immediate lawful entry and inspection the civil administrative penalty shall be in an amount of not more than **\$5,000** nor less than **\$3,000** per violation.

# NJAC 7.26-5.9

## Civil administrative penalty for economic benefit

- The Department **may**, in addition to any other civil administrative penalty assessed pursuant to this subchapter, include as a civil administrative penalty the economic benefit (in dollars) which the violator has realized as a result of not complying with, or by delaying compliance with, the requirements of the Act, or any rule promulgated, any administrative order, permit, license or other operating authority issued, any district solid waste management plan approved pursuant to the Act. If the total economic benefit was derived from more than one violation, the total economic benefit may be apportioned among the violations from which it was derived so as to increase each civil administrative penalty assessment to an amount no greater than \$50,000 per violation.
  - Penalty will be assessed for NJAC 7:26-6.12(b) = \$4,500 Non Minor (NM)
  - Additional fine for any difference in savings by utilizing other location outside of County

# NJAC 7.26 – 3.5

## Transporter requirements

- (e) Each transporter, who hauls solid waste directly to out-of-State facilities from districts which have not designated an in-county weighing facility pursuant to N.J.A.C. 7:26-6, **shall maintain a daily record of waste transported directly out-of-State**. The record shall be retained for a period of at least one year or longer in the event of a unresolved enforcement action or at the Department's request. The daily record shall include but not be limited to the following information:
  1. **Identification of the transporter's DEP registration number and solid waste decal number;**
  2. **Identification of the out-of-State disposal facility where the solid waste was disposed including the state in which the facility is located, the facility name and location address of the facility;**
  3. **The cubic yardage or tonnage of solid waste types: ID 10 through ID 27, including any variants;**
  4. **Date of delivery to the out-of-district facility;**
  5. **The license plate number and State of the solid waste vehicle; and**
  6. **The place of origin of the waste identified by municipality, county and state, except in those instances where the waste is transported from a transfer station or materials recovery facility to a final disposal facility. In those instances, the facility ID of the transfer station or materials recovery facility shall be listed instead of the municipality, county and state as indicated above.**

# NJAC 7.26 – 3.5

## Transporter requirements

- (g) Each transporter, who hauls solid waste directly to out-of-State facilities from districts which have not designated an in-county weighing facility pursuant to N.J.A.C. 7:26-6, **shall submit monthly summaries of wastes transported directly out-of-State to the Division of Solid and Hazardous Waste, Bureau of Recycling and Planning and the Solid Waste Coordinator** for the district of origin on forms provided by the Department (or duplication of same), no later than 20 days after the last day of each month. The summary shall include, but not be limited to, the following information:
  1. Identification of the out-of-State disposal facility where the solid waste was disposed including the state in which the facility is located, the facility name and location address of the facility;
  2. The tonnages and types of waste disposed of at each out-of-State facility; and
  3. A listing by out-of-State disposal facility of the origin of the waste identified by New Jersey municipality and county and State.

# Recycling Enforcement

## 7:26A-8.1 Reporting requirements

- All transporters of source separated recyclable materials transported to manufacturers and recycling centers located in states other than New Jersey shall provide the county(ies) of origin (if requested) and all municipalities of origin, by February 1 of each year, a recycling tonnage report covering all such source separated materials transported the previous calendar year. The report shall detail the municipality of origin, the name and location of the manufacturer or recycling center and the amount of each source separated recyclable material, expressed in gallons, tons or cubic yards, brought to each manufacturer or recycling center from each specific municipality of origin. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.
  - Failure by a transporter of recyclable materials to provide a recycling tonnage report by February 1 of each year.
  - \$3,000 Minor (M) - grace period is 30 days

# Recycling Enforcement

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## 7:26A-8.3 Prohibitions

- (a) Transporters shall not mix source separated recyclable materials, whether designated by the county in which it is generated or not, with solid waste, for any purpose.
  - Failure of transporter to not mix source separated recyclables with other wastes.
  - \$4,500 Not Minor (NM) – No grace period

# Recycling Enforcement

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## 7:26A-10.3 Recordkeeping and reporting

- Commercial and institutional generators including multifamily housing owners or their agents shall report the tonnage of designated recyclable materials collected for recycling from their premises, as directed in the municipal recycling ordinance.
  - Failure of generator to provide annual written documentation to the municipality of the total number of tons recycled.
  - \$3,000 Minor (M) – grace period is 30 days



# LINKS

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**NJ DEP - Solid & Hazardous Waste Rules:**

<http://www.state.nj.us/dep/dshw/resource/rules.htm>

**Presentation and O and D form will be posted to our website:**

[www.sussex.nj.us/health](http://www.sussex.nj.us/health)

# Contact Information

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# Questions?

Thank you for coming!



**Public Health**  
Prevent. Promote. Protect.