AMENDMENT TO THE MERCER COUNTY

DISTRICT SOLID WASTE MANAGEMENT PLAN

Prepared by the Mercer County Improvement Authority
December 2006

Amendment to Mercer County District Solid Waste Management Plan

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1.0 Background

On April 13, 2002, pursuant to Administrative order 2002-10 signed by Commissioner Bradley M. Campbell, the New Jersey Department of Environmental Protection ("Department") was required to update and re-adopt the Statewide Solid Waste Management Plan ("State Plan"). Because of significant changes to the regulatory and legal environment since the last plan update in 1993, the Department issued a revised plan on January 3, 2006. As a requirement of the State Plan update, each county is required to amend its District Solid Waste Management Plan ("District Plan") to reflect the findings and recommendations of the State Plan. In particular, the State Plan calls for the maximization of Source Reduction techniques to reduce or eliminate the disposal of certain waste from the solid waste stream. Equally important, the State Plan calls for the continued aggressive approach to recycle 60% of the state's total solid waste stream and 50% of the state's municipal solid waste stream.

The Mercer County Improvement Authority, as the designated planning and implementation agency, is responsible for preparing the District Plan update. As a result of the findings and recommendations of the State Plan, the Authority has prepared this amendment to the Mercer County District Plan.

As required pursuant to the Solid Waste Management Act ("the Act"), N.J.S.A. 13:1E-1 et seq., the District Plan must be adopted by the Mercer County Board of Chosen Freeholders. This adoption process involves review by the Mercer County Solid waste Advisory Council as well as formal action by the Board of Chosen Freeholders. Upon adoption by the Board of Chosen Freeholders, the District Plan amendment must be certified by the Department.

2.0 Summary of Plan Requirements

Pursuant to the State Plan update, each District Plan must include, but not necessarily be limited to the following:

- Designation of the department, unit or committee of county government to supervise the implementation of the District Plan (see Section 4.0).
- An inventory of the quantity of solid waste generated within the district for the ten-year period commencing with the adoption of the District Plan (see Table 3).
- An inventory of all solid waste facilities and recycling facilities including approved waste types and amounts, hours of operation and approved truck routes (see Table 5).
- An outline of the solid waste disposal strategy to be utilized by the district for the ten-year planning period (see Section 4.0).
- A procedure for processing of applications for inclusion of solid waste and recycling facilities into the District Plan (see Appendix D).
- A strategy for attainment of the recycling goals as outlined in the State Plan (see Sections 4.1 and 4.2).

- An analysis of the existing solid waste collection systems and transportation routes within the solid waste management district (see Section 5.3).
- The methods of financing solid waste management within the district (see Section 6.0).

3.0 Historical Discussion

Pursuant to the Act, in 1979 the Department mandated that each county develop a comprehensive plan that included an integrated approach to solid waste management. This plan required each county to be self-sufficient in managing its solid waste to reduce its dependence on out-of-state disposal facilities. Each county adopted District Plans that reflected this policy.

Mercer County had at the time relied on annual disposal agreements with Waste Management landfills in New Jersey and Pennsylvania. In 1988, the Improvement Authority signed a License Agreement with Waste Management, Inc. for the long-term disposal of solid waste at the G.R.O.W.S. Landfill in Pennsylvania. The landfill would provide for the disposal of all municipal and bulky waste until such time as the county's resource recovery facility ("RRF") came on line. At that time, the RRF was proposed to process all solid waste, with the G.R.O.W.S. Landfill accepting by-passed waste and ash residue from the RRF. The term of this License Agreement was 25 years or up to 4.5 million tons.

In 1987, the state enacted the Mandatory Source Separation and Recycling Act ("Recycling Act"). This Recycling Act required each county to recycle 25% of its total solid waste stream, while maintaining its self-sufficiency goals for disposal. As a result of the above Recycling Act, the Mercer County Board of Chosen Freeholders adopted the Mercer County Recycling Ordinance 88-33 and initiated the County's first county-wide curbside recycling program. This plan was further refined with the adoption of Mercer County Ordinance 89-19 which revised and modified the 1988 Recycling Plan.

In 1990, then Governor Florio formed the Solid Waste Assessment Task Force which re-examined the State's policy on recycling and self-sufficiency. As a result of the formation of this Task Force, the executive order also called for a moratorium on the permitting of all solid waste facilities throughout the state. The Task Force studied the existing landscape of solid waste management and as a result of this study produced the Solid Waste Assessment Task Force Report in 1991. The report called for the increased support of the state's recycling goal, but went a step further and required the state to reach a 60% recycling rate for the total solid waste stream and a 50% Municipal Solid Waste recycling rate. The Task Force also called for the increased initiative of maximizing source reduction measures. Source Reduction involves the minimization or elimination of waste materials in order to prevent their generation in the first place. In addition, the Task Force recommended the regionalization of solid waste facilities as a way of managing solid waste disposal. At that time, Mercer County adopted the findings of the task force report and entered into an Interdistrict Agreement with the Atlantic County Utilities Authority

whereby both Mercer and Atlantic County would share disposal facilities on a regional basis. This included permitting and constructing a regional RRF to process both Mercer and Atlantic County's waste.

As a result of several United States Supreme Court and Third Circuit Court rulings in 1994 and 1996, the State of New Jersey's solid waste management system, whereby each county had the ability through the Solid Waste Management Act to plan for and thereby direct solid waste to each respective disposal facility (this is referred to as "Flow Control"), was struck down. This caused many counties, including Mercer County to incur substantial debt for the planning and implementation of various solid waste facilities. This statewide debt totals over $1.5 billion to date. A further discussion follows in Section 6 of this Plan.

As a result, the state mandated that each county adopt an amendment to the District Plan that laid the framework for solid waste management in a post-Flow Control environment. In August of 1997, the County adopted an amendment to the District Plan that called for a competitive re-bid of the county's solid waste management contracts. This enabled the county to continue to control the flow of waste to its facilities as long as it is done in a competitive, non-discriminatory manner. In addition, as a result of litigation in *Princeton Boro/Twp v Board of Chosen Freeholders*, the county's long-term license agreement with Waste Management was found to be procured in a discriminatory and non-competitive fashion whereby in-state as well as out-of-state bidders could compete for Mercer County's waste, and the county was required to re-bid a new contract. The MCIA subsequently procured a new contract for disposal in a competitive, non-discriminatory fashion. As a result of the County's plan to provide disposal services through a competitive bidding procedure, the County is able to maintain Flow Control.

Also as a result of these court decisions, it was decided that the Authority's Service Agreement with the county's RRF vendor be terminated and the project would not proceed. As a result, the Authority terminated its agreement with the vendor and proceeded to procure short-term disposal contracts as described in the paragraph above.

4.0 Solid Waste Disposal Strategy

As stated above, the Mercer County Improvement Authority was designated as the implementing agency for the Mercer County District Plan pursuant to Resolution 82-532 dated December 20, 1982. As per the required State Plan update, and by adoption of this proposed District Plan amendment, the Authority shall again be designated as the implementing agency for the District Plan.

According to New Jersey Department of Environmental Protection ("NJDEP"), in 2004 the County of Mercer generated 889,647 tons of solid waste. This amount includes 347,585 tons of solid waste disposed and 542,062 tons recycled. These figures are contained in Table 1 and provided by the NJDEP, Division of Solid and Hazardous Waste. As you can see, this results in a 2004 overall recycling rate of 60.9%. In addition,

Table 1 also depicts total Municipal Solid Waste ("MSW") generation of 442,798 tons and total MSW recycling of 191,136 tons, or a 43.2% MSW recycling rate.

These figures are compelling. As you can see, and as outlined in the discussion below, Mercer County has achieved the 60% recycling goal as mandated in the State Plan update. However, the county has fallen short of its 50% MSW recycling goal. While the county cannot sit back on its laurels in achieving the 60% goal, it must continue to aggressively seek ways to not only increase this goal, but also increase its MSW recycling goal. The MCIA feels these goals are achievable and has laid out the framework and plans to achieve such goals in this District Plan update. In addition, source reduction measures must be increased to decrease or eliminate waste generation in the first place. Also a key component of these measures is the elimination of toxic and small quantity generator waste from the municipal waste stream. A detailed discussion of the County's Solid Waste Disposal Strategy follows.

4.1 Source Reduction

As stated above, source reduction involves techniques and strategies whose goal is to reduce or eliminate waste generation in the first place. To this end, the MCIA has initiated several source reduction measures that will provide for the long term management of the County's waste. These measures are consistent with the State Plan update's recommendations findings and recommendations.

4.1.1 Waste Audits

The MCIA shall be conducting waste audits of all commercial and industrial facilities over the next several years, staring with the largest employers first. Waste audits are an important tool in assessing a commercial entity's waste composition to develop baseline information. From this information, a recycling program can be tailored to meet each individual establishment's needs.

4.1.2 Procurement

Purchasing recycled products and products made from post-consumer recyclable materials is one way to "close the loop" on recycling. By modifying purchasing practices to allow for the purchase of materials and supplies made from recycled products, the amount of reusable products in the economic waste stream will increase, which is the sole basis of recycling in the first place. As such, all county departments and offices, municipalities, school districts and other public institutions in Mercer County shall endeavor to purchase products made with recycled products whenever possible. In addition, these entitles shall also attempt to purchase and use two-sided copiers to further reduce the amount of waste paper generated.

4.1.3 Household Hazardous Waste

In order to reduce the amount of toxic and potentially harmful wastes that enter the waste stream and ultimately wind up at municipal landfills and disposal facilities, the MCIA has instituted Household Hazardous Waste ("HHW") Collection Days. These days were held twice a year, however with the overwhelming popularity of this program, the MCIA expanded the collection days to three times per year. In addition, the MCIA shall continue to research and investigate potential permanent HHW programs for the County.

4.1.4 Used Electronics Collection

In concert with the HHW Collection days, the MCIA also sponsors Used Electronics (or "E-waste") collections. These events provide for the collection of used electronics that would otherwise wind up in the municipal waste stream. These discarded wastes contain high concentrations of certain heavy metal compounds that are now removed and reused in industrial processes.

4.1.5 Public Information/Education

In order to fully educate all residents and businesses of the recycling and source reduction mandates of the County, the MCIA has developed a comprehensive educational and public information campaign. This effort targets various sectors of the county including school education programs, recycling information on the MCIA's website, calendars with listing of recyclable items and its recently created Recycling Hotline

4.1.6 MercerMax

The MCIA will be launching an on-line materials exchange called MercerMax. This online exchange will act as a facilitator to allow residents to swap and exchange older items that would normally be discarded in the waste stream. By putting "buyer" with "seller" this program will significantly reduce unwanted waste from being discarded into the municipal waste stream. These materials exchanges have been successful in other parts of the county and this is the first such program to be implemented in the State of New Jersey.

4.1.7 Pay as You Throw Programs

The MCIA has researched Pay As You Throw ("PAYT") programs and feel these programs are not feasible on a county-wide basis. Given the diverse housing and population mix, as well as other demographic factors, these programs are best implemented on a local, municipal level. They can be better tailored to fit the individual needs of each community. The MCIA shall continue to provide technical assistance to those communities interested in adopting such programs.

4.1.8 Cut it and Leave it Program

The MCIA has always advocated the concept of leaving grass clippings on the lawn as opposed to bagging them for disposal. This concept has the support of many environmental groups, gardening groups and landscapers as a viable alternative to yard waste management. Clippings left on the lawn provide needed nitrogen and reduce fertilizer and watering needs, further reducing the impact of these practices on the environment.

4.2 Recycling

A stated in the State Plan update, counties are now required re-adopt their recycling plans to reach the state goals of recycling 60% of its total waste stream and 50% of its municipal waste stream. A look at the last five years of data (see Table 2) shows a steady decrease in not only the State's recycling rates, but also Mercer County's. However data compiled by NJDEP show an increase in recycling rates for Mercer County in 2004. As you can see, Mercer County recycled 60% of its overall waste stream and 43% of its municipal solid waste ("MSW") stream.

Furthermore, as shown in Table 3, the county will steadily increase its recycling rates to achieve the State's goal of 50% MSW recycling while also increasing its overall recycling rate. Table 3 shows the projected recycling rate for Mercer County for the next ten years. In order to achieve these lofty goals, the following programs will be expanded or will be implemented shortly.

The County has designated the following materials for recycling

- Paper, including:
    - Newspaper
    - Corrugated Cardboard
    - Other Paper
    - Office Paper
- Clear, green and amber glass
- Aluminum food and beverage containers
- Tin-plate steel containers
- Bi-metal food and beverage containers
- P.E.T. and H.D.P.E. containers
- Tires
- Vehicle batteries
- White goods
- Leaves
- Used motor oil
- Ferrous automotive scrap

4.2.1 Residential Recycling

While there is no need at this time to add additional materials to the list of Designated Recyclable Materials, there is a need to focus on educating the residential sector on recycling. To that end, the MCIA has developed many initiatives designed to educate Mercer County residents. Some of these initiatives include:

- Brochures educating residents on which materials are recyclable and which are not
- The creation of a Recycling Hotline
- Proactive Enforcement to educate residents on do's and don'ts
- The MCIA has assembled promotional items for America Recycles Day
- MCIA's website contains links to recycling resources

4.2.2 Commercial/Industrial/Institutional Recycling

The MCIA agrees with the State Plan update that the commercial sector remains the main focus of Mercer County in order to achieve the 50% MSW recycling goal. To that end, the MCIA has implemented or intends to implement the following programs, in addition to the designated materials above, in order to boost its commercial participation.

- *Small Business Program* – the MCIA currently collects recycling from the curbside collection program for certain small businesses meeting the parameters of the program. This will aid in making recycling easier for smaller commercial enterprises as well as increasing the county's recycling tonnage.
- *Certain multi-family housing units* are also collected by the county's curbside program at the request of the municipality. Those not collected by the program are required to still provide recycling services for their residents.
- *College & University Initiative* - The MCIA has worked closely with local colleges and universities to develop and expand their comprehensive recycling programs. To date, preliminary waste audits have been conducted, information on the purchasing of recycling containers (both indoor and outdoor) has been provided, and the scheduling of education presentations to targeted campus groups are being arranged. This exciting initiative will enhance and encourage increased recycling in the institutional sector.
- *Sovereign Bank Arena* - The MCIA, in conjunction with the Sovereign Bank Arena, have developed a comprehensive recycling initiative to promote recycling throughout the county. Annually, over 500,000 people attend upwards of 150 events. As a result the MCIA is implementing various recycling promotional activities including signage throughout the building, video commercials on the scoreboard video screen, Mercer County Recycling Night, banners and logos and advertisements in the league media guides. These initiatives are designed to remind and encourage people to recycle not only at the Arena but also at home.
- *Recycling Plans* – the MCIA shall require all commercial establishments to develop and maintain in their files a recycling plan that outlines the quantities of waste generated and how they will recycle Designated Recyclable Materials.

- *Commercial establishments* shall be required to report tonnages recycled to their municipality and the MCIA on an annual basis by January 31 of each year.
- *Commercial landlords* are required to notify their tenants at least semi-annually about the requirements to recycle.

4.2.3 Collection and Marketing of Recyclable Materials

The MCIA currently collects recyclable materials curbside from 12 of the 13 municipalities under contract with private collection companies. Ewing, Hamilton, Hightstown, Hopewell Boro and Township, Lawrence, Pennington, Princeton Boro and Township, Washington and West Windsor are collected under a five year contract with Central Jersey Waste and Recycling. The City of Trenton is collected by Waste Management, Inc. Both contractors provide this service on an every other week collection schedule. East Windsor Township does not participate in the county's curbside collection program but is required to recycle the designated materials noted in the District Plan. East Windsor is provided collection of recyclables by Waste Management, Inc.

All commingled materials (i.e. glass bottles, aluminum cans, steel cans, plastic bottles) collected curbside are collected by the contractor and taken to Recycle America in Trenton for processing. The MCIA has a long-term marketing agreement (expiring July 26, 2012) with Recycle America that calls for a floor price payable to the MCIA of $6.50 per ton. This floor price is adjusted semi-annually based on certain industry indices, but never falls below $6.50 per ton. Currently, MCIA is paid $9.58 per ton for its commingled material.

In addition, MCIA has a long-term marketing agreement (expiring September 12, 2009) with Homasote Corporation of Ewing to accept all paper collected though the county's curbside recycling program. The agreement has a floor price payable to the MCIA of $30.00 per ton. This floor price is adjusted upwards based on certain industry indices, but never falls below $30.00. Currently, MCIA is paid $30.00 per ton for its acceptable paper.

The above costs and revenues are used to provide services to the 12 participating municipalities. The county's curbside recycling program is billed though an Interlocal Services Agreement between each municipality and the MCIA.

4.2.4 Public Lands

The county provides for the collection of recyclable materials from parks operated by the Mercer County Park Commission. Provision for collection and recycling of designated materials shall be provided in all parks and public buildings and on all other public lands in all areas dedicated to public use.

4.2.5 Tires

The MCIA has a three year agreement (expiring March 16, 2007) with Magnus Environmental for recycling of tires. The MCIA accepts tires from its municipalities and transports them to Magnus Environmental in Delaware for processing.

4.2.6 Composting

Currently, leaves are a designated recyclable material and are banned from disposal facilities. Leaves are currently managed by each individual municipality. Currently there are 10 composting facilities operating in seven municipalities. In some instance, municipalities have interlocal agreements to utilize a compost facility in another town.

4.2.6 Food Waste Recycling

The updated Statewide Solid Waste Management Plan puts forth some very ambitious goals, notably a call to redouble efforts to achieve the 50% recycling rate for MSW that was called for in the original 1993 State Plan. This is particularly challenging in the face of declining Statewide MSW recycling rates over the last few years, from 40% in 1998 to 34% in 2004.

To help fill this gap, one of the principal recommendations made in the updated plan is the establishment of programs designed to increase the recycling of food waste and food-contaminated paper, such as paper towels, napkins, plates, and cups. Supermarkets, grocery stores, bakeries and institutions, such as hospitals and universities, generate large amounts of food waste and mixed-paper waste. And with the recent closure of the only food and organic waste composting facility in the central and southern part of the state, the market outlook is not good.

According to NJDEP figures, food waste makes up approximately 7.4% of the waste stream. In Mercer County, this amounts to approximately 25,000 tons of material currently being disposed. The MCIA is currently pursuing an innovative approach to managing the county's food waste component. Discussions are currently underway with Trenton Fuel Works, L.L.C to develop an alternative fuel product and industrial solvent from food and organic waste materials. The project is currently in its initial due diligence phase, but should funding be successfully obtained, permits issued for the facility, this facility would have the ability to handle most of Mercer County's food waste and organic materials.

According to some initial projections, assuming 70% moisture content for food waste, the capacity of the facility would be approximately 500 tons per day. TFW's plan is to operate the plant 330 days per year. Therefore the yearly processing capacity is 165,000 tons per year, which could make it a regional market for this material.

This facility has not begun any engineering or permitting efforts and is still in its developmental stage; however it represents a significant project in terms of food waste recycling and will allow for growth of recycling in this very problematic area.

4.2.7 Other Paper

Mercer County currently designates for recycling newspaper, corrugate cardboard, office paper and other paper such as chip board, junk mail, cereal, cookie and cracker boxes, dry detergent boxes, shoe boxes and phone books. These other papers are collected through the county's curbside collection program and bought to Homasote Corporation for recycling. This represents an increase of 7,500 tons of other paper available for recycling

4.2.8 Enforcement

The MCIA, though an interlocal services agreement with the County of Mercer, acts as the enforcement agency for Mercer County in enforcing the provisions of the District Plan. Included in this effort is a specific enforcement strategy that deals directly with increasing participation in the county's recycling programs in both the residential and commercial sector. A detailed discussion is contained in the Enforcement section of the District Plan found in Appendix B.

4.2.9 Waste Audits

As discussed in Section 4.1.1., waste audits are being performed to help commercial establishments quantify their waste stream composition and initiate recycling programs for the materials present in their waste stream. The MCIA shall conduct waste audits for all commercial establishments over a period of several years based on the number of employees.

4.2.10 Municipal Master Plans

The Recycling Act requires municipal master plans to be revised to include provisions for the collection, disposition and recycling of designated recyclable materials within any development proposal of 50 or more units of single-family housing, 25 or more units of multi-family residential housing and any commercial industrial development proposal for the utilization of 1,000 square feet or more of land. This requirement can be found at N.J.S.A. 13:1E-99.16c.

It is recommended that the local planning boards work closely with the NJDEP and the Department of Community Affairs to provide the necessary requirements for successful recycling to be incorporated into all future development proposals.

4.2.11 Construction/Demolition Materials

According to the NJDEP as depicted in Table 1, Mercer County disposes of over 95,000 tons of bulky and construction/demolition waste. This component of the waste stream is ripe for recycling. Currently, there are five Class B recycling facilities and one Material Recovery Facility (Mercer Group, Inc.). With Mercer Group's facility coming on line in 2005, tonnages removed from the C/D waste stream are expected to increase. In addition, several mixed loads facilities currently accept C/D material from Mercer County for recycling and report their tonnages to the MCIA and local municipality.

The Mercer County Source Separation and Recycling Plan update found as Appendix A provides a further discussion of these Source Reduction and Recycling initiatives.

4.3 Solid Waste Disposal

As a result of the *Princeton Boro v Board of Chosen Freeholders* litigation, which found the previous long-term license agreement with Waste Management to be unfairly discriminatory, the MCIA was required to re-bid its disposal contract under a competitive, non-discriminatory manner. This involved allowing both in state and out of state bidders to operate and dispose of Mercer County's waste at the Mercer County Transfer Station or a different facility of their own. In accordance with the Third Circuit Court of Appeals decision in *Atlantic Coast*, counties can maintain Flow Control over solid waste provided they provide for bidding in a competitive, non-discriminatory manner.

In November, 2003, The MCIA procured a transfer, transportation and disposal services contract with Waste Management, Inc. under this particular scenario.

4.3.1 Transfer Station

In August, 1986, the NJDEP certified the Mercer County District Plan amendment which designated the Mercer County Transfer Station as the county solid waste facility for processing solid waste prior to out-of-state disposal.

Currently, solid waste generated in Mercer County is delivered by collection vehicles to the Mercer County Transfer Station in Ewing Township for processing and disposal. The MCIA leases the facility site, located at Block 13, Lots 3, 10, 16, 17 and 37, from Ewing Township. The facility is permitted to accept up to 1,099 tons per day, not to exceed 6,000 tons per week, of waste types 10, 13, 23, 25 and 27. The MCIA has a five year operation, transfer and disposal contract with Waste Management, Inc. The contract expires on November 30, 2007.

Waste Management, Inc. operates and maintains the facility and provides transfer trailers for transporting waste type 10 to the G.R.O.W.S. Landfill in Pennsylvania. Waste type 10

is weighed at the facility scales and tipped on the fully enclosed tipping floor. The waste is compacted and transferred into trailers for disposal at the landfill facility. All other permitted waste types are weighed and directed to the landfill facility for disposal. No tipping of waste types 13, 23, 25 or 27 occurs at the Transfer Station.

4.3.2 Landfill Disposal Facilities

Under the above contract with Waste Management, Inc. all Mercer County waste, once weighed at the transfer station, is disposed of at the G.R.O.W.S and Tullytown Landfills as well as the Wheelabrator Resource Recovery Facility in Bucks County, Pennsylvania. This combined transfer, transportation and disposal contract expires November 30, 2007 and provides for the disposal of all Mercer County Solid Waste types 10, 13, 23, 25 and 27.

4.3.3 Transportation Routes

The landfill is about 13.7 miles from the transfer station. The travel time for a round trip from the transfer station to the landfill and back is about one hour. Solid Waste Vehicles from all parts of Mercer County enter the Mercer County Transfer Station from North Olden Avenue. Upon exiting the Transfer Station, transfer trailers and other solid waste vehicles heading to the landfill for disposal turn left onto North Olden Avenue to U.S. Route 1 South. Trucks then turn right onto New York Avenue and immediately left onto the U.S. Route 1 South ramp. Trailers then proceed south on U.S. Route 1 to Pennsylvania. Once in Pennsylvania trucks follow U.S. Route 1 South to Route 13 South to Tyburn Road. Trucks then follow Tyburn Road to New Falls Road to New Ford Mill Road directly to the landfill.

Upon exiting the Transfer Station, all vehicles that have tipped their solid waste at the transfer station turn right onto North Olden Avenue and proceed back to their collection routes.

4.3.4 Material Recovery Operations

Material recovery operations involve facilities specifically permitted to accept solid waste and provide for mechanical and manual separation of recyclable materials from their incoming waste stream. The recyclable materials are processed and sent to markets and the remaining solid waste is disposed of per the county's solid waste management plan. The MCIA has provided for material recovery operations by including the Mercer Group Inc. Material Recovery Facility ("MRF") in the Mercer County District Plan per Ordinance 2000-9, dated April 27, 2000. The facility, located at Block 13, Lot 1 in Ewing Township, is permitted to accept up to 1,500 tons of solid waste per day in an enclosed building. The facility is designed to allow for manual and automated separation of recyclable materials from incoming waste loads, leaving the un-recycled portion of the waste to be disposed of in accordance with the respective solid waste management plans of the waste's origin. These types of facilities increase overall recycling rates of

construction/demolition materials in particular and provide a viable and economic alternative to landfilling these materials.

In addition, the MCIA will be investigating the feasibility of additional MRF operations at the Mercer County Transfer Station as part of its long-range facility planning.

5.0 Method of Financing Solid Waste Management Plan

In the early 1970's there were numerous, poorly located, designed and operated sanitary landfills. The burden to develop needed environmentally sound disposal facilities was placed on the counties in the 1975 modification to the Solid Waste Management Act. Ultimately the counties and their authorities sited 31 new long-term solid waste facilities consisting of 12 modern double lined landfills, 5 energy recovery incinerators and 14 transfer stations. The amount of public debt associated with these facilities was close to 2 billion dollars. This amount of debt was incurred on the premise that waste could be "flowed" to the facilities thereby assuring adequate revenues to make the required debt service payments. This changed with the 1997 *Atlantic Coast* decision

A few counties, such as Mercer County, have re-instituted flow control and are able to have higher tipping fees, however, not all of the debt service is being collected, even in some of these counties. There is a concern that the higher the tipping fee, more customers are likely to avoid the system, creating a significant enforcement problem. Therefore, even the waste flow counties are generally trying to achieve near competitive tip fees. There are a number of counties that are virtually collecting no funds to cover their debt; the tip fee is basically just covering current operational costs. The term "stranded debt" has been utilized to recognize that some counties and authorities are unable to collect sufficient revenues to cover all their debts service payments by charging a competitive tip fee.

While most of the counties had some sort of debt service contingency fund, it did not take long for many of the counties to need assistance in making debt payments. As a result the state appropriated $20 million annually from FY 98 to FY 01 to provide an $80 million dollar default "safety net" to subsidize county or county authority debt service payments for solid waste debt. These appropriations were intended to provide short-term financial assistance to select counties and authorities that had difficulty making debt payments through the collection of their respective tip fees.

The total amount of state assistance to help with the solid waste debt was supplemented through a Public Question approved by New Jersey voters in November 1998. In 1980 and 1985, Bond Act approval was gained in the aggregate amount of $168 million toward assisting counties in developing long-term solid waste disposal facilities. Public Question #3 allowed the State to forgive approximately $107 million in prior solid waste Bond Act loans provided to eight county governments. The balance of historic solid waste Bond Act funds, which total $61 million, has been used, along with the referenced $80 million in General Fund allocations to partially address relief to the counties unable

to make debt service payments, and to ensure that local bonding capabilities for important public works projects are not compromised.

Finally, in a somewhat different direction, legislation had been passed at the end of 2001 to help reduce the debt burden of the counties. Amendments to the Economic Development Authority (EDA) funding statute would have allowed for refinancing of the debt to occur, with the state being responsible for a portion of the county debt. The statute allowed the state to be responsible for up to 50% of the debt, except where there was a regional facility involved, then the maximum host county share is determined by the tonnage percentage to be provided by the host county. Regulations to provide for the implementation of this program were proposed on July 1, 2002 and were adopted in October, 2002. In accordance with provisions in the act, the refinancing had to be accomplished by December 31, 2002. Thirteen counties had applied to be part of this program, and they are: Atlantic, Burlington, Camden, Essex, Gloucester, Hudson, Mercer, Monmouth, Passaic, Salem, Sussex, Union and Warren. Ultimately it was determined that it made more fiscal sense to continue to help the counties that need it in the short term, than to increase the fiscal burden over the long term, thus the refinancing was not accomplished by the required date. Therefore, the state has to go back to assisting the counties on a piecemeal basis, when debt service funds are needed and when state funds are available.

To that end, the Mercer County Improvement Authority has three series of solid waste related bonds outstanding:

- $25,814,252 Junior Lien Solid Waste Revenue Bonds, Refunding Series 1990 (Series 1990)
- $45,167,948 Site and Disposal Facilities Project, Refunding Series 1992 (Series 1992)
- 44,980,000 Solid Waste Bonds, Series 1997 (Series 1997)

All three bonds are secured by the Revenues[1]. The Series 1997 Bonds are subject to the prior obligation of the Authority to provide for such Revenues for the payment of costs and expenses and debt service on the Series 1990 and Series 1992 Bonds. All bonds are guaranteed by the County of Mercer.

[1] "Revenues" means (i) all rates, fees, rents, service charges, user charges and other income and receipts received or imposed by the Authority for the collection, treatment, recycling and disposal of solid waste, including without limitation, all Tipping Fees and Stranded Investment Charges as determined in accordance with the terms of the Revenue Agreement which have been collected from waste haulers, municipalities or anyone in respect of the disposal of solid waste, regardless of where such waste is received, and (ii) any investment income which is derived from the investment of any funds which are held by the Trustee and which are deposited in the Revenue Fund pursuant to the terms of the Solid Waste Bond Resolution provided however, that "Revenues" shall not include the (a) proceeds derived from the sale of Bonds, *(b) payment made with respect to any Bonds by the issuer of any Credit Facility, and (c) amounts to be held in escrow for any purpose established by the DEP or any other appropriate regulatory agency; and provided further, that this definition of Revenues shall not be deemed to apply to any moneys which are collected or held by or on behalf of the Authority prior to the authentication and delivery of the Series 1997 Bonds under the terms of the Solid Waste Bond Resolution.

The Authority had issued Resource Recovery Bonds in 1992 (Series 1992A) which were refunded by the Series 1997 Bonds and unused proceeds of the Series 1992A Bonds. Currently, there are no Resource Recovery Bonds outstanding.

Series 1990 Bonds were issued to advance refund and pay interest on portions of the Authority's County Guaranteed Solid Waste Revenue Bonds (Site and Disposal Facilities Project, Series 1988) and County Guaranteed Solid Waste Revenue Bonds (Site and Disposal Facilities Project, Series 1988-A) and to pay issuance costs.

Series 1992 Bonds were issued to provide funds for the purpose of (a) refunding the outstanding balance of the Authority's $47,855,000 original aggregate principal amount of County Guaranteed Solid Waste Revenue Bonds (Site and Disposal Facilities Project, Series 1988A) and (b) the payment of the costs incurred by the Authority in connection with the authorization, issuance, sale and delivery of the Series 1992 Bonds.

Series 1997 Bonds were issued to: (a) provide, together with other available funds, for the special optional redemption of all the Authority's outstanding Series 1992A Bonds; (b) pay principal and interest on the Authority's County Guaranteed Solid Waste Project Notes, Series 1996B; (c) pay the required termination fee to Ogden Martin Systems of Mercer, Inc because of the inability to construct the Resource Recovery Facility, (d) pay certain development costs to be incurred by the Authority in connection with future solid waste planning; and (e) pay certain costs of issuance.

Attached as Table 4 are the outstanding repayment schedules for the Series 1990, Series 1992 and Series 1997 Bonds.

MERCER COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN

TABLES

TABLE 1

2004 GENERATION, DISPOSAL AND RECYCLING RATES IN NEW JERSEY (Tons)

COUNTY	POPULATION	GENERATION	DISPOSAL			RECYCLING			
		Disposal and Recycling					MSW %	Total Recycled w/Add-ons	Total % Recycled
	2000		MSW	BULKY	TOTAL	MSW			
Atlantic	252,552	867,542	254,567	96,017	350,584	97,675.09	27.7%	516,958.12	59.6%
Bergen	884,118	1,999,961	686,667	288,826	975,493	466,850.29	40.5%	1,024,468.20	51.2%
Burlington	423,394	1,058,320	363,707	134,580	498,287	195,676.47	35.0%	560,032.60	52.9%
Camden	508,932	1,189,599	403,122	181,579	584,701	196,307.62	32.7%	604,897.89	50.8%
Cape May	102,326	590,804	93,676	145,776	239,452	53,820.12	36.5%	351,352.17	59.5%
Cumberland	146,438	689,403	125,528	53,999	179,527	184,022.63	59.4%	509,875.58	74.0%
Essex	793,633	2,076,916	599,695	275,731	875,426	271,262.88	31.1%	1,201,489.73	57.8%
Gloucester	254,673	775,111	213,781	85,165	298,946	171,080.69	44.5%	476,165.24	61.4%
Hudson	608,975	1,222,759	423,787	174,196	597,983	156,965.17	27.0%	624,775.78	51.1%
Hunterdon	121,989	223,905	104,443	53,296	157,739	17,616.90	14.4%	66,165.53	29.6%
Mercer	350,761	889,647	251,662	95,923	347,585	191,136.33	43.2%	542,062.38	60.9%
Middlesex	750,162	2,297,068	608,824	336,550	945,374	300,678.34	33.1%	1,351,693.53	58.8%
Monmouth	615,301	1,424,348	440,059	192,228	632,287	288,030.18	39.6%	792,060.51	55.6%
Morris	470,212	1,174,122	380,662	163,867	544,529	205,883.53	35.1%	629,593.07	53.6%
Ocean	510,916	1,442,239	488,215	182,656	670,871	189,636.31	28.0%	771,368.29	53.5%
Passaic	489,049	1,207,457	403,716	164,851	568,567	202,177.50	33.4%	638,889.52	52.9%
Salem	64,285	151,886	37,725	53,563	91,288	23,561.55	38.4%	60,598.01	39.9%
Somerset	297,490	668,048	241,067	127,480	368,547	89,347.39	27.0%	299,500.93	44.8%
Sussex	144,166	271,463	95,784	47,772	143,556	32,921.93	25.6%	127,906.50	47.1%
Union	522,541	1,356,618	397,023	188,024	585,047	141,170.66	26.2%	771,570.66	56.9%
Warren	102,437	193,935	75,983	32,281	108,264	19,839.91	20.7%	85,671.02	44.2%
TOTAL	**8,414,350**	**21,771,148**	**6,689,691**	**3,074,362**	**9,764,053**	**3,495,661**	**34.3%**	**12,007,095**	**55.2%**

NOTES: MSW Recycled tonnages do not include total recycling activities from 10 municipalities which did not report. However, "MSW" and "Total Recycled" tonnage columns includes approximately 7,315 tons to municipalities which did not submit a report but was reported by Class A recycling facilities. Total Recycled with Add-ons also includes tonnage reported by ISRI/AMRA and Class B recycling facilities which was not reported by the municipalities. Totals subject to rounding.

Last Updated on 6/21/2006

By DEP/DSHW

TABLE 2

Mercer County Improvement Authority
Recycling Tonnage Data
2000-2004

CATEGORY	2000	2001	2002	2003	2004
Total Waste Generated	608,768	653,487	689,868	774,152	889,647
WASTE DISPOSED:					
Municipal Solid Waste	261,207	240,434	255,644	260,385	251,662
Bulky Waste	104,451	92,880	97,705	99,248	95,923
TOTAL DISPOSED	365,658	333,314	353,349	359,633	347,585
WASTE RECYCLED:					
Municipal Solid Waste	128,247	126,205	103,571	108,033	191,136
Total Solid Waste	243,110	320,172	336,518	414,519	542,062
RECYCLING RATES:					
Municipal Solid Waste	32.9%	34.4%	28.8%	29.3%	43.2%
Total Solid Waste	39.9%	49.0%	48.8%	53.5%	**60.9%**

All figures are in tons.
Source: NJDEP/Division of Solid & Hazardous Waste

TABLE 3
Mercer County Improvement Authority
10-Year Solid Waste/Recycling Projections
2004 - 2016

		Waste Generated		Waste Disposed			Waste Recycled			
Year	Population	Waste Generated	MSW Generated	MSW Disposed	Bulky Disposed	Total Disposed	MSW Recycled	% MSW Recycled	Total Recycled	% Total Recycled
2004	359,912	889,647	442,798	251,662	95,923	347,585	191,136	43.2%	542,062	60.9%
2005	362,090	895,031	445,461	250,795	98,267	349,062	194,667	43.7%	545,969	61.0%
2006	364,389	900,714	448,272	251,929	99,349	351,279	196,343	43.8%	549,436	61.0%
2007	366,685	906,389	451,079	248,093	100,866	348,960	202,985	45.0%	557,429	61.5%
2008	368,995	912,099	453,903	240,568	110,590	351,158	213,334	47.0%	560,941	61.5%
2009	371,320	917,845	456,744	232,940	111,252	344,192	223,805	49.0%	573,653	62.5%
2010	373,530	923,309	459,447	229,724	111,901	341,624	229,724	50.0%	581,684	63.0%
2011	375,921	929,218	462,369	230,260	113,551	343,811	232,109	50.2%	585,407	63.0%
2012	378,326	935,165	465,309	230,328	115,683	346,011	234,981	50.5%	589,154	63.0%
2013	380,748	941,150	468,268	229,451	118,774	348,225	238,817	51.0%	592,924	63.0%
2014	383,185	947,173	471,246	230,911	110,072	340,982	240,336	51.0%	606,191	64.0%
2015	385,530	952,971	474,113	232,315	110,754	343,069	241,798	51.0%	609,901	64.0%
2016	387,612	958,117	476,659	233,563	111,359	344,922	243,096	51.0%	613,195	64.0%

Acacia Financial Group, Inc.

Financial Analysis for: Mercer County Improvement Authority

Outstanding Debt Service

County Guaranteed Junior Lien Solid Waste Revenue Bonds, Refunding Series 1990

Date	Principal	Coupon	Interest	Debt Service	Annual Debt Service
10/1/2006					
4/1/2007	$2,200,992.75	7.00%	$4,564,007.25	$6,765,000.00	$6,765,000.00
10/1/2007					
4/1/2008	2,095,668.00	7.00%	4,804,332.00	6,900,000.00	6,900,000.00
10/1/2008					
4/1/2009	1,994,633.55	7.00%	5,040,366.45	7,035,000.00	7,035,000.00
10/1/2009					
4/1/2010	1,877,495.20	7.05%	5,282,504.80	7,160,000.00	7,160,000.00
10/1/2010					
4/1/2011	1,784,794.70	7.05%	5,510,205.30	7,295,000.00	7,295,000.00
10/1/2011					
4/1/2012	1,695,053.25	7.05%	5,729,946.75	7,425,000.00	7,425,000.00
10/1/2012					
4/1/2013	1,581,525.00	7.05%	5,843,475.00	7,425,000.00	7,425,000.00
10/1/2013					
4/1/2014					
10/1/2014					
4/1/2015					
10/1/2015					
4/1/2016					
10/1/2016					
	$13,230,162.45		$36,774,837.55	$50,005,000.00	$50,005,000.00

Acacia Financial Group, Inc.

Financial Analysis for: Mercer County Improvement Authority

Outstanding Debt Service

County Guaranteed Solid Waste Revenue Bonds, Refunding Series 1992

Date	Principal	Coupon	Interest	Debt Service	Annual Debt Service
10/1/2006					
4/1/2007	$2,406,438.50	6.70%	$3,988,561.50	$6,395,000.00	$6,395,000.00
10/1/2007					
4/1/2008	2,282,953.30	6.75%	4,247,046.70	6,530,000.00	6,530,000.00
10/1/2008					
4/1/2009	2,180,454.75	6.75%	4,484,545.25	6,665,000.00	6,665,000.00
10/1/2009					
4/1/2010	2,067,962.40	6.78%	4,722,037.60	6,790,000.00	6,790,000.00
10/1/2010					
4/1/2011	1,973,001.75	6.78%	4,951,998.25	6,925,000.00	6,925,000.00
10/1/2011					
4/1/2012	1,880,439.70	6.78%	5,174,560.30	7,055,000.00	7,055,000.00
10/1/2012					
4/1/2013	1,759,093.70	6.78%	5,295,906.30	7,055,000.00	7,055,000.00
10/1/2013					
4/1/2014					
10/1/2014					
4/1/2015					
10/1/2015					
4/1/2016					
10/1/2016					
	$14,550,344.10		$32,864,655.90	$47,415,000.00	$47,415,000.00

Acacia Financial Group, Inc.

Financial Analysis for: Mercer County Improvement Authority

Outstanding Debt Service

County Guaranteed Solid Waste Bonds, Series 1997

Date	Principal	Coupon	Interest	Debt Service	Annual Debt Service
9/15/2006					
3/15/2007			$817,768.75	$817,768.75	
9/15/2007	$2,320,000.00	5.10%	817,768.75	3,137,768.75	$3,955,537.50
3/15/2008			758,608.75	758,608.75	
9/15/2008	2,440,000.00	5.20%	758,608.75	3,198,608.75	3,957,217.50
3/15/2009			695,168.75	695,168.75	
9/15/2009	2,565,000.00	5.375%	695,168.75	3,260,168.75	3,955,337.50
3/15/2010			626,234.38	626,234.38	
9/15/2010	2,705,000.00	5.375%	626,234.38	3,331,234.38	3,957,468.75
3/15/2011			553,537.50	553,537.50	
9/15/2011	2,850,000.00	5.375%	553,537.50	3,403,537.50	3,957,075.00
3/15/2012			476,943.75	476,943.75	
9/15/2012	3,000,000.00	5.375%	476,943.75	3,476,943.75	3,953,887.50
3/15/2013			396,318.75	396,318.75	
9/15/2013	3,165,000.00	5.75%	396,318.75	3,561,318.75	3,957,637.50
3/15/2014			305,325.00	305,325.00	
9/15/2014	3,345,000.00	5.75%	305,325.00	3,650,325.00	3,955,650.00
3/15/2015			209,156.25	209,156.25	
9/15/2015	3,535,000.00	5.75%	209,156.25	3,744,156.25	3,953,312.50
3/15/2016			107,525.00	107,525.00	
9/15/2016	3,740,000.00	5.75%	107,525.00	3,847,525.00	3,955,050.00
	$29,665,000.00		$9,893,173.75	$39,558,173.75	$39,558,173.75

Acacia Financial Group, Inc.

Financial Analysis for: Mercer County Improvement Authority

Outstanding Debt Service

Total Outstanding Debt

Year End	Series 1990	Series 1992	Series 1997	Total Annual Debt Service
2007	$6,765,000.00	$6,395,000.00	$3,955,537.50	$17,115,537.50
2008	6,900,000.00	6,530,000.00	3,957,217.50	17,387,217.50
2009	7,035,000.00	6,665,000.00	3,955,337.50	17,655,337.50
2010	7,160,000.00	6,790,000.00	3,957,468.75	17,907,468.75
2011	7,295,000.00	6,925,000.00	3,957,075.00	18,177,075.00
2012	7,425,000.00	7,055,000.00	3,953,887.50	18,433,887.50
2013	7,425,000.00	7,055,000.00	3,957,637.50	18,437,637.50
2014	0.00	0.00	3,955,650.00	3,955,650.00
2015	0.00	0.00	3,953,312.50	3,953,312.50
2016	0.00	0.00	3,955,050.00	3,955,050.00
	$50,005,000.00	$47,415,000.00	$39,558,173.75	$136,978,173.75

TABLE 5
Mercer County Improvement Authority
Inventory of Solid Waste & Recycling Facilities

Class A

Facility	Municipality	Block	Lot	Address
Waste Mngt/Enterprise Ave	Trenton	211A	3	309 Enterprise Ave
Mercer Wrecking	Trenton	13	1	4 Beakes St.
National Waste	Ewing	21-01	8	432 Stokes Ave
Trenton Iron & Metal	Trenton	23102	9	301 Enterprise Ave
F&W Scrap Metal Co	Trenton	25001	2	461 New York Ave
Hamilton Auto Scrap Recycling	Hamilton	2147	8	225 Turnbull Ave
Scarpati Scrap Metal	Trenton	22001	4	10 Nottingham Way
ADDI	Lawrence Twp	1104	4	649 Whitehead Rd.

Class B

Facility	Municipality	Block	Lot	Address
Albert E. Barrett/Trap Rock	Hamilton Twp	62	23	2485 East State Street
Hamilton Ecological	Hamilton Twp	499	15	Kuser Rd
Mid Jersey Mulch	Lawrence Twp	36.01	12	227 Bakers Basin Rd
Mercer Group International	Ewing	12, 13 & 20	3, 1 & 1	4 Beakes St
J Vinch & Sons	Ewing	13	21	N Olden Ave
Lawrence Twp Ecological	Lawrence Twp	5801	26	Princeton Pike

Class C

Facility	Municipality	Block	Lot	Address
Lawrence Township Compost	Lawrence	5801	26	3701 Princeton Pike
Princeton Sewer Operating Compost	Princeton	1503	4	River Road
Ewing Township	Ewing	13	3,17,37	N. Olden Ave
Hopewell Township	Hopewell	92	5	201 Washington Crossing Road
Hamilton Twp. Ecological Compost	Hamilton	2163	5	1360 Kuser Road
West Windsor Twp. Compost	West Windsor	6	17	101 Old Alexander Road
Princeton University Compost	Princeton	3	128	Washington Road
Highstown Compost	Highstown	7	41	156 Bank Street
City of Trenton Compost	Trenton	12601	21	240 Monmouth Street

MRF

Facility	Municipality	Block	Lot	Address
Mercer Group International	Ewing	13	1	4 Beakes St

T/S

Facility	Municipality	Block	Lot	Address
MCIA	Ewing	13	3,10,16,17 & 37	N Olden Ave
Mercer Group International	Ewing	13	1	4 Beakes St
National Waste Disposal Inc	Ewing	A-21	4,5,6,7 & 8	432 Stokes Ave

MERCER COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN

FIGURES

Figure 1
Map of Existing Solid Waste Facilities

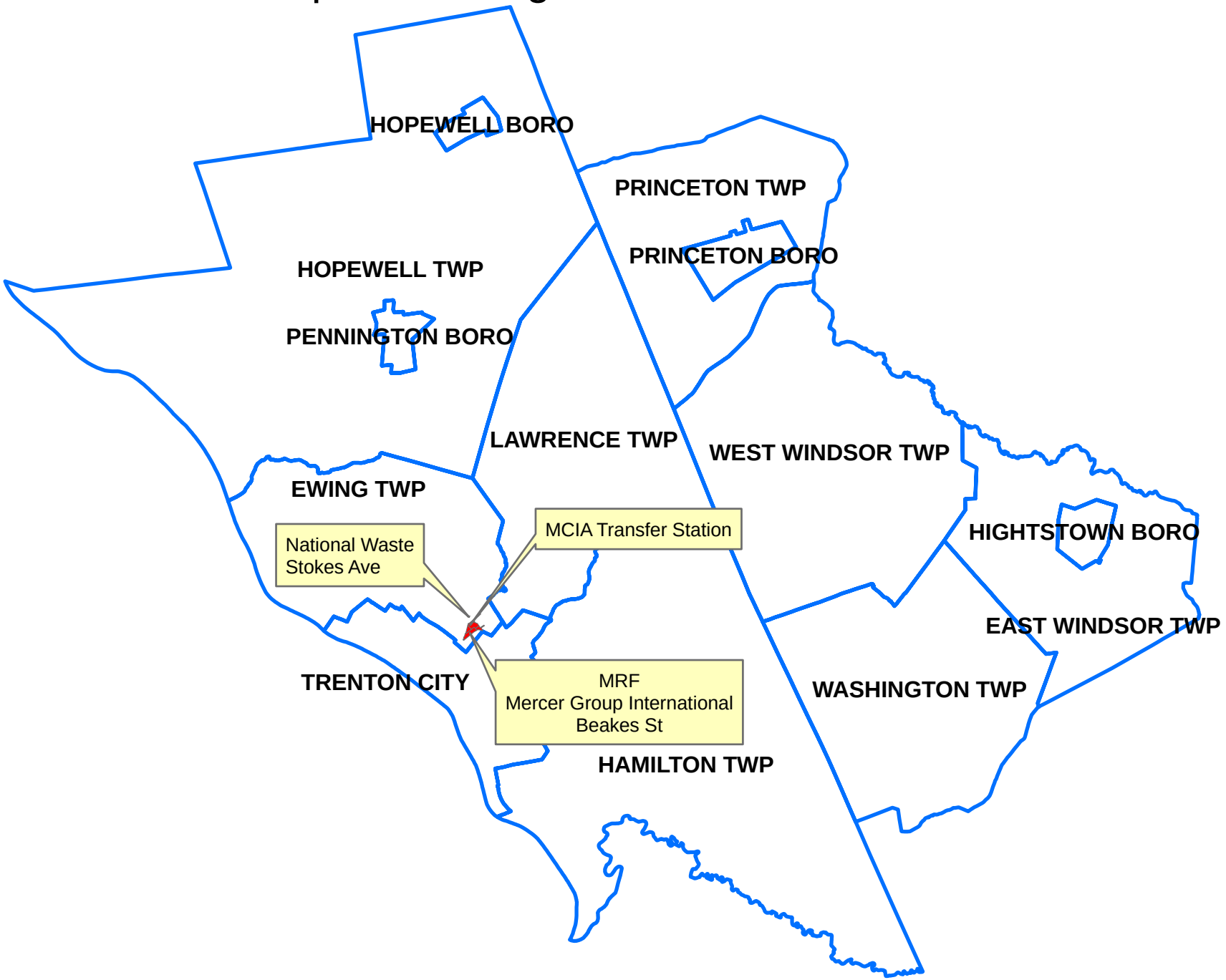


Figure 2
Map of Existing Class A Recycling Facilities

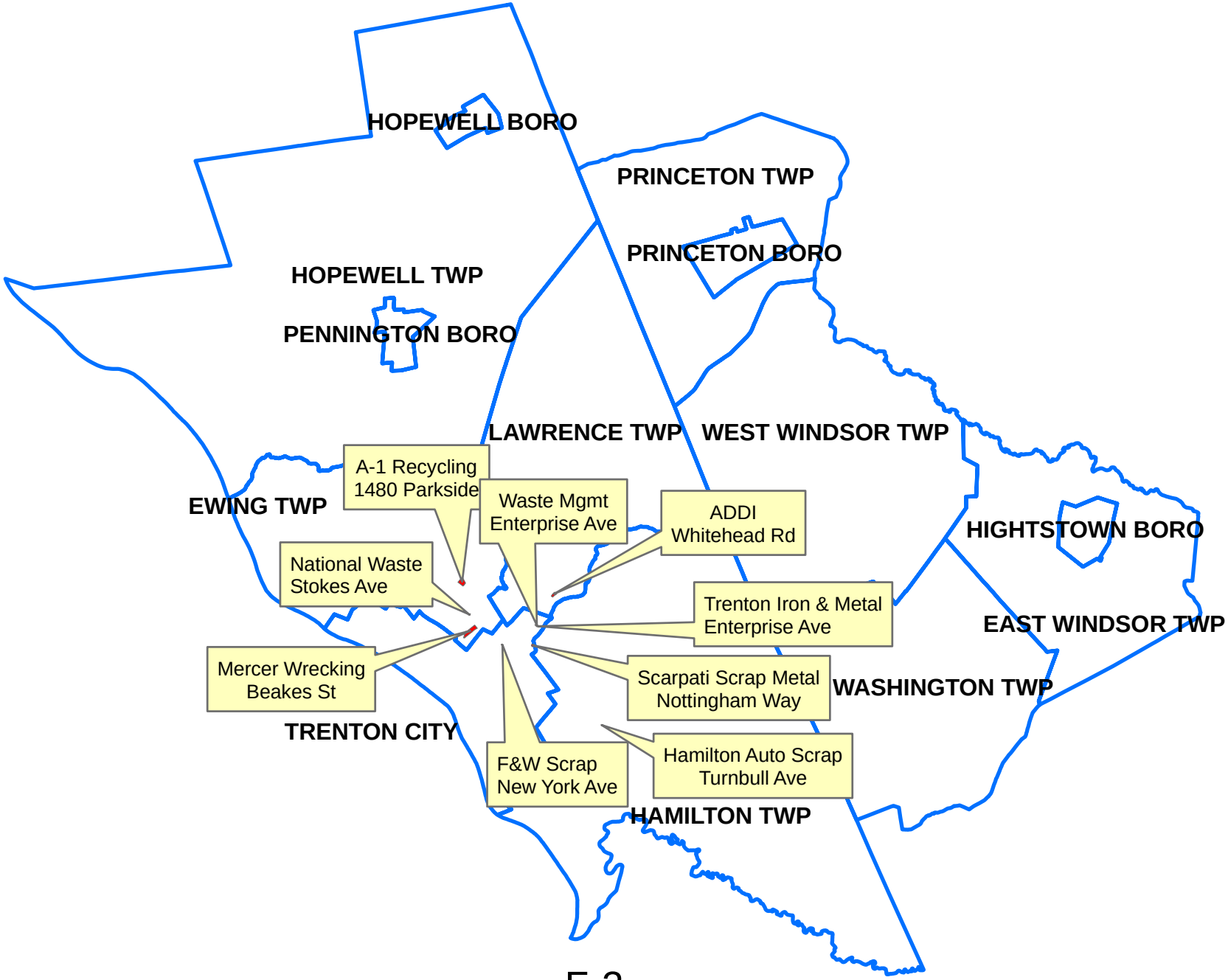


Figure 3
Map of Existing Class B Recycling Facilities

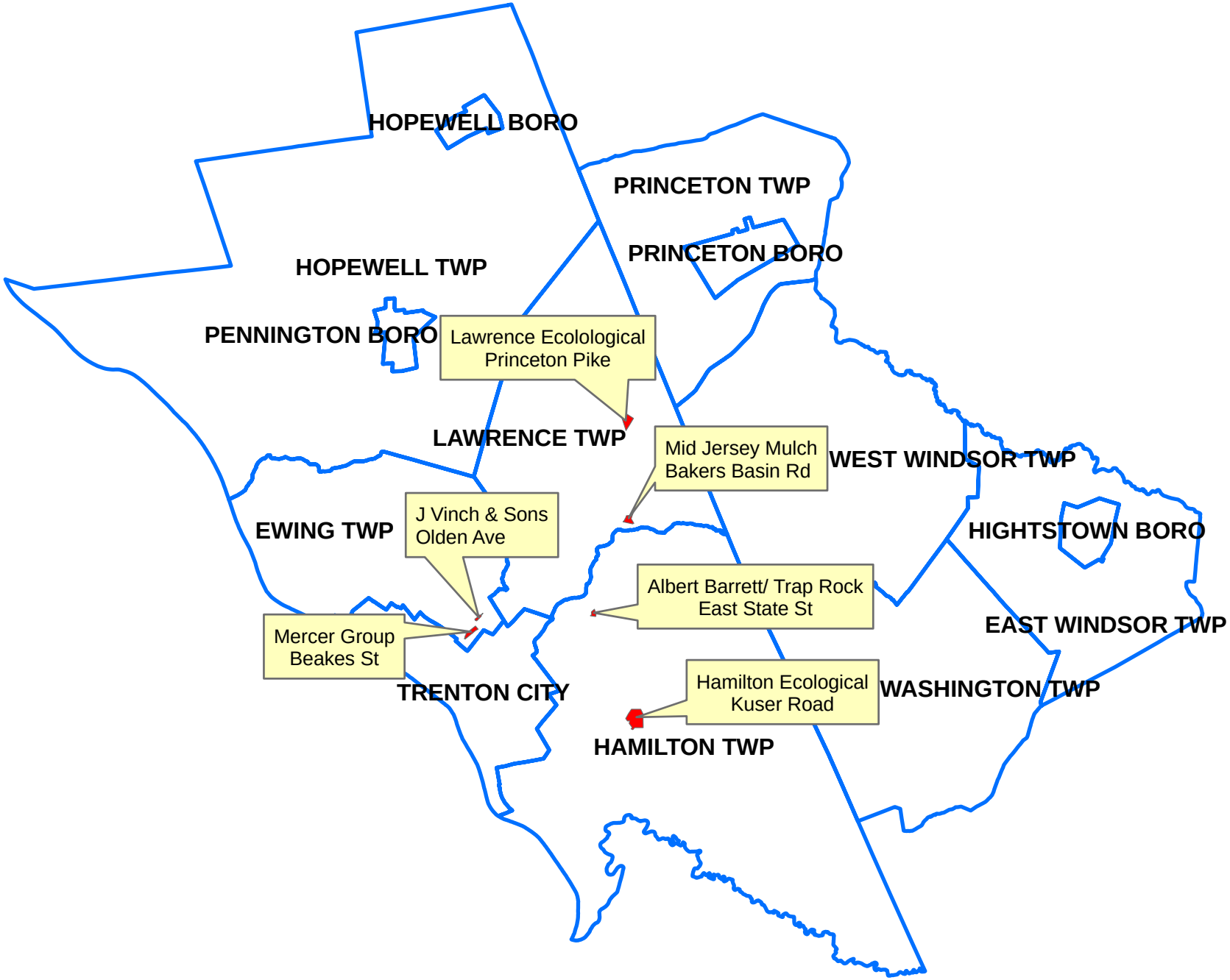
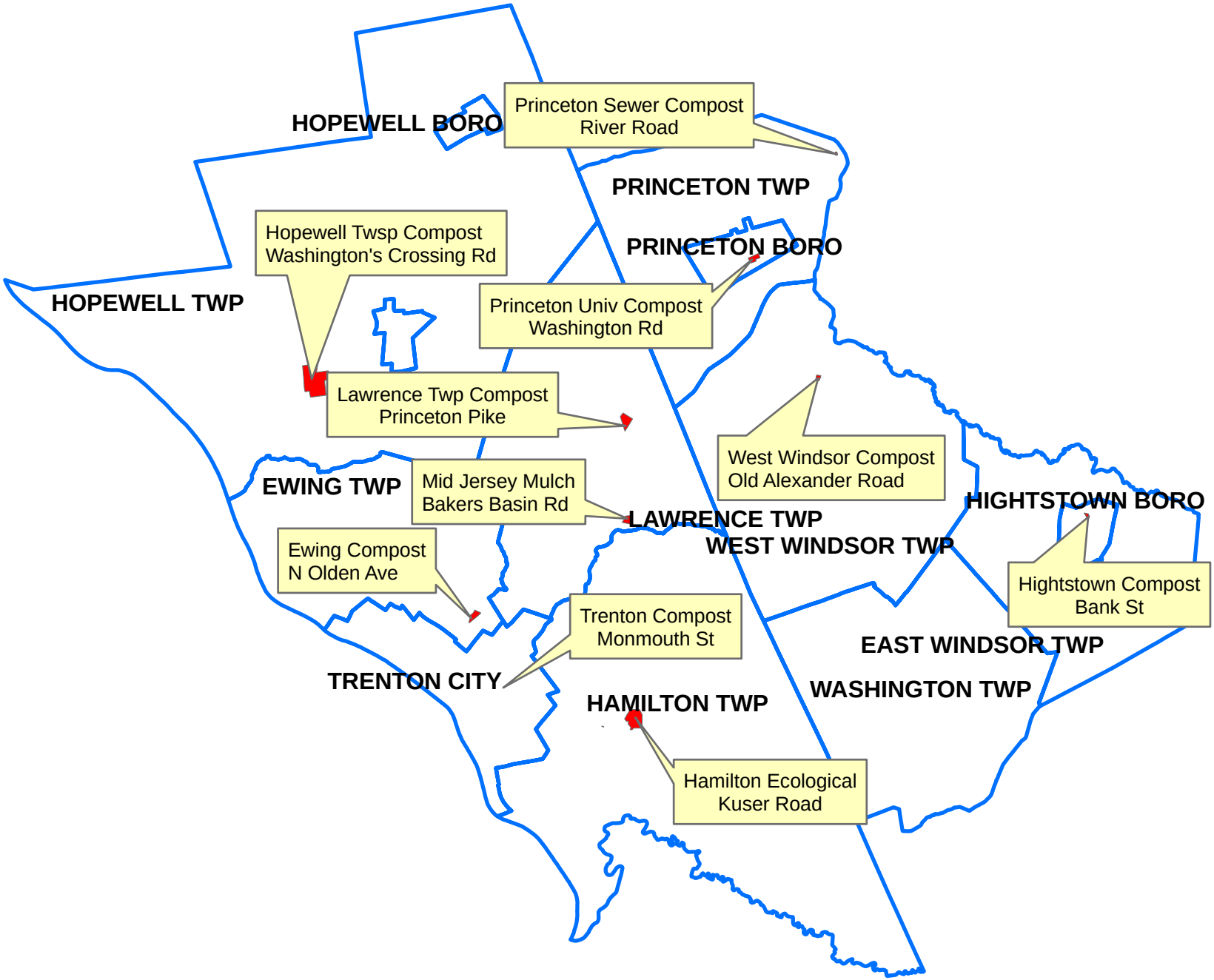


Figure 4
Map of Existing Class C Recycling Facilities



APPENDIX A

SOURCE SEPARATION AND

RECYCLING PLAN

Mercer County Recycling Plan

Mercer County Recycling Plan
Table of Contents

1.0 Source Reduction

Source reduction involves the minimization or elimination of waste materials in order to prevent their generation in the first place. In the Waste Management hierarchy, source reduction is the first step over all other methods of waste management. Source Reduction will help eliminate or reduce the volume of materials, decrease the toxic components contained within products and packaging, and increase product durability. Source reduction helps to minimize environmental and financial consequences of waste generation in that the volume and weight requiring deposal is reduced. The goals of the source reduction plan will be to achieve the 60% total solid waste recycling as well as, to meet the State's 50% municipal solid waste recycling. The strategy to accomplish this is outlined as part of our overall recycling strategy.

1.1 Waste Audits

As part of the existing Mercer County District Solid Waste Management Plan, (adopted on July 25, 1989, as Ordinance No.89-19 by the Mercer County Board of Chosen Freeholders), the Authority inventoried all existing county facilities to determine individual needs of facilities prior to implementing recycling collection. As a condition of this Recycling Plan, the Authority will assess current facility needs and determine what changes are necessary as well as a timeline for completion. The facilities to be assessed are all county departments and offices, municipalities, school districts, independent public authorities, and public institutions including but not limited to: hospitals, correctional facilities, schools and colleges. A schedule for completion is as follows:

Facilities with more than 500 employees:
By December 31, 2007

Facilities with 250-499 employees:
By December 31, 2008

Facilities with 100-249 employees:
By December 31, 2009

Facilities with less than 100 employees:
By December 31, 2010

1.2 Procurement

Purchasing recycled products and products made from post-consumer recyclable materials is one way to "close the loop" on recycling. The following sections provide a brief overview of practices currently utilized by Mercer County.

1.2.1 Buy Recycled

All county departments and offices, municipalities, school districts and independent public institutions in Mercer County shall purchase recycled products instead of non-recycled products whenever fitness and quality of recycled products are equal to non recycled products and whenever available at no more than ten (10%) above the cost of products composed of virgin materials. Preference shall be given to products with the highest percentage of post-consumer waste material.

On June 9, 1992 the Mercer County Board of Chosen Freeholders adopted Ordinance No. 92-6, an Ordinance entitled "The Recycling Product Procurement Policy" This ordinance promotes all county departments and offices, municipalities, school districts, independent public authorities, and public institutions operating in Mercer County to purchase copiers with the ability to make two-sided copies to the maximum extent possible; which greatly reduces the amount of paper generated. The Ordinance also promotes the purchases of recycled products encouraging the reduction of waste.

The State of New Jersey, Department of Environmental Protection, Bureau of Recycling & Planning has established the ability for state, county and municipal agencies to purchase products manufactured from recycled materials directly from the State Procurement Reporting services list for products procured by the Division of Purchase and Property. This list can be found at The NJDEP website, http://www.state.nj.us/dep/dshw/recyclenj.

In order to achieve the goals established by the State Department of Environmental Protection in the Solid Waste Management Plan update, it will be necessary for public entities to take an active role in "closing the loop" through purchasing policies. Since local governments are large consumers of various commodities, they can be instrumental in creating a demand for products with recycled content. The Authority will provide technical assistance to each Municipality to establish procedures and aid in the purchasing of recycled products.

In addition to the above, the Authority will encourage municipalities; public agencies businesses, and school districts to purchase products in bulk quantities whenever possible, purchase from companies who have eliminated or reduced packaging that is not necessary for the safety or preservation of the product; purchase products based on their recyclables or reuse; purchase products made from remanufactured materials whenever possible, and purchase products based on durability and ease of repair.

1.2.2 Paperless Board Meetings

Funding from the 2005 Solid Waste Services Tax Entitlement is being utilized to establish a paperless Board meeting format. A customized web-site will be created that will store agenda items and information packets in a document database. The governing body will have full access to this web-site, with senior cabinet members and the public with varying degrees of access. The paperless board meeting technology allows users to access board information via a web browser on any internet connected computer, reducing time and the reams of paper used for the printing of board informational packets; thus creating a paperless board meeting. Once fully operational, the Authority would like to promote this paperless board meeting with the County administration, municipalities, school districts and other entities were the amount of paper generated for these meetings could be significantly decreased.

1.2.3 Paperless Filing System

The Authority, through the Solid Waste Services Tax Entitlement, is implementing an electronic document filing system to help reduce the use of paper in the workplace. Files will be stored on a database eliminating the use of paper files in the workplace.

1.2.4 MercerMax

The Authority has also implemented through the availability of funds from the Solid Waste Services Tax Grant, an on-line materials exchange web-site called "MercerMax". MercerMax is designed to help Mercer County residents/ organizations find uses for various materials they have traditionally discarded and it is intended to facilitate reuse and recycling in order to meet the County's outlined recycling goals. This unique free service can help to conserve resources, energy and landfill space by finding alternatives to the disposal of valuable materials.

1.2.5 LEED Program

The Leadership in Energy and Environmental Design (LEED) is a nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, waste savings, energy efficiency, materials selection, and indoor environmental quality. This program is a source reduction technique promoting recycling, among other things, in building design and construction.

The Mercer County Improvement Authority is a full supporter of this program and has implemented the LEED program into the construction and building design of

a new project. The Authority is overseeing the construction and design of a school located in the City of Trenton and encouraging the use of the LEED system. It is estimated that once the project is completed, the City of Trenton Daylight Twilight School will be LEED certified.

1.3 Household Hazardous Waste Collection

Early in 1989 the Authority started planning for a program to collect residentially generated household hazardous materials. On May 20, 1989, the Authority held its first Household Hazardous Waste Disposal Day (HHWD) with participation from approximately 300 residents.

Since then, the Authority has held two (2) Household Hazardous Waste Disposal Day's per year. The events are normally held in the spring and fall months. In 2005 the Authority evaluated its current practices and determined that with the increase of population throughout the County, the continual need to dispose of household chemicals properly and the desire to provide an environmentally sound service; the Authority should increase the frequency of the events. In 2006 a third event was added and held in the month of June.

In addition to the annual qualitative evaluation conducted via a survey of HHWD participants. The Authority conducts quantitative evaluations to better understand what materials are collected and more importantly, what materials are being removed from the waste stream.

Over the past three years, the Authority has collected the following amount of hazardous materials:

Material Collected	**2004** **# of vehicles served** **(2,553)** **(2) HHWD events held**	**2005** **# of vehicles served** **(2,982)** **(2) HHWD events held**	**2006** **# of vehicles served** **(4,511)** **(3) HHWD events held**
Aerosols	38 Drums	54 Drums	64 Drums
Car Batteries	165 Batteries	250 Batteries	143 Batteries
Antifreeze	11 Drums	9 Drums	12 Drums
Propane Tanks	855 Tanks	1,143 Tanks	1,252 Tanks
Motor Oil	58 Drums	60 Drums	49 Drums
Oil Based Paint	92 Drums	87 Drums	89,600 lbs.
Corrosives	12 Drums	28 Drums	4,735 lbs.
Pesticides	8 Drums	4 Drums	107 lbs.
Lab Chemicals	12 Drums	8 Drums	187 lbs.
Poisons (Liquid & Solids)	59 Drums	65 Drums	70 Drums
	Each drum is equal to 55 gallons		

1.4 Used Electronic Collection

In addition to the hazardous materials, the Authority has successfully implemented an electronic / computer collection as part of the HHWD events. This program has grown tremendously and has sparked dialogue of conducting multiple electronic / computer collection in addition to the three (3) HHWD events. The chart below indicates the amount of electronics collected over the last 7 HHWD events.

Electronic / Computer Collection **(weight is calculated in pounds)**			
	2004	**2005**	**2006**
Fall	42,655 Lbs.	175,102 Lbs.	95,399 Lbs.
Summer	-	-	81,501 Lbs.
Spring	37,158 Lbs.	104, 181 Lbs.	122,770 Lbs.

Based on our numbers and public response via surveys, the electronic collection is an important component to our overall recycling program. By collecting and recycling these electronics we help to eliminate the harmful materials that would otherwise go into the waste stream. Secondly the recycling of electronics decreases the amount of space that would be needed to dispose of these electronics into landfill. Lastly, for those items that can be refurbished, it is economically advantageous to both the manufacturer and the consumer to reuse parts and materials that are in good working order, rather than develop and purchase new systems entirely.

2.0 Public Information/Education

2.1 School Education Program

As part of its overall public information program, the Authority has developed and implemented a countywide education program geared towards elementary school-aged children. The purpose of the program is to develop an awareness of the process of recycling and the significant impact it has on our environment. Studies have shown that by utilizing the children as transmitters or mediums, they can encourage their parents to become disciplined, environmentally focused residents. This will ultimately lead to entire communities contributing to an environmentally safe society. Subsequent studies have shown that targeting students in grades K – 5 will facilitate their participation in conserving our environment, both now and in the later years. It is MCIA's intention to continue to foster proper recycling via the educational program, however, the Authority will expand these presentations to cover local boy scout groups, civic associations, and 55 and older communities.

2.2 Earth Day

The Authority holds an Earth Day celebration in conjunction with the National Earth Day events during the month of April. The schools are asked to participate in the Earth day activities and the Authority holds a contest for the best environmentally conscious ideas. Prizes are given to the classrooms that have come up with the most creative idea and individual prizes are given to the children who present the best concept in the theme of the earth day celebration. Children from Grades K thru 8 have entered very unique projects. Earth Day is a great way to supplement the Authority's education program directly working with schools that might not be aware of all of our recycling services. Moreover, Earth Day events continue to foster environmental education while simultaneously fostering one's creativity.

2.3 Brochures

The Authority has developed a user-friendly informational brochure that was mailed to all residents in Mercer County. Included in the brochures were illustrated colored photos of acceptable recyclable items, as well as, photos of unacceptable items, referred to as "common mistakes". A calendar detailing the collection schedule along with contact numbers for each municipality and the County offices was also included.

2.4 Bilingual Information

The Authority recognizes that significant portions of the population receiving County recycling services are Spanish speaking. To this end, the Recycling Office has instituted a supplementary customer service telephone line solely designated for Spanish speaking residents. In addition, all public relations materials (i.e. brochures, flyers, handouts) are developed both in English and in Spanish. The MCIA Recycling Department also employs Spanish speaking personnel, who can assist Spanish speaking residents with any recycling inquiries.

2.5 Recycling Website

Additionally the Authority is in the process of reconstructing the current recycling web-site to encompass more comprehensive information. The web-site, http://www.mcia-nj.com/recycling.html, will have sections for children (i.e. games and fun tools) and more detailed information for adults (i.e. frequently asked questions, contact information, and pertinent municipal information). The website

will also include notices and announcements for residents, collection schedules and links to national recycling information sites.

2.6 Cut-It-And-Leave-It

The Authority is developing a "Cut-It Leave It" brochure. This brochure will be distributed to all municipal public works departments; local stores that sell lawn equipment and all lawn care service companies. Studies have shown by leaving grass clippings uncollected on the lawn, the soil receives natural organic material needed for healthy growth and reduces watering and fertilizing needs.

Leaving grass clippings on the lawn is a proven source reduction technique that eliminates the unnecessary disposal of organic waste into the landfill.

2.7 Recycling Hotline

Lastly, the Authority has created a Recycling Hotline for Mercer County residents to access 24 hours a day, seven days a week. The Hotline gives residents updates on recycling schedules, any changes due to weather or emergencies, and Authority contact information.

3.0 Recycling Plan

As stated throughout the State Plan update, counties must revise their respective recycling plans to include meeting the 60% and 50% recycling goals. The components of this Recycling Plan will explain in detail the methodology for Mercer County to achieve these aggressive goals.

3.1 Definitions

"Acceptable Aluminum Containers" shall mean metal aluminum containers of the type commonly used for the packaging of beverages and food products.

"Acceptable Bi-metal Containers" shall mean those cans with side and bottom construction made of steel with top construction made of aluminum. Expressly EXEMPTED from this definition are bi-metal containers utilized for the packaging of chemicals or other non-food and non-beverage products until such time as the Improvement Authority has obtained markets for the exempted bi-metal containers.

"Acceptable Commingled Materials" shall mean those materials which would otherwise become municipal solid waste for municipalities in Mercer County and which may be collected, separated, processed and returned to the economic

mainstream in the form of materials or products. Acceptable commingled materials shall include Acceptable Metal containers, Acceptable Glass containers, and Acceptable Plastic containers as defined in this section.

"Acceptable Glass Containers" shall mean any clear, amber, and green glass container of the type commonly used for food and beverage products. Expressly EXEMPTED from this definition are glass containers used for non-beverage or non-food products such as pesticides, herbicides, or other chemicals. Light bulbs, plate, safety, mirrored glass, ceramic and china are also not considered acceptable glass containers.

"Acceptable Metal Containers" shall mean metal containers of the type commonly used for food and beverage products only and may include aluminum, tin-plate steel and bi-metal cans. Expressly EXEMPTED from this definition are cans utilized for the packaging of chemicals or other non-food and non-beverage products.

"Acceptable Paper" shall mean newspapers, associated inserts, magazines, telephone books, and corrugated cardboard.

"Acceptable Plastic Containers" shall mean any polyethylene teraphthalate (PET) and high density polyethylene (HDPE) plastic container of the type commonly used for beverages. This definition shall also include other plastic containers bearing the stamp "HDPE 2" on the bottom. Other PET containers utilized for non-beverage items are expressly exempted from this definition. Additional plastic containers may be included in the definition of acceptable plastic containers in the event Authority's processor is able to accept additional plastic containers.

"Acceptable Tin-Plate Steel Containers" shall mean metal containers of the type commonly used for packaging of food and beverage products. Expressly EXEMPTED from this definition are tin-plate steel containers utilized for the packaging of chemicals or other non-food and non-beverage products until such time as the Improvement Authority obtains markets for those containers.

"Beverage" shall mean milk, alcoholic beverages including beer or other malt beverages, liquor, wine, vermouth and sparkling wine, and non-alcoholic beverages including fruit juice, mineral water, and soda water, and similar non-alcoholic carbonated and non-carbonated drinks intended for human consumption.

"Beverage Container" shall mean an individual, separate, hermetically sealed, or made airtight with a metal or plastic cap, bottle or can composed of glass, metal, plastic or any combination thereof, containing a beverage.

"Collection Unit" shall mean any equipment determined to be necessary to complete the collection services described in the Recycling Plan and Ordinance.

"Commercial Establishment" shall mean those businesses, which constitute wholesale, retail, or service establishments such as restaurants, stores, markets, theatres, hotels, warehouses, and offices.

"Corrugated cardboard" shall mean corrugated containers having liners or either test liners, jute or craft.

"County Recycling Program" shall mean the Mercer County collection program as more fully described the Mercer County Recycling Plan and amendments.

"Cullet" shall mean crushed or shattered glass with an average particle size 1 x 1 mm to 2 x 2 mm (+/-).

"Department" shall mean the New Jersey Department of Environmental Protection.

"Designated Recyclable Materials" shall mean those materials named in the approved Mercer County Recycling Plan and amendments.

"End User" shall mean the ultimate market for designated recyclable materials, which utilizes said materials as raw materials in the manufacture of new commodities.

"Existing Transfer Station" shall mean the Mercer County Improvement Authority's Solid Waste Transfer Station location in Ewing Township, New Jersey, at Block 13, 10, 16, 17, 19, and 21.

"Food Product" shall mean a food commodity packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at the point of manufacture.

"Food Product" shall mean a food commodity packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at the point of manufacture.

"Grass" shall mean plants used as ground cover in lawns and landscape applications and the clippings from such applications.

"Improvement Authority" shall mean the Mercer County Improvement Authority.

"Industrial Establishment" shall mean those businesses, which include manufacturing, industrial and research and development entities.

"Leaf composting facility" shall mean a solid waste facility that is designed and operated solely for the purpose of composting leaves and shall also include leaf mulching on land deemed actively to agricultural or horticultural use.

"Market" or "Markets" shall mean the disposition of designated recyclable materials sources separated in a municipality which entails a disposition cost less than the cost of transporting the recyclable materials to an authorized solid waste facility and disposing of them as municipal solid waste at a facility utilized by a municipality.

"Magazines" shall mean all weekly, monthly, or other post consumer periodicals and glossy newspaper inserts.

"Multi-family complex" shall include any building or structure containing two or more independent housing units not receiving municipal curbside waste disposal

services prior to January 1, 1990, in those municipalities which provide directly by contract for its own waste disposal through some intermediate instrumentalities other than the owner, such as condominium association, homeowners' association, apartment complex owner, superintendent or manager.

"Municipal Solid Waste Stream (Type 10)" shall mean all residential, commercial, institutional solid waste generated within the boundaries of any municipality.

"Municipality" shall mean any City, Borough, Town, Township, or Village situated within the boundaries of Mercer County.

"Non-Profit Group" shall mean those groups or organizations operating not-for-profit, such as the Girl Scouts, Boy Scouts, religious organizations, etc., and other types of service organizations that may on occasion conduct recycling fund-raising activities.

"Office Paper" shall mean high-grade paper, fine paper, bond paper, offset paper, Xerographic paper, mimeo paper, duplicator paper, and related types of cellulosic material containing not more than 10% by weight of volume of non-cellulosic material such as laminated, binders, coatings, or saturates.

"Other Paper" shall mean magazines, junk mail, cereal, cookie, cracker, dry detergent boxes, shoeboxes, juice boxes, milk and juice containers and telephone books.

"Paper" means of includes all paper grades including but not limited to newspaper, high grade office paper, fine paper, bond paper, offset paper, Xerographic paper, mimeo paper, duplicator paper, and related types of cellulosic material containing not less than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturates.

"Recycling Container" shall mean a container intended for the storage and collection of recyclable materials.

"Recyclable Material" shall mean those materials which would otherwise become solid waste and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

"Recycled Paper" means any paper product consisting of not less than 50% secondary waste paper material.

"Recycling" shall mean the activity whereby a secondary material introduced as a raw material into a process in which it is transformed into a new product in such a manner that its original identity is essentially lost.

"Recycling Act" shall mean the New Jersey Statewide Mandatory Source Separation and Recycling Act, P.L. 1987, Chapter 102, N.J.S.A. 13: 1E-99.1 et seq. as amended.

"Recycling Center" shall mean any facility designed and operated solely for receiving, storing, processing, and transferring source separated or source

separated commingled non-putrescible metal, glass, plastic containers and corrugated and other cardboard or other recyclable materials approved by the Department.

"Recycling Plan" shall mean the Mercer County District Recycling Plan as modified and amended.

"Recyclable Materials Transfer Station" those areas of the existing transfer station used exclusively for recycling activities.

"Scavenger" shall mean any individual or group that collects recyclable materials from recycling containers not authorized by the Improvement Authority to do so under the Authority's collection programs or collected under private contract with the approval of the Authority.

"Solid Waste" shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial, and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

"Solid Waste Facilities" shall mean and include the plants, structures and other real and personal property acquired constructed or operated by any person pursuant to the provisions of the Solid Waste Management Act (N.J.S.A. 13:1E-1 et esq.), or any other Act, including transfer stations, incinerators, resources recovery facilities, sanitary landfill facilities or other plans for disposal of solid waste, and all vehicles, equipment and other real and personal property rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

"Source Separation" shall mean the act of segregating recyclable materials from residential, commercial and institutional solid waste by the generator thereof for the purpose of collection, disposition and recycling.

"Tin-Plate Cans" shall mean those cans with a basic steel construction and an interior coating of tin.

"Tire" shall mean a continuous solid or pneumatic rubber cushion encircling a wheel usually consisting when pneumatic of all external rubber-and-fabric cover that contains and protects from injury an air-filled inner tube for use on a motor vehicle.

"Total Waste Stream" shall mean the aggregate amount of solid waste generated within the boundaries of any county from all sources including the municipal solid waste stream.

"Unacceptable Commingled Materials" shall mean those materials which are not defined as Acceptable Commingled Materials.

"Unacceptable Mixed Paper" shall mean those materials, which are not defined as Acceptable Mixed Paper and are unsuitable for consumption as the grade specified.

"Used Motor Oil" shall mean refined petroleum from motor vehicles, lawn mowers and other machinery, which can be re-refined into petroleum products.

"Vegetative Waste Composting Facility" shall mean a solid waste facility that is designed and operated for the purpose of composting leaves, either exclusively or in combination with other negatives wastes authorized by the department.

"White Goods" Shall mean refrigerators, freezers, washers, dryers, and other appliances of steel construction.

3.2 Current Recycling

The following sections provide an overview of current recycling practices in Mercer County

3.2.1 Residential Curbside

As part of the Integrated Approach to Solid Waste Management and following input from municipal recycling coordinators, the Improvement Authority separated the 12 municipalities under the County Recycling Program into four (4) collection districts. The rationale for this approach was based on population, geographical location and the economics of collecting and marketing larger volumes of materials.

The Mercer County Curbside Recycling Program includes the collection of source separated commingled materials, Newspaper, Corrugated Cardboard and Other paper. Each collection cycle is two weeks, with twelve of the thirteen municipalities receiving 26 collections annually. One municipality, East Windsor does not participate in the county recycling program. East Windsor contracts separately with a private hauler.

The program involves the collection of materials curbside from residential units, multi-family units and some commercial establishments by the Improvement Authority's contractor. The recycling contractors are, Central Jersey Waste and Recycling and Waste Management Inc. The collected materials are transported to the Mercer County Transfer Station in Ewing Township for recycling. From the Transfer Station commingled materials are transported to Recycle America located in Trenton, New Jersey for processing. All mixed/other paper and cardboard is delivered to Homasote Company in Ewing Township for manufacture into wallboard and packaging materials.

3.2.2 Multi-Family

The Improvement Authority developed plans for a residential collection program specifically designed to meet the needs of multi-family complexes. All multi-family

complexes are given the option of either joining the Improvement Authority's collection program or contracting privately through a designated hauler. The Improvement Authority's multi-family collection program is a combination of curbside and centralized collection and covers over 12,000 units.

3.2.3 Commercial/Industrial/Institutional

Currently Commercial/Industrial/Institutional establishments are not collected under the Authority's recycling program. They are required to contract privately unless they participate in the Small Business Program listed below.

3.2.3.1 Small Business Program for Curbside Recycling Service

Any business that places no more than a total of four buckets at the curb per recycling day, is included in the Authority's regular recycling collection schedule. However, for those small businesses that generate between five and ten recycling buckets per recycling day. The Mercer County Improvement Authority offers a Small Business Recycling Program. The cost for the program is $150.00 a year and the businesses are collected on the normal municipal residential collection schedule. These businesses are also allowed to receive recycling buckets as part of the fee paid to the Authority.

In an effort to increase the small business program, letters advertising the program were sent to businesses and to targeted areas throughout the County as well as contacting many businesses via the County Environmental Health Act surveys.

The City of Trenton's businesses are excluded from the Small Business Program because their recycling is collected under the City of Trenton's Inter-Local Agreement with the Authority. These businesses are collected twice a week.

The Authority continues to work with each municipality to ensure that the commercial sector of each respective town receives recycling services. To this end recycling staff along with the enforcement department staff, work collaboratively surveying businesses throughout the County and working with owners to either establish or enhance their recycling programs.

3.2.3.2 Tires

Each Municipal Public Works Department provides curbside collection of tires from residents. Once collected, municipalities deliver tires to the Mercer County Transfer Station where they are loaded onto trailers for transport to Magnus Environmental Corporation in Delaware. The Authority, through the Scrap Tire Management Entitlement, covers the costs of this process.

From 2003 - 2005 collectively, the County Transfer Station has received and disposed of 1,455 tons of tires.

3.2.3.3 Composting

Organic material is estimated to account for approximately 15% of the total solid waste stream in New Jersey. Currently, there are 9 composting facilities operating throughout Mercer County that accepts organic material. In some cases, municipalities have inter-local agreements in place to utilize a compost facility in another municipality. Below is a list of composting facilities in Mercer County.

Facilities	Type	Leaves/Composting Recycled
Lawrence Township Compost	Class C	2,197 Tons
Princeton Sewer Operating Compost	Class C	3,452 Tons
Ewing Township	Class C	3,008 Tons
Hopewell Township	Class C	2,189 Tons
Hamilton Twp. Ecological Compost	Class B/C	15,300 Tons
West Windsor Twp. Compost	Class C	394 Tons
Princeton University Compost	Class C	679 Tons
Hightstown Compost	Class C	481 Tons
City of Trenton Compost	Class C	1,134 Tons

3.3 The Mercer County Recycling Plan Strategy

3.3.1 Residential

Effective with the adoption of this Plan Amendment, the following materials will be designated for recycling from the residential sector, which includes both those receiving curbside collection and those participating in multi-family collection programs, whether operated by the Improvement Authority or by private contractors. As markets for recyclable materials develop, the Authority may, in its discretion, add additional materials to the list of recyclables designated for the residential sector.

- Paper, including
  - Newspapers
  - Magazines
  - Corrugated Cardboard
- Other Paper
- Clear, green and amber glass food and beverage containers.

- Aluminum food and beverage containers
- P.E.T. beverage and H.D.P.E. beverage and laundry detergent containers
- Tin-plate steel containers.
- Bi-metal containers
- Tires
- Vehicle batteries
- White Goods
- Leaves
- Used Motor Oil
- Ferrous Automotive Scrap
-

The following materials are collected through the Improvement Authority's Curbside Collection Program: glass containers, aluminum containers, and plastic containers, tin-plate steel containers, bi-metal containers and newspapers, magazines, and other paper. Private contractors operating multi-family collection programs are required to recycle the same materials as collected in Improvement Authority-operated collection program.

Municipalities will be required to provide all their residents a means to recycle, at a minimum, the following materials or any of the following designated materials not part of Improvement Authority collection programs: Leaves, tires, batteries, white goods, used motor oil. Municipalities may provide this service either through drop-off locations or curbside collection programs. The Authority also allows residents to bring both vehicle and dry cell batteries and used motor oil to its Household Chemical Waste Collection Days.

At the time of placement of recyclable materials designated for collection by the Mercer County Recycling plan at the curb or street side or in designated drop-off areas in multi-family complexes, said materials shall be considered the sole property of the Mercer County Improvement Authority and be considered a conscious contribution by the resident to the County Recycling Program for collection by the Mercer County Improvement Authority or its agents.

Materials collected from multi-family complexes by private contractors shall be the property of said private contractor. Private contractors providing service to multi-family complexes shall provide monthly reports to municipalities on total tonnages recycled from multi-family complexes in the municipalities. On or before January 31 of each year, private contractors shall file tonnage reports with the Improvement Authority and the municipality; giving annual totals for tonnages recycled by complex and identify the markets for individual materials.

It shall be the responsibility of the landlord, building owner, property manager, and/or private association to ensure that recycling collection services are provided to residents of multifamily complexes and that sufficient space is provided for the collection and storage of recyclables designated for collection. All residents of multi-family complexes shall be required to separate for recycling items designated in this Recycling Plan.

It shall be the responsibility of the landlord, building owner, property manager, and/or private association to inform both current and new residents, at a minimum semi-annually, of the manner, time and plan for collection of recyclable materials.

Any resident may donate or sell designated recyclable materials to any person, whether operating for profit or not-for-profit, provided that the receiving person may not perform curbside collection of designated recyclable materials unless authorized by the Improvement Authority to do so.

3.3.2 Commercial/Industrial/Institutional

Effective with the adoption of this Plan Amendment, all commercial, industrial, and institutional establishments located within Mercer County shall recycle, or cause to be recycled the following categories of recyclables. The Improvement Authority may, in its discretion, add additional materials to the list of designated recyclables, if it determines markets for those materials are available to the commercial/industrial/institutional sector.

- Paper including:
  - Acceptable mixed paper
  - Corrugated cardboard
  - Office Paper
- Other Paper
- Clear, green, and amber glass
- Aluminum food and beverage containers.
- Tin-plate steel containers.
- Bi-metal food and beverage containers.
- P.E.T. and H.D.P.E. containers.
- Tires
- Vehicle batteries
- White goods
- Leaves.
- Used motor oil.
- Ferrous Automotive Scrap

All commercial, industrial, institutional establishments within Mercer County shall prepare a source separation and recycling plan to meet the state recycling mandates identifying or incorporating the following:

- All waste material generated, listed by type.
- All volumes of those waste categories currently recycled.
- Any agreements with any solid waste or recycling collection contractor for the recycling of source separated designated materials as defined in the Plan.

- A description of current or proposed recycling efforts for designated materials.
- The name of the person responsible for the recycling plan.

The Authority strongly encourages the establishment of Joint Recycling Plans by commercial/industrial/institutional establishments. However, it is the individual generator of recyclable materials that is required to comply with the terms of this Plan and ensure that designated materials are separated and marketed as recyclables.

Commercial/industrial/institutional establishments shall update and keep on file at their place of business, their recycling plans once every two years.

Commercial/industrial/institutional establishments shall file tonnage reports with the Improvement Authority annually with documentation of the materials claimed for recycling. Tonnage reports are due January 31 of each year and should reflect the entire year prior. The Improvement Authority reserves the right to establish more frequent reporting periods.

All commercial/industrial/institutional establishments required to submit a recycling plan may prepare a joint recycling plan with any other establishment (s), whereby a common hauler and/or collection point for common pick-up is set forth. All joint plans must name all plan participants and designate a coordinator for the joint plan. If a joint plan is prepared, the person or entity serving as coordinator shall be required to file the tonnage reports with the Improvement Authority. It shall be the responsibility of the joint plan coordinator to update the list of participants, if necessary, at the time of filing of recycling tonnage reports.

Commercial/industrial/institutional establishments whose waste is collected curbside through a municipal collection system shall be part of the municipal curbside collection program for recyclables collected under the Improvement Authority's curbside collection contract. All establishments participating in the curbside collection program shall be required to recycle designated materials not collected curbside if a waste audit determines their presence in the waste stream.

All persons leasing commercial/industrial/institutional space to tenants shall semi-annually inform such tenants of their responsibilities for recycling under the terms of this Recycling Plan.

At the time of placement of recyclable materials designated for collection by the Recycling Plan at the curb or street side of commercial/industrial/institutional establishments, said material shall be considered the sole property of the Mercer County Improvement Authority and shall be considered a conscious contribution to the County Recycling System for collection by the Mercer County Improvement Authority or its agent.

Pursuant to N.J.S.A.13:1E-99.16.(d) the governing body of a municipality may exempt persons occupying commercial and institutional premises within its boundaries from the source separation requirement of the Recycling Ordinance if

those persons have otherwise provided for the recycling of recyclable materials designated in the Recycling Plan from solid waste generated at those premises. To be eligible for an exemption, a commercial or institutional solid waste generator annually shall provide written documentation to the municipality of the total number of tons recycled.

Upon failure of a commercial/industrial/institutional establishment to meet the source separation recycling provisions of this Recycling Plan and/or the provisions of the Recycling Ordinance 2006, and/or the provisions of the Mandatory Recycling Act, if not otherwise exempted, the municipality and/or the Improvement Authority shall cause to be provided said recycling service, and all fees and costs for providing said recycling service shall be paid to the municipality in which said commercial establishment is located.

3.3.2.1 College and University Initiative

At the request of the administration and student body of area colleges and universities, staff from the MCIA has worked to develop, and/or expand; the institution's comprehensive recycling programs. Although this exciting initiative is in the infant stages, preliminary waste audits have been conducted, information on the purchasing of recycling containers (both indoor and outdoor) has been provided and education presentations to targeted campus groups have been scheduled. This technical assistance will provide the needed resources to further enhance recycling at local colleges and universities.

3.3.2.2 Sovereign Bank Arena Program

The Sovereign Bank Arena annually hosts over 500,00 people at roughly 160 events. As a result the MCIA is implementing the following recycling promotional activities to remind and encourage people to recycle not only at the Arena but also at home. The activities being implemented are as follows:

- Recycling signage on the Zamboni ice-resurfacing machine.
- Recycling promotion for all home games including, but not limited to, distribution of hockey pucks with recycling logo and general information attached; and during a break in the game a recycling PSA will run followed by ushers walking through spectator seats to collect recyclables.
- 30-second Video Scoreboard "Recycling Messages" throughout games and events.
- A Mercer County Cell Phone/ Small Electronic Recycling Night
- A recycling banner (complete with logos and recycling information) to be displayed at every home game.
- Full Page Ad in Media Guide and Programs
- Recycling logo and information on a promotional handout during an Arena event.
- Link to County Recycling web page on the Arena website.

- Newly designed recycling containers place throughout the Arena including suite boxes and food service areas.

3.4 Marketing Agreements/Contracts

3.4.1 Commingled Materials

A long term agreement is in place with Recycle America for the sale of commingled material collected through the residential curbside and multi-family collection programs. The Authority receives a floor price of $6.50 per ton for commingled material. Based on regional indices, should the price per ton increase, the Authority will receive the regional average price per ton. Currently, the Authority receives $9.58 per ton. However, the price paid to the Authority never falls below $6.50 per ton. The agreement with Recycle America is for a period of twenty (20) years beginning on July 27, 1992 and ending on July 26, 2012. The Improvement Authority will add additional materials to these collection programs at such time as Recycle America is able to accept additional materials and/or other markets develop.

The Improvement Authority will continue to study the commingled collection program in terms of quality of materials collected and, should market conditions dictate, make modifications to the collection program if required.

3.4.2 Mixed Paper

The Improvement Authority has a long-term agreement in place with Homasote Company, located on Lower Ferry Road, in Ewing Township for the sale of acceptable paper and other paper obtained through the MCIA recycling program. The agreement with Homasote Company is for a period of fifteen (15) years beginning on September 29, 1994 to September 12, 2009. The Authority receives a floor price of $30.00 per ton. Based on regional indices, should the price per ton increase, the Authority will receive the regional average price per ton. However, the price never falls below $30.00 per ton. Currently, the Authority receives $30.00 per ton.

3.4.3 Tires

The Improvement Authority through the assistance of The Tire Amnesty Program assists municipalities in the disposal of collected tires. The municipalities collect tires from residents and dispose of them at the Mercer County Transfer Station. The Authority has a three year contract beginning on March 16, 2004 to March 16, 2007 with Magnus Environmental Corporation, located in Wilmington, Delaware for the transfer and recycling of used tires.

3.4.4 Central Jersey Waste & Recycling

The Improvement Authority has a three (3) year agreement with Central Jersey Waste & Recycling for the collection of curbside collection of source separated commingled recyclable materials, mixed paper materials and corrugated cardboard for Districts 1, 2 and 3, Mercer County, beginning on August 1, 2004 to August 1, 2007 with a two year renewal option.

3.4.5 Waste Management

The Improvement Authority has a three (3) year agreement with Waste Management for the collection of curbside collection of source separated commingled recyclable materials, mixed paper materials and corrugated cardboard for District 4, Mercer County, beginning August 1, 2004 to August 1, 2007 with a two year renewal option.

3.5 Public Lands

Provision for the collection of recyclable materials exists in parks operated by the Mercer County Park Commission. Provision for the collection and recycling of designated materials shall be provided in all parks and public buildings and on all other public lands in all areas dedicated to public use, including but not limited to picnic grounds, parks, marinas, museums, schools, hospitals, correctional facilities, colleges, libraries, and municipal buildings. Collection and disposition of recyclables shall be the responsibility of the agency in charge of said property.

3.6 Municipalities

All municipalities shall, by ordinance, provide for recycling within the municipality pursuant to the Recycling Act by adoption of the County Recycling System as its official municipal recycling program.

No later than 90 days following the certification by the New Jersey Department of Environmental Protection of this recycling plan, all municipal recycling ordinances shall be amended to conform to this amended Recycling Plan.

All municipal contracts for solid waste collection and/or disposal shall be consistent with this Recycling Plan.

All municipalities shall, by ordinance, provide for a collection system for leaves generated from residential premises, and require that persons occupying residential premises within its municipal boundaries shall source separate leaves from solid waste generated at those premises. Unless leaves are stored for recycling, composting or mulching by the generator, residents shall place the leaves for collection in the manner provided for in its ordinance.

All municipalities may deliver tires to the Existing Transfer Station or such other site as designated by the Improvement Authority for transfer to a tire recycler.

All municipalities shall be required, at a minimum, within thirty (30) days after the adoption of its ordinance and at least once every six (6) months thereafter, to notify all persons occupying residential, commercial, and institutional premises within its municipal boundaries of the recycling and source separation requirements of this Recycling Plan and any other municipal recycling programs not operated by the Improvement Authority

All municipalities shall, pursuant to the Recycling Act, within thirty (30) days of the effective date of its recycling ordinance, as amended pursuant to this Recycling Plan, at least once every thirty-six (36) months thereafter, conduct a review and make necessary revisions to the master plan and development regulations adopted pursuant to P.L. 1975, c.291 (N.J.S.A. 40A:55D-1 et seq.), which revisions shall reflect changes in the collection, disposition and recycling of designated recyclable materials. Municipalities shall notify the Improvement Authority in writing after such changes have been made.

Municipalities shall notify all commercial, industrial and institutional establishments making application to the planning and/or zoning board of the municipality of the requirements of the Recycling Plan and its municipal ordinance.

Municipalities shall, at a minimum, provide residents a means to recycle all materials designated in this Recycling Plan that are not collected by the Improvement Authority or its agents or by the municipality. Municipalities are encouraged to provide drop-off locations or other means for all materials.

3.7 Yard Waste

Yard waste includes leaves and grass clippings. Yard waste comprises approximately 10% of the waste stream in New Jersey according to the NJDEP Division of Solid and Hazardous Waste figures. Grass clippings can be recycled by residents and commercial landscapers either by being left uncollected on the lawn, mulching or composted in backyard compost piles. The County shall mirror the state's advertisement effort encouraging residents to support the "cut-it-and-leave-it" program. The MCIA shall develop a "Cut It & Leave It" brochure for distribution to various entities within Mercer County. Please refer to the "Cut-it-and-leave-it" information under the public information/education Section 2.6 of this plan.

3.8 Food Waste

Current estimates by the NJDEP show that in the year 2004, food waste was 7.4% by weight of the Municipal Solid Waste generated with New Jersey. In Mercer County, this amounts to approximately 25,000 tons of material currently being disposed. The MCIA is currently pursuing an innovative approach to

managing the county's food waste component. Discussions are currently underway with Trenton Fuel Works, LLC to develop an alternative fuel product and industrial solvent from food and organic waste materials. The project is currently in its initial due diligence phase, but should funding be successfully obtained and permits issued for the facility, this facility would have the ability to handle most of the Mercer County's food waste and organic materials.

3.9 Restaurants and Supermarkets

The Authority is currently exploring the development of educational information to be distributed to local Restaurant Associations and Supermarkets in terms of food waste recycling. It is the Authority's intention to help facilitate a heighten awareness in this growing area

3.10 Bulky Waste and Construction/Demolition Debris

Construction and demolition (C&D) consists of untreated and treated lumber, asphalt, concrete, bricks, cinder blocks, masonry, and tree stumps. According to the NJDEP Division of Solid and Hazardous Waste, these materials comprise 10% of the total waste generated. According to NJDEP, Mercer County disposes of over 95,000 tons of bulky and construction/demolition waste. This component of the waste stream is ripe for recycling. Contractors will be encouraged to reuse on-site any recycled materials, such as crushed concrete and reprocessed asphalt, which is suitable for construction and building activities.

Currently there are five Class B recycling facilities and one Material Recovery Facility (Mercer Group Inc.) available in Mercer County to accept and recycle these materials. Mercer Group Inc., a NJDEP permitted Material Recovery Facility (MRF)/ Solid Waste Transfer Station, is a recent addition to the Mercer County District Solid Waste Management Plan. The facility located off Calhoun Street, Ewing Township, is allowed to accept and process up to 1,500 tons per day of solid waste types 10, 13, 13C, 23 & 27 from within Mercer and other New Jersey counties. Mixed loads of these waste types are processed for the recovery of recyclable materials and the residue is disposed in accordance with the sending counties' solid waste management plan.

Mercer Group received a final NJDEP solid waste facility permit in late 2004, began construction and opened for operation in the spring of 2005. By the end of 2005 the facility was accepting over 68,000 tons of solid waste from various counties and reported a 53% recycling rate.

A list of state-approved markets for recycling these materials is included as an attachment to this plan **(Attachment I)** and also all state approved markets are listed on the NJDEP website at www.state.nj.us/dep/recyclenj (Click Class B Recycling Database).

3.11 Drop-Off and Convenience Centers

In order to improve in-county access to recycling for both residents and small commercial establishments, the Authority will continue to work with the municipalities toward the establishment of public and private drop-off and convenience centers. Private drop-off and convenience centers must have a letter of approval from the local municipality on file with the Improvement Authority and report tonnages to the municipality annually on or before January 31 for the prior calendar year.

ATTACHMENT I

New Jersey Approved C/D Markets

NEW JERSEY APPROVED C/D MARKETS

(MERCER COUNTY)

Hamilton Township
1360nKuser Road
Hamilton, NJ 08650
609-890-3506
Municipality: Hamilton Twp.
DEP ID#: 1103001531

Lawrence Township
3701 Princeton Pike
Lawrenceville, NJ 08648
609-844-7137
Municipality: Lawrence Twp.
DEP ID#: 132290

Mercer Group International
Calhoun Street
Trenton, NJ 08619
609-631-8230
Municipality: Ewing Twp.
DEP ID#: 132273

Mid-Jersey Mulch Products
227 Bakers Basin Road
Lawrenceville, NJ 08648
609-588-8225
Municipality: Lawrenceville
DEP ID#: 132289

Trap Rock
2485 East State Street
Hamilton, NJ 08619
609-587-1800
Municipality: Mercer
DEP ID#: 132282

Vinch Recycling
2 Vinch Avenue
Trenton, NJ 08638
609-393-0200
Municipality: Mercer
DEP ID#: 132272

APPENDIX B

SOLID WASTE/RECYCLING

ENFORCEMENT STRATEGY

SOLID WASTE/RECYCLING ENFORCEMENT STRATEGY

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SOLID WASTE/RECYCLING ENFORCEMENT STRATEGY

BRIEF OVERVIEW:

Pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1, et seq., the Mercer County Board of Chosen Freeholders designated the Mercer County Improvement Authority ("MCIA") as the lead agency responsible for developing and implementing the Mercer County District Solid Waste Management Plan (the "Mercer Plan").

As certified by the New Jersey Department of Environmental Protection ("NJDEP") on November 10, 1997, the current Mercer County solid waste disposal system detailed in the Mercer Plan directs that all solid waste generated in Mercer County be sent to the Mercer County Transfer Station in Ewing Township prior to shipment to GROWS Landfill in Pennsylvania. Due to the non-discriminatory manner in which Mercer County secured solid waste disposal and transfer services, Mercer County's solid waste disposal system and the Mercer Plan remain consistent with and valid under all State and federal law. Therefore, all generators, haulers, collectors and transporters of solid waste in Mercer County must adhere to the Mercer Plan under penalty of law.

ESTABLISHMENT OF COUNTY ENVIRONMENTAL HEALTH AGENCY AND COUNTY ENVIRONMENTAL HEALTH ACT WORK PLAN:

The County Environmental Health Act ("CEHA") (N.J.S.A. 26:3A 2-21, *et seq*.), requires that an Environmental Health Work Program be promulgated for all 21 Counties in New Jersey. CEHA has been supplemented by regulations entitled "County Environmental Health Standard of Administrative Procedure and Performance" (N.J.A.C. 7:lH-1.1 *et seq*., effective September 1, 1980). The regulations establish the performance standards that must be met by County Environmental Health Act Programs.

On October 5,2004, Commissioner Bradley Campbell signed an Order that established the Mercer County Office of Environmental Health ("MCOEH")(See Appendix A). Pursuant to CEHA, Mercer County began developing its Work Plan and established a County Environmental Health Agency and designated the Department of Human Services, Office of Environmental Health as the lead entity to act on behalf of the agency Thereafter, NJDEP delegated to MCOEH the authority to administer certain environmental and health laws, including among others, enforcement of the State Solid Waste Management Act. Ultimately, on December 12, 2004, the County of Mercer and the MCIA entered into an Interlocal Agreement, which was approved by both the Mercer County Board of Chosen Freeholders and the MCIA Board by resolution 2004-109, the MCIA received approval to enforce the Mercer Plan and State Solid Waste Management Act under the auspices of CEHA (See Appendix B1 & B2).

Regarding the CEHA required Work Plan, the County of Mercer developed such a plan to address the following areas: Solid Waste Management, Emergency Response (Hazmat), and Air Pollution Control (See Appendix C). This Work Plan provided a detailed description of how Mercer County proposed to meet the administrative and performance standards throughout the County. (N.J.S.A. 26:3A2-23; N.J.A.C. 7:H-1 *et. seq*.).

The Work Plan defined the activities to be undertaken by the County and identified the personnel and resources required to properly carry out those activities. The Work Plan delineated the responsibilities for its implementation within the County, and provided a time schedule for achieving full implementation. Mercer County successfully demonstrated through the Work Plan that it had adequate technical expertise, staff levels, equipment and other resources necessary to properly implement and enforce the delegated environmental and health regulations. The cornerstone of the Work Plan was the collaboration between MCOEH, the Office of Emergency Management, MCIA and the local health departments. Collaboration amongst these entities enhance the effectiveness and efficiency of environmental programs; void the establishment of duplicative administrative models at the County level; and recognize the need for uniform administration of environmental and health programs (N.J.S.A. 26:3A2-28).

The Work Plan empowered the County with the authority to enforce State regulations within Mercer County as delegated to MCOEH and approved by the Commissioner of NJDEP. Accordingly, on December 16, 2004, MCIA received approval to enforce the Mercer Plan and State Solid Waste Management Act under the auspices of CEHA.

CEHA STANDARD OPERATING PROCEDURES:

On September 29, 2004 the NJDEP amended the Standard Operating Procedure ("SOP") for CEHA Delegated Solid Waste Enforcement Activities (See Appendix D). The purpose of this SOP was to provide clear direction to all certified county health agencies concerning the investigation and prosecution of all solid waste enforcement actions taken under the authority of:

- County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq. and the administrative rules written thereunder, N.J.A.C. 7:1H-1 et seq.

- Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the administrative rules written thereunder N.J.A.C. 7:26-1 et seq. and N.J.A.C. 7:26A-1 et seq.

Specifically, these SOPs delineated NJDEP and CEHA solid waste enforcement responsibilities and obligations; defined how and when these responsibilities may be subcontracted; identified the categories of solid waste enforcement actions the certified county health agencies were authorized to take; and detailed how penalties, fines and fees were to be assessed, settled and accounted. The goal of the SOPs was to ensure that

CEHA enforcement actions were consistent with NJDEP's protocol and consistent among the counties to the maximum extent feasible and, as such, were equitable and legally defensible.

ENFORCEMENT PROTOCOL

MCIA remains committed to monitor and enforce all aspects of the Mercer Plan, State Solid Waste Management Act and the regulations promulgated thereto. Where applicable, MCIA will conduct its monitoring and enforcement activities according to NJDEP's solid waste SOPs, policies and guidance documents. MCIA will continue to dedicate personnel and resources to investigate and enforce violations of the solid waste disposal system. MCIA will exercise all available enforcement powers to ensure compliance with the State Solid Waste Management Act and Mercer Plan and to deter any violation of the applicable State and federal laws.

Enforcement actions brought by MCIA pursuant to its CEHA authority continue to encompass those areas previously enforced against transporters of solid waste generated in Mercer County. Specifically, MCIA has exercised its authority to establish and implement a program whereby it investigates and issues enforcement actions against solid waste transporters for violations of the Mercer Plan. Significantly, MCIA's CEHA enforcement powers include the ability to issue fines and penalties for violations of the Mercer Plan and the State Solid Waste Management Act and associated regulations. (See Appendix E)

Specifically, as a CEHA certified agent, MCIA will exercise certain solid waste enforcement powers, including but not limited to the following:

- Monitoring solid waste generators, collectors, haulers and transporters for compliance with the Mercer Plan, State Solid Waste Management Act, NJDEP regulations, and any other applicable statutes, rules and regulations.

- Investigating any and all complaints received from citizens or NJDEP regarding alleged violations of the Mercer Plan, State Solid Waste Management Act, NJDEP regulations, and any other applicable statutes, rules and regulations.

- Enforcing the Mercer Plan and State Solid Waste Management Act, including issuance of all appropriate fines and penalties for violations of the Mercer Plan and/or State Solid Waste Management Act.

- Initiating legal action or other enforcement proceedings in a court of competent jurisdiction to prosecute violators of the Mercer Plan and/or State Solid Waste Management Act.

- Compiling and maintaining documents to support enforcement actions brought by MCIA and/or NJDEP.

- Monitor the Mercer County Curbside Recycling program to ensure residential compliance.

- Initiate the inspections of multi-family residential settings, the commercial sector and at academic institutions (schools, colleges and universities), so to focus on compliance with the source separation and recycling requirements.

CONCLUSION:

The ultimate goal of the Solid Waste/Recycling Enforcement Plan is to maintain and insure compliance with the County Solid Waste Management Plan as well as achieving and maintaining the safe management and disposal of regulated wastes in an environmentally sound manner. Pursuing these goals will, in turn, minimize and control the exposure to environmental risks. The MCIA believes that the Mercer County Environmental Health Act Work Plan and the Standard Operating Procedure for CEHA Delegated Solid Waste Enforcement Activities-provide the framework within which it will accomplish these goals.

The following is a list of activities that will be performed so as to achieve the goals of the County Solid Waste Plan.

- Investigate all solid waste complaints received from citizens, local health departments, commercial businesses and the NJDEP.

- Conduct routine compliance monitoring inspections of Solid Waste Facilities (Class A, Class B, Transfer Stations, and Compost) as deemed necessary by the NJDEP, continue to update the list of these sites and provide them to the NJDEP Solid Waste Program.

- Continue to monitor and investigate Solid Waste Haulers and enforce all applicable solid waste programs to the fullest extent permitted by law while utilizing the enhanced enforcement authority, capabilities, and penalties provided by the County Health Office, CEHA work plan, and CEHA statutory authority.

- Consistency with the NJDEP Solid Waste Standard Operating Procedure will be a priority for Mercer County's Solid Waste Program. Attaining uniform enforcement between the State and County, between Counties and between solid waste programs will be a goal of our CEHA solid waste initiatives. The MCIA has been selected to continue to manage the County Solid Waste Program, with the guidance and assistance of MCOEH staff.

- Responding to citizen complaints will become a core component of the CEHA objective. To achieve this, the MCIA will conduct any and all necessary and

appropriate training for all applicable staff, employees, and agents of MCIA regarding CEHA solid waste enforcement requirements, methods, and plans.

- MCIA manages a countywide curbside recycling program for all county residents and will continue to do so. To further promote recycling, the MCIA will initiate inspections and conduct thorough surveys of all relevant Mercer County businesses and schools pursuant to the CEHA work plan, which will ensure compliance by these entities with all applicable State, County and to Federal laws. Furthermore, this will ensure a decrease and discouragement of illegal dumping, and promote reusing, recycling, and reduction of solid waste materials in Mercer County. With the adoption of the new County recycling Ordinance the MCIA will use its ability to enforce the provisions the Plan on residential and commercial entities for the violation of the County Recycling Ordinance.

- County and municipal recycling enforcement programs that focus on compliance with the source separation and recycling requirements in the multi-family residential settings, the commercial sector and at academic institutions (schools, colleges and universities) will be established.

- MCIA will increase the frequency of inspections for loads of solid waste received at disposal facilities to a higher degree of scrutiny during inspection to ensure that mandatory recyclable materials are not included in loads of solid waste.

- MCIA will continue inspections and investigations of current and future permitted Solid Waste Disposal Facilities, Recycling Facilities, Compost Sites, Resource Recovery Facilities, Landfills, Farmland Mulch Sites, and Intermodal Facilities pursuant to the CEHA work plan to ensure compliance by these entities with all applicable state and federal laws.

- MCIA will continue to conduct Solid Waste Flow inspections and investigations of all appropriate entities to ensure compliance and enforcement.

- MCIA will continue to apply State, County and Federal laws with the assistance of CEHA statutory authority to enforce NJDEP regulations for solid waste control.

- MCIA will continue enforcement actions against Solid Waste Haulers in a court of competent jurisdiction, including but not limited to, any of the municipal courts within Mercer County. The purpose of the enforcement action is to maintain compliance with all applicable State, County and Federal laws, the MCIA solid waste franchise and the Mercer County District Solid Waste Management Plan. It will obtain all appropriate penalties against said haulers while utilizing the enhanced enforcement authority, capabilities, and penalties provided by the Mercer County Office of Environmental Health, CEHA work plan, and CEHA statutory authority (See Appendix E)

- MCIA will continue to deter, decrease, and cease Solid Waste Haulers from diverting waste from the Mercer County Solid Waste Flow System by entering into settlement agreements with said haulers whereby all applicable penalties are paid and future compliance with all applicable laws, the MCIA solid waste franchise and the Mercer County District Solid Waste Management Plan is obtained.

- MCIA will subject loads of solid waste received at disposal facilities to a higher degree of scrutiny during inspection to ensure that mandatory recyclable materials are not included in loads of solid waste.

- MCIA will continue to conduct interviews of solid waste transporters referred by NJDEP or other counties and share needed information with said entities.

Appendix A

STATE OF NEW JERSEY)
DEPARTMENT OF ENVIRONMENTAL PROTECTION
)
IN THE MATTER OF MERCER COUNTY **ORDER**
OFFICE OF ENVIRONMENTAL HEALTH)
HAZARDOUS MATERIALS EMERGENCY RESPONSE
SOLID WASTE CONTROL)
AIR POLLUTION CONTROL

This matter arises out of petition for certification made to the Department of Environmental Protection (NJDEP or Department) by the Mercer County Office of Environmental Health (MCOEH) pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-33. This petition included the submittal of Work Programs for Hazardous Materials Emergency Response, Solid Waste Control and Air Pollution Control for review and approval by the Department. For the reasons further articulated below, I hereby approve the petition by the MCOEH to administer the programs of Hazardous Materials Emergency Response, Solid Waste Control and Air Pollution Control, and certify the MCOEH to implement the Work Programs in accordance with N.J.S.A. 26:3A2-21 et seq.

The County Environmental Health Act (CEHA or the Act), N.J.S.A. 26:3A2-21 et seq., authorizes the Department to delegate authority for the implementation and enforcement of specified environmental health laws or portions thereof and the rules and regulations adopted thereunder to certified local health agencies. N.J.S.A. 26:3A2-28. The Act requires a county to submit a Work Program describing the activities it proposes to undertake within its jurisdiction and demonstrating its ability to meet the administrative and performance standards set forth at N.J.A.C. 7:1H-1 et seq. and N.J.S.A. 26:3A2-33. The Work Program must, among other things, provide a clear delineation of responsibilities between and among the State, county, and municipal health agencies providing environmental health services within the agency's jurisdiction and identify the personnel to be employed and their qualifications for providing environmental health services.

A certified local health agency may rely upon other agencies to assist in implementing its Work Program. The Act contemplates such cooperation and reliance among agencies providing environmental health services. Accordingly, to demonstrate that it possesses the resources and competence necessary to satisfy the Act's requirements for certification and the delegation of authority, a local health agency seeking to become certified may rely upon the qualifications and capabilities of other agencies, subject to the following conditions. To enable the Department to properly evaluate the respective capabilities, the

Work Program must identify each agency that will perform environmental health services, the respective qualifications, and the nature and scope of delegated authority to be exercised by each such agency. In addition, the Department requires each agency providing environmental health services under the Work Program to execute written agreements with the certified local health agency containing such terms as may be necessary to ensure accountability, the effective coordination and efficient delivery of environmental health services. Such agreements must be affixed to the Work Program and made a part thereof.

In the Work Program, Mercer County will rely upon the Mercer County Improvement Authority (MCIA) to assist the MCOEH with the provision of solid waste control services throughout Mercer County. The MCOEH will rely upon participating municipal hazardous materials (Hazmat) emergency response teams from the City of Trenton, Hamilton Township, and West Windsor Township to assist the MCOEH with the provision of hazardous materials emergency response services throughout Mercer County. The MCOEH will solely implement the Air Pollution Control Work Program.

The Mercer County Board of Chosen Freeholders established the MCOEH on May 13, 2004 to implement the CEHA program throughout Mercer County. Mercer County submitted a final Work Program to the Department on September 9, 2004, proposing that the Department delegate authority to MCOEH for implementation of a Hazmat emergency response program, a solid waste control program, and an air pollution control work program. The Department has reviewed the Work Programs and determined that these Work Programs meet the administrative and performance standards at N.J.A.C. 7:1H-1 et seq. The Department has further determined that the delegation of authority, in the manner and to the extent set forth in the Work Programs, is appropriate based upon the criteria set forth at N.J.S.A. 26:3A2-28. Specifically, the Work Programs demonstrate the availability of a sufficient number of adequately trained and equipped personnel and other resources necessary to properly implement a hazardous materials emergency response program, a solid waste control program, and an air pollution control work program. The Work Programs further demonstrate MCOEH's ability and willingness to implement a hazardous materials emergency response program, a solid waste control program, and an air pollution control work program in a manner consistent with federal and State law, and the Department's rules, procedures and policies therefor. The Work Programs also demonstrate MCOEH's ability and willingness to implement a hazardous materials emergency response program, a solid waste program, and an air pollution control work program in a manner that complements rather than duplicates the Department's activities and provides for the effective and timely coordination of activities undertaken thereunder. The Work Programs provide for the prudent and efficient employment of public resources.

Accordingly, I hereby delegate to MCOEH, subject to my supervision and direction, the authority to:

HAZARDOUS MATERIALS EMERGENCY RESPONSE

1a. Participate in emergency response actions, in accordance with the provisions of the Work Program and the Mercer County Emergency Operations Plan Hazmat Annex, for incidents involving the discharge or threatened discharge of a hazardous substance in accordance with the County Environmental Health Standards for Administrative Procedure and Performance, N.J.A.C. 7:1H-3.3; the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.; Discharges of Petroleum and Other Hazardous Substances, N.J.A.C. 7:1E-1 et seq. and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-1 et seq. Such emergency response activities may include the assessment of the environmental health threat; the initiation of actions necessary to prevent or mitigate risk to the public, natural resources or property; the investigation of the cause or source of the discharge and identification of the responsible party; and the prompt notification of the Department of all emergency response actions.

b. Investigate citizen complaints, including those referred by the Department, involving the alleged discharge or threatened discharge of a hazardous substance, and conduct emergency response actions as necessary in accordance with a. above. Once the emergency has been abated, refer all cases involving on-going discharges and/or unknown discharge sources to the Department immediately for follow-up by the Department.

c. Oversee remedial actions undertaken by a responsible party as requested by the Department in writing on a case by case basis.

d. At the direction of the Department, collect environmental samples in accordance with the Quality Assurance for Sampling and Laboratory Analysis set forth at N.J.A.C. 7:26E-2.1.

e. Violations identified pursuant to a., b., or c. above shall be immediately referred to the Department, Office of Local Environmental Management. Upon written approval by the Department, the MCOEH may proceed with an enforcement action utilizing the Spill Compensation and Control Act.

2. **SOLID WASTE CONTROL**

2a. Conduct inspections of solid waste facilities, transfer stations and compost facilities as designated by the Department, in accordance with the County Environmental Health

Standards for Administrative Procedure and Performance, N.J.A.C. 7:1H-3.4, to determine compliance with the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the rules and regulations adopted pursuant thereto, N.J.A.C. 7:26-1 et seq. and N.J.A.C. 7:26A-1 et seq.

b. Conduct investigations in response to citizen complaints and matters referred by the Department regarding an alleged violation in accordance with the County Environmental Health Standards for Administrative Procedure and Performance, N.J.A.C. 7:1H-3.3 of the Solid Waste Management Act and the rules and regulations adopted pursuant thereto.

c. This delegation is further clarified to include the enforcement of provisions of the Mercer County Solid Waste Management Plan to ensure solid waste facilities and transporters comply with the requirements set forth and approved by the Department in this Order and in accordance with the Solid Waste Management Act and the rules and regulations adopted pursuant thereto.

3. **AIR POLLUTION CONTROL**

3a. Conduct inspections of dry cleaners, gas stations, paint spray booths, and any other non-major sources of air pollution as designated by the department to determine compliance with the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the rules and regulations adopted pursuant thereto, N.J.A.C. 7:27-1 et seq.;

b. Conduct investigations in response to citizen complaints, including those referred by the department, concerning any source of air pollution. Entry of a Major Source facility to investigate a citizen complaint is limited to identifying the source of the complaint. Air Pollution Control violations that are identified at major source facilities shall be promptly referred to the department for action.

c. The MCOEH shall expressly refrain from conducting routine inspections of Major Source facilities and those B Source facilities reserved for routine inspection by the department. Delegated B Sources are delineated in the annual CEHA grant agreements.

GENERAL SCOPE OF AUTHORITY

The Mercer County Office of Environmental Health is further authorized to undertake such activities and functions that logically accompany the authority delegated above, throughout the entire jurisdictional area of Mercer County, including, but not limited to, the entering upon any conveyance, site, place, and building to inspect, procure samples, examine records or any other reasonable purpose

necessary to determine compliance with delegated environmental health laws, and to take enforcement actions and negotiate the settlement of any matter, provided all such activities and functions are undertaken in a manner consistent with the CEHA work program and the Department's regulations and policies.

The specific frequency of routine inspections to be conducted by the MCOEH is identified in the annual CEHA grant agreements executed between the MCOEH and the Department.

The Mercer County Office of Environmental Health may undertake all enforcement actions initiated pursuant to the authority delegated herein in accordance with the enforcement policies and procedures as set forth below and shall utilize the Mercer County counsel or the prosecutor of the municipality in which a violation has occurred as legal counsel. The MCOEH shall promptly notify the Department of the issuance of notices of summonses and the scheduling of settlement conferences within five (5) working days prior to initiating a pretrial settlement conference, and/or action in a court of competent jurisdiction to collect a penalty or seeking other relief in connection with any violation of environmental health laws specified in this Order of Certification. If the Department does not respond to this notice, the MCOEH may proceed with the enforcement matter and promptly report the outcome in writing to the Department.

The Department shall retain the authority, in all cases, to supersede this delegation and make any decision on any matter delegated pursuant to CEHA.

Receipts from all fees and penalties collected by the MCOEH pursuant to the authority delegated herein shall be deposited into the Environmental Quality and Enforcement Fund established and maintained by MCOEH, and shall be dedicated to the use of the MCOEH in carrying out its delegated responsibilities under CEHA, as required by N.J.S.A. 26:3A2-35. Fee revenues collected by MCOEH pursuant to Department approved environmental health ordinances under CEHA must be dedicated to the specific program for which the fee is intended. Penalty receipts collected pursuant to CEHA delegated authority may be used to support any CEHA certified program area. Furthermore, information of monies deposited into and expended from the Environmental Quality and Enforcement Fund shall be made available to the Department upon request.

The certification and delegation to MCOEH set forth herein shall be effective immediately, and shall continue in effect until modified, superseded or suspended by Order of the Commissioner.

DATE: Oct 5, 2004

Bradley M. Campbell, Commissioner
New Jersey Department of Environmental Protection

Appendix B1

INTERLOCAL SERVICES AGREEMENT BY AND BETWEEN THE COUNTY OF MERCER AND THE MERCER COUNTY IMPROVEMENT AUTHORITY

THIS AGREEMENT made this day of 12/14/2004, by and between the County of Mercer, Department of Human Services, Office of Environmental Health (the "County"), and the Mercer County Improvement Authority (the "MCIA").

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the "Act"), each county within the State of New Jersey is designated a solid waste management district with responsibility for the development of a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district; and

WHEREAS, the Board of Chosen Freeholders of the County of Mercer (the "County") has adopted the Mercer County District Solid Waste Management Plan, as amended from time to time (the "County Plan"); and

Date Adopted December 14, 2004

_____
Secretary

RECORD OF VOTE

	Aye	Nay	N.V.	Abs	Res.	Sec.		Aye	Nay	N.V.	Abs.	Res.	Sec.
Davis	X						Rubino				X		
DeMarco	X						Thurber	X					
Foglio-Palmer	X					✓	Marciante	X					
Gormley	X				✓								

X – Indicates Vote Abs. - Absent N.V. – Not Voting
Res. – Resolution Moved Sec.– Resolution Seconded

Approved

Rejected

Considered By Freeholder Board _____

Override Veto ☐ **Aye** ☐ **Nay**

Reconsidered By MCIA Board _____ _____ Date

WHEREAS, the County has designated the MCIA as the agency responsible for implementing the County Plan; and

WHEREAS, the Mercer County Office of Environmental Health is certified by the New Jersey Department of Environmental Protection (the "DEP") as the County's lead agency under the County Environmental Health Act ("CEHA"); and

WHEREAS, the County Environmental Health Office is authorized, pursuant to N.J.S.A. 26:3A2-21 et seq., and N.J.S.A. 13: 1E-9, to provide Environmental Health Services, including but not limited to, enforcement of the Act pursuant to the Solid Waste Control Work Program component of the approved County Environmental Health Act Work Program (the "Program"); and

WHEREAS, the County recognizes that it is in the best interests of its citizens that certain inspection, investigative and enforcement responsibilities be shared between the County Environmental Health Office and the MCIA, and by enlisting the MCIA's considerable expertise as the implementing agency for the County Plan to fully and properly enforce compliance with the County Plan and carry out the applicable provisions of the Program; and

WHEREAS, the parties wish to pool their resources to jointly provide such services and carry out the provisions of the Program; and

WHEREAS, the parties are authorized to enter into this Agreement in accordance with N.J.S.A. 26:3A2-21 et seq., and N.J.S.A. 40:8A-1 et seq., the Interlocal Services Act.

NOW THEREFORE, in consideration of the terms and conditions hereinafter set forth, the parties agree as follows:

Date Adopted December 14, 2004

Secretary

A. THE MCIA'S OBLIGATIONS.

1. Develop, revise as necessary, and supervise implementation of the Program in cooperation with the Health Officer of the Mercer County Office of Environmental Health.

2. Implement the Program pursuant to N.J.S.A. 26:3A2-33, in cooperation with the County.

3. In conjunction with the County, enforce all applicable laws, rules, regulations, ordinances and standards related to solid waste, pursuant to N.J.S.A. 26:3A2-25 and N.J.S.A. 13: 1E-9.

4. Comply with the requirements of the DEP Bureau of Solid Waste Compliance and Enforcement's amended January 22, 2003 "Standard Operating Procedure for CEHA Delegated Solid Waste Enforcement Activities" and any supplements and amendments thereto.

5. Make its solid waste enforcement/inspector force available to implement the provisions of the Program and enforce all laws, regulations, ordinances and standards related to solid waste pursuant to N.J.S.A. 26:3A2-25, N.J.S.A. 13:1E-9 and N.J.S.A. 48:13A-12 and subject to compliance with all applicable requirements of law, this Agreement and the Program.

6. Make available to the County, all books and records relevant to the enforcement activities undertaken under this Agreement. Additionally, MCIA shall make available to the County reports relevant to field and office enforcement activities and any other information required by state law, regulations or guidelines, as applicable. In particular, MCIA shall prepare and submit such reports, paperwork and notices to DEP, in conjunction with the County or at the County's request.

Date Adopted December 14, 2004

Secretary

7. The MCIA shall provide detailed monthly expenditure reports to the Mercer County Office of Environmental Health, which shall specify CEHA-related expenses reimbursed from the County's Environmental Quality and Enforcement Fund ("Fund").

B. THE COUNTY'S OBLIGATIONS.

1. As the lead agency, the Mercer County Office of Environmental Health (the "Lead Agency") shall review all enforcement cases investigated or inspected by the MCIA to (a) verify consistency with the Program and DEP policies and procedures; (b) verify that there is no duplication of enforcement efforts between the County and MCIA, or between the County and DEP, and (c) bring all cases involving the enforcement of the Act in the name of the Mercer County Office of Environmental Health.

2. The Lead Agency shall provide the services of the County Counsel or its designee(s)for the prosecution of any violations of laws, regulations, rules, ordinances and standards, as they relate to activities undertaken under the Program.

3. The Lead Agency and MCIA shall develop, amend as necessary, prosecute and administer the enforcement strategy to implement the Program. As permitted by statute, any and all fines and penalties collected by the County or MCIA through enforcement activities undertaken pursuant to this Agreement, minus judicial administration expenses and lost revenue from waste flow violations, shall be deposited into and disbursed from the Fund as required by CEHA.

4. The County Health Officer ("CHO") shall review and approve proposed reimbursements from the Fund to MCIA for CEHA-related expenses.

Date Adopted December 14, 2004

Secretary

5. The Lead Agency shall train MCIA staff concerning the Act and the regulations adopted thereunder, the County Plan, enforcement protocols, compliance monitoring and facility inspections.

6. The County shall indemnify, defend and hold harmless the MCIA from any and all liability arising from the acts or omissions of its employees and officers arising from their discharge of their responsibilities pursuant to this Agreement.

7. The CHO shall expend the fines and penalties derived from enforcement actions undertaken pursuant to this Agreement only for authorized uses, which are defined to include any use consistent with or necessary for inspections, investigations and enforcement of the Act and the County Plan. Authorized expenses may include, but are not limited to, vehicles, salaries, benefits, counsel fees and equipment utilized by the County or MCIA.

8. The County, through MCIA, shall maintain records of the fines and penalties collected pursuant to this Agreement and its expenditures reimbursed therefrom, for a minimum of three years. These records shall be made available to the DEP upon request.

C. GENERAL TERMS AND CONDITIONS.

1. This Agreement shall take effect upon the formal approval of it by all parties and the DEP, and shall remain in effect for a period of seven years thereafter, unless sooner terminated.

2. Any party may unilaterally withdraw from this Agreement upon sixty (60) days written notice to all other parties.

Date Adopted December 14, 2004

Secretary

3. The CHO shall meet with the MCIA's Executive Director or his designee, once per month and as needed, to discuss matters of mutual concern, exchange information concerning the enforcement program and develop and update the Program. Mutual consideration shall be given for additional meetings for special needs or requests if prior notice is given by the requesting party.

4) This Agreement is subject to the approval of the DEP.

IN WITNESS WHEREOF the parties hereby agree to be bound by these terms as of the day and year first above written.

Approved as to Form

Attest

8/25/05

For the County

Andrew A. ~~Maier~~ MAIR, ACTING, County Administrator

For the County

April Aaronson, Director
Department of Human Services

For the MCIA

Phillip S. Miller, Executive Director

Date Adopted December 14, 2004

Secretary

Appendix B2

INTERLOCAL SERVICES AGREEMENT
BY AND BETWEEN
THE COUNTY OF MERCER AND
THE MERCER COUNTY IMPROVEMENT AUTHORITY

THIS AGREEMENT made this 16th day of Dec. 2004, by and between the County of Mercer, Department of Human Services, Office of Environmental Health (the "County"), and the Mercer County Improvement Authority (the "MCIA").

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the "Act"), each county within the State of New Jersey is designated a solid waste management district with responsibility for the development of a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district; and

WHEREAS, the Board of Chosen Freeholders of the County of Mercer (the "County") has adopted the Mercer County District Solid Waste Management Plan, as amended from time to time (the "County Plan"); and

WHEREAS, the County has designated the MCIA as the agency responsible for implementing the County Plan; and

WHEREAS, the Mercer County Office of Environmental Health is certified by the New Jersey Department of Environmental Protection (the "DEP") as the County's lead agency under the County Environmental Health Act ("CEHA"); and

WHEREAS, the County Environmental Health Office is authorized, pursuant to N.J.S.A. 26:3A2-21 et seq., and N.J.S.A. 13: 1E-9, to provide Environmental Health Services, including but not limited to, enforcement of the Act pursuant to the Solid Waste Control Work Program component of the approved County Environmental Health Act Work Program (the "Program"); and

WHEREAS, the County recognizes that it is in the best interests of its citizens that certain inspection, investigative and enforcement responsibilities be shared between the County

Environmental Health Office and the MCIA, and by enlisting the MCIA's considerable expertise as the implementing agency for the County Plan to fully and properly enforce compliance with the County Plan and carry out the applicable provisions of the Program; and

WHEREAS, the parties wish to pool their resources to jointly provide such services and carry out the provisions of the Program; and

WHEREAS, the parties are authorized to enter into this Agreement in accordance with N.J.S.A. 26:3A2-21 et seq., and N.J.S.A. 40:8A-1 et seq., the Interlocal Services Act.

NOW THEREFORE, in consideration of the terms and conditions hereinafter set forth, the parties agree as follows:

A. THE MCIA'S OBLIGATIONS.

1. Develop, revise as necessary, and supervise implementation of the Program in cooperation with the Health Officer of the Mercer County Office of Environmental Health.

2. Implement the Program pursuant to N.J.S.A. 26:3A2-33, in cooperation with the County.

3. In conjunction with the County, enforce all applicable laws, rules, regulations, ordinances and standards related to solid waste, pursuant to N.J.S.A. 26:3A2-25 and N.J.S.A. 13:1E-9.

4. Comply with the requirements of the DEP Bureau of Solid Waste Compliance and Enforcement's amended January 22, 2003 "Standard Operating Procedure for CEHA Delegated Solid Waste Enforcement Activities" and any supplements and amendments thereto.

5. Make its solid waste enforcement/inspector force available to implement the provisions of the Program and enforce all laws, regulations, ordinances and standards related to solid waste pursuant to N.J.S.A. 26:3A2-25, N.J.S.A. 13:1E-9 and N.J.S.A. 48:13A-12 and subject to compliance with all applicable requirements of law, this Agreement and the Program.

6. Make available to the County, all books and records relevant to the enforcement activities undertaken under this Agreement. Additionally, MCIA shall make available to the County reports relevant to field and office enforcement activities and any other information required by state law, regulations or guidelines, as applicable. In particular, MCIA shall prepare and submit such reports, paperwork and notices to DEP, in conjunction with the County or at the County's request.

7. The MCIA shall provide detailed monthly expenditure reports to the Mercer County Office of Environmental Health, which shall specify CEHA-related expenses reimbursed from the County's Environmental Quality and Enforcement Fund ("Fund").

B. THE COUNTY'S OBLIGATIONS.

1. As the lead agency, the Mercer County Office of Environmental Health (the "Lead Agency") shall review all enforcement cases investigated or inspected by the MCIA to (a) verify consistency with the Program and DEP policies and procedures; (b) verify that there is no duplication of enforcement efforts between the County and MCIA, or between the County and DEP, and (c) bring all cases involving the enforcement of the Act in the name of the Mercer County Office of Environmental Health.

2. The Lead Agency shall provide the services of the County Counsel or its designee(s)for the prosecution of any violations of laws, regulations, rules, ordinances and standards, as they relate to activities undertaken under the Program.

3. The Lead Agency and MCIA shall develop, amend as necessary, prosecute and administer the enforcement strategy to implement the Program. As permitted by statute, any and all fines and penalties collected by the County or MCIA through enforcement activities undertaken pursuant to this Agreement, minus judicial administration expenses and lost revenue from waste flow violations, shall be deposited into and disbursed from the Fund as required by CEHA.

4. The County Health Officer ("CHO") shall review and approve proposed reimbursements from the Fund to MCIA for CEHA-related expenses.

5. The Lead Agency shall train MCIA staff concerning the Act and the regulations adopted thereunder, the County Plan, enforcement protocols, compliance monitoring and facility inspections.

6. The County shall indemnify, defend and hold harmless the MCIA from any and all liability arising from the acts or omissions of its employees and officers arising from their discharge of their responsibilities pursuant to this Agreement.

7. The CHO shall expend the fines and penalties derived from enforcement actions undertaken pursuant to this Agreement only for authorized uses, which are defined to include any use consistent with or necessary for inspections, investigations and enforcement of the Act and the County Plan. Authorized expenses may include, but are not limited to, vehicles, salaries, benefits, counsel fees and equipment utilized by the County or MCIA.

8. The County, through MCIA, shall maintain records of the fines and penalties collected pursuant to this Agreement and its expenditures reimbursed therefrom, for a minimum of three years. These records shall be made available to the DEP upon request.

C. GENERAL TERMS AND CONDITIONS.

1. This Agreement shall take effect upon the formal approval of it by all parties and the DEP, and shall remain in effect for a period of seven years thereafter, unless sooner terminated.

2. Any party may unilaterally withdraw from this Agreement upon sixty (60) days written notice to all other parties.

3. The CHO shall meet with the MCIA's Executive Director or his designee, once per month and as needed, to discuss matters of mutual concern, exchange information concerning the

enforcement program and develop and update the Program. Mutual consideration shall be given for additional meetings for special needs or requests if prior notice is given by the requesting party.

4) This Agreement is subject to the approval of the DEP.

IN WITNESS WHEREOF the parties hereby agree to be bound by these terms as of the day and year first above written.

Approved as to Form

Attest:

Jerlene Worthy
Clerk to the Board

Brian M. Hughes
County Executive

Joanne Maruska
Clerk to MCIA

Phillip S. Miller
Executive Director

Appendix C

THE COUNTY OF MERCER

ENVIRONMENTAL HEALTH ACT

WORK PLAN

Brian M. Hughes, County Executive
April Aaronson, Director, Department of Human Services
Hansel Asmar, Health Officer
Submitted to State of New Jersey, Department of Environmental Protection: May 3, 2004
Revised August 16, 2004

TABLE OF CONTENTS

APPENDICES

INTRODUCTION:

The County Environmental Health Act (N.J.S.A. 26:3A 2-21, *et seq*.), requires that an Environmental Health Work Program be promulgated for all of the 21 Counties in New Jersey. This Act has been supplemented by regulations entitled "County Environmental Health Standard of Administrative Procedure and Performance" (N.J.A.C. 7:lH-1.1 *et seq*., effective September 1, 1980). The regulations establish the performance standards that must be met in the County Environmental Health Act Programs.

The statute and regulations provide for the preparation and promulgation of a Work Program as approved by the County Executive and Board of Chosen Freeholders. Mercer County has historically provided environmental health services through municipal health departments as agents of autonomous Boards of Health, in cooperation with a County-based Municipal Health Officers' Association.

The Mercer County Executive has developed this Work Plan for Lead Agency Certification in the following areas: Solid Waste Management, Emergency Response (Hazmat), and Air Pollution Control. The Noise and Water work plans will be developed within a two-year timeframe. The lead Agency for the County Environmental Health Agency in Mercer County is designated as the Department of Human Services, Office of Environmental Health. This Work Plan provides a detailed description of the manner by which the County of Mercer proposes to meet the administrative and performance standards throughout the County (N.J.S.A. 26:3A2-23; N.J.A.C 7:H-1 *et. seq*.).

The Work Plan provides a description of the specific activities to be undertaken identifying the personnel and resources required to properly carry out those activities. The Work Plan delineates responsibilities for its implementation within the County, and provides a time schedule for achieving full implementation. The Work Plan as submitted demonstrates that the County of Mercer has, adequate technical expertise, staff levels, equipment and other resources necessary to properly implement and enforce the delegated environmental regulations. The cornerstone of this work plan is the collaboration between Mercer County's Environmental Health Office, the Office of Emergency Management, the Mercer County Improvement Authority and the local health departments. This collaboration will enhance the effectiveness and efficiency of environmental programs; void the establishment of duplicative administrative models at the County level; and recognize the need for uniform administration of environmental programs (N.J.S.A. 26:3A2-28).

The Work Plan has been developed to empower the County with enforcement authority of delegated State regulations within the County of Mercer, subject to approval and certification by the Commissioner of the New Jersey Department of Environmental Protection (NJDEP).

GENERAL ADMINISTRATION:

The Mercer County Board of Chosen Freeholders, pursuant to the authority of N.J.S.A. 26:3A-2.1, *et seq*., through a formal resolution on May 13, 2004, designated the Mercer County Department of Health as the Lead Agency responsible for program implementation throughout

Mercer County. This Agency is charged with providing the administrative function of the County Environmental Health Act as described in N.J.S.A. 26:3A-2-21.

Functions of the Health Officer:

The Health Officer of the Lead Agency appointed pursuant to N.J.S.A. 26:3A-2.14 and N.J.S.A. 26:3A-2.21 *et seq*. administers the County Environmental Health Act Program by serving as its chief administrative, enforcement and fiscal officer. A county health officer was hired by Mercer County effective July 19, 2004. The duties of the Health Officer shall be to:

- develop and update an annual Work Plan pursuant to N.J.A.C. 7:lH-2.3.
- develop an annual operating budget for submission to the County Executive and the Mercer County Board of Chosen Freeholders.
- apply annually to the New Jersey Department of Environmental Protection for available grants.
- obtain, review and monitor IntraCounty Service Agreements pursuant to N.J.S.A. 40:8A-1, *et seq*., for the purpose of providing (as stated in the Agreements), service to the Lead Agency as its agents in order to carry out the provisions of the County's certified Work Program.
- subcontract environmental activities to the agents of the Lead Agency (i.e. MCIA) to monitor compliance with and take action against violators of environmental health laws, regulations, ordinances, codes, rules and standards pertinent to those activities as stated in the Agreements. Enforcement undertaken by those agents shall be for and in the name of the Lead Agency.
- oversee all environmental health activities performed under the County Environmental Health Act Program
- provide the necessary reporting of the delegated County Environmental Health Act Program activities to the NJDEP, the Mercer County Executive and the Mercer County Board of Chosen Freeholders, and all other local or state agencies as the case may warrant.
- work with appropriate state, county and local officials for the maintenance of County Environmental Health Act activities and improvement of County Environmental Health Act Programs and related policies.
- plan priorities, long term goals and annual objectives.
- develop annual program plans that are formed and incorporated in work program updates and grant applications.
- coordinate and facilitate the Work Program.
- develop and continuously refine internal standard operating procedures that conform to NJDEP procedures.
- track work progress and facilitate achievement of output targets.
- develop data collection, storage and reporting systems that conform to NJDEP formats.
- coordinate training on an ongoing need in all program areas. As training coordinator identify training needs and opportunities, schedule courses, recommend appropriate certification and maintain records on course attendance and completion for all Lead Agency staff and staffs of the IntraCounty Agreement Agencies.

- pursue additional funding opportunities.

Administrative Implementation:

The Mercer County Improvement Authority and the Mercer County Office of Emergency Management carry out the Solid Waste and Hazmat Response programs respectively as agents of the Lead Agency (See Appendix A), with oversight and program administration provided by the Mercer County Office of Environmental Health.

The Mercer County Office of Emergency Management works closely with municipal, state, federal and other emergency management groups coordinating emergency planning, response, and recovery programs. A county-wide Hazmat program will be created whose responsibility and capability will be to provide emergency response 24 hours per day, seven days per week. The Lead Agency will support these activities as needed to protect public health and the environment in the areas of emergency preparedness planning, coordination with municipal health agencies, area hospitals, and the State Department of Health & Senior Services, and during actual incident responses when there are threats to public health and the environment.

The Lead Agency is responsible for monitoring of solid waste disposal methods for the entire County. It will coordinate its activities with the Mercer County Improvement Authority (MCIA). The Mercer County Improvement Authority is responsible for the planning, promotion, and implementation of solid waste disposal strategies including recovery of reusable materials through recycling. On a County-wide basis, regularly scheduled residential curbside pickups of recyclables are performed in those municipalities who contract with the County of Mercer for recycling services and transported to the Mercer County Improvement Authority owned Transfer Station for weighing and then transported to the designated recycling facility according to the MCIA recycling contract. The Lead Agency will assist the Mercer County Improvement Authority in conducting a household hazardous waste disposal program, which will be offered to residents county-wide. Under the oversight of the Health Officer, there is sufficient County-wide human resource capability to meet the administrative and performance standards of the existing programs and those for which delegation is sought. The County Executive will assure that effective and efficient coordination and delivery of all delegated services exist between and among the Lead Agency, Mercer County Office of Emergency Management and the Mercer County Improvement Authority.

The Health Officer of the Lead Agency shall be responsible for developing the specific details of this Work Plan. Further, the schedule of implementation for each of the duties shall be as follows:

1. The Work Plan will be submitted to NJDEP for approval in accordance with NJDEP grant deadlines.
2. Interlocal Service Agreements will be executed with governmental entities that will participate in the Work Plan and will be attached as part of this work plan package.
3. Implementation of newly requested programs will occur upon notification from NJDEP of the Work Plan approval.

4. Upon receipt of Work Plan approval and certification, the Health Officer of the Lead Agency will report to the NJDEP all delegated activities that occur within the County, on reports and forms approved by the DEP.
5. Upon receipt of Work Plan approval and certification, the Health Officer of the Lead Agency will meet no less than quarterly with the emergency management coordinator, the Mercer County Health Officers Association, and the County Executive (or representative thereof) to discuss matters articulated in the Work Plan.
6. Upon receipt of Work Plan approval and certification, the Health Officer of the Lead Agency will meet no less than monthly with the municipal health officers and the Governmental Public Health Partnership (GPHP) of Mercer County to discuss matters articulated in the Work Plan.

COUNTY INTERDEPARMENTAL COOPERATION WORK PLAN PROGRAM SPECIFICS

As indicated in this Work Plan, the Lead Agency will utilize, in addition to its existing staff, the Mercer County Office of Emergency Management and the Mercer County Improvement Authority. Intra-County agreements have been developed between the Lead Agency, the Mercer County Improvement Authority and the Mercer County Office of Emergency Management. (See appendix A).

SOLID WASTE CONTROL PROGRAM:

Purpose:

A. To integrate the solid waste activities of the County of Mercer and the NJDEP in accordance with N.J.S.A. 26:3A-2-21 et seq., the County Environmental Health Act.

B. To ensure the maximum effective use of manpower and resources for solid waste activities.

C. To enforce applicable solid waste programs for the protection of the public health and welfare.

D. To provide for effective communication between agencies on solid waste control issues.

Program Standards:

A. Monitor compliance with the rules and regulations of the NJDEP concerning the operation of solid waste facilities and the activities of solid waste collectors and haulers.

B. Report the results of such monitoring to the NJDEP for enforcement or for County enforcement actions.

C. Enforce the Solid Waste Management Act, N.J.S.A. 13:1E-1, *et seq*.; the Mercer County District Solid Waste Management Plan, as most recently amended and certified by the NJDEP; and the rules and regulations as specified in N.J.A.C 7:26-1, *et seq*. All enforcement efforts shall be coordinated with the NJDEP to obtain consistent enforcement and to preclude duplication of effort.

Objectives:

A. Ensure that solid waste disposal practices occur without environmental degradation through routine compliance and complaint investigations;

B. Monitor active facilities to deter them from receiving non-permitted waste;

C. Inform industry, commercial establishments, institutions and residents on the benefits of recycling;

D. Discourage promiscuous dumping through enforcement by the local health departments;

E. Promote reuse, recycling and reduction of materials in Mercer County. In pursuit of the objective and pursuant to the provisions of the Solid Waste Management Act (N.J.S.A. 13:1E-1 *et seq*.); and the County Environmental Health Act (N.J.S.A. 26:3A2-21 *et seq*.), the Lead Agency, accepts solid waste management program responsibilities as summarized in the implementation specifics section hereunder.

F. Enforce the State Solid Waste Management Act as required by NJDEP, pursuant to the "Standard Operating Procedure for CEHA Delegated Solid Waste Enforcement Activities". Initiate enforcement proceedings in a court of competent jurisdiction against violators as appropriate. NJDEP shall be notified five (5) days prior to the convening of all settlement conferences and/or court actions. The notification shall include the proposed settlement amount or the penalty amount to be sought in the court action. In addition, follow-up reports on the outcome of all settlement conferences and court actions, including the penalty assessment and compliance plan (if applicable), shall be forwarded to NJDEP's Solid Waste Compliance and Enforcement Program.

G. Investigate all solid waste complaints received from citizens and NJDEP, such as illegal dumping of solid waste materials, unregistered haulers, transporter route violations, and unpermitted facilities. Respond back to NJDEP within ten (10) days of receipt with the initial or final outcome of complaint as the case may warrant.

H. Conduct an annual routine compliance monitoring inspection of Class A recycling centers, General Class B recycling centers, Class C compost facilities, transfer/MRF stations, resource recovery facilities, operating landfills (except noted below), farmland mulch sites, and intermodal facilities. It is recommended that the annual inspections are conducted with an inspector from the NJDEP's Office of Solid Waste Compliance and Enforcement, provided a mutually agreed upon date can be arranged.

I. Conduct semi-annual routine compliance monitoring inspections of exempt compost facilities and convenience centers. Concentrate on conducting the first inspection of exempt compost facilities in late spring and the second inspection in late fall.

J. Conduct a minimum of 50 recycling compliance inspections at schools, businesses and multi-family dwellings, of which 25 shall be at schools. Inspections will be conducted utilizing the NJDEP Recycling Questionnaire, with questionnaires submitted to the Office of Local Environmental Management within 30 days of completion.

K. Conduct inspections as needed of exempt and limited Class B facilities, when notification of activity at these sites is received from the NJDEP's Bureau of Resource Recovery and Technical Program.

L. Conduct inspections as needed to ensure contaminated soil is handled as per NJDEP guidelines.

M. Monitor transporters hauling solid waste to ensure compliance with NJDEP regulations and, at the discretion of the local agency, the County's Solid Waste Management Plan. Facilities and transporters should be monitored for compliance with the county recycling plans.

N. Continue to update the list of all know convenience centers and farmland mulch sites and Class A recycling centers and provide this list to NJDEP, Office of Local Environmental Management by December 31, 2004.

O. Compile and maintain files and records to support NJDEP and county enforcement actions

Plan of Implementation:

General:

The Lead Agency will oversee the performance of regular inspections of solid waste facilities as specified in the annual CEHA grant agreement for compliance with the Solid Waste Management Act and regulations adopted there under; and to enforce said laws and/or regulations by the making and signing of a complaint and summons for the violation, by serving the summons upon the violator and thereafter filing the complaint promptly with a court having jurisdiction.

These routine inspections will evaluate among other things, the size of working force, litter control, cover, odor control, fires, etc., and compliance generally can be determined through physical observations of the facility and by reviewing applicable permit conditions in comparison to actual site conditions. The Lead Agency, through an interlocal agreement with the Mercer County Improvement Authority, shall perform regular inspections of solid waste transfer stations. Processing and resource recovery facilities, and compost areas will be inspected by the

Lead Agency or its designated agent for compliance and to enforce said laws and/or regulations by the making and signing of a complaint and summons for their violation, by serving the summons upon the violator, and thereafter filing the complaint promptly with a court having jurisdiction.

The above referenced subsections include general housekeeping requirements at these types of facilities and compliance can be determined through physical inspection of the premises. Regular inspections and roadside checks of collector/haulage will be performed by either the Lead Agency or municipal health departments throughout Mercer County for compliance and to enforce said laws and/or regulations by the making and signing of a complaint and summons for their violation, by serving the summons upon the violators and thereafter, filing the complaint promptly with a court having jurisdiction.

The above referenced subsections cover general operation requirements for collector/haulers including the requirements for retaining the NJDEP Registration Card in the vehicle and having proper NJDEP numbers displayed on the vehicle. The collector haulers can be checked for compliance when encountered during the course of an inspection at a solid waste facility, or at a roadside check point with the aid of the local police. Municipal Health Departments will perform regular investigations of illegal solid waste activities. This includes inspection/investigation of promiscuous dumping, illegal landfilling activities, improper storage of solid wastes. Compliance can be effected through use of regulations contained in the Solid Waste Management Act.

The NJDEP will retain primary responsibility for monitoring and inspecting solid waste facilities for registration and engineering design violations. The New Jersey Department of Environmental Protection retains primary responsibility for monitoring and enforcement of solid waste collector/hauler registration requirements under N.J.A.C. 7:26-3.2 and 3.3. Responsibility for fee collection and registration of facilities and collector/haulers is mandated to the NJDEP.

Specific:

Routine Solid Waste Facility Inspections:

Facility #	Facility Name	Operation Type	Status
1102000450	M.C. Improvement Authority	Transfer Station	Operating
197093	Mercer Group Int	T/M	Non operating
	CBJ Farms and JLS Farms	Compost	Operating
1102000451	Ewing Township Compost	Compost	Operating
1103000460	Hamilton Township Ecological	Compost	Operating
1104000463	Hightstown Borough	Compost	Operating
1106000466	Hopewell Township Compost	Compost	Operating
1107001256	Lawrence Township Compost	Compost	Operating
1110000475	Princeton Sewer Oper Compost	Transfer	Operating
1110000474	Princeton University Compost	Compost	Operating
1111001233	Trenton City Compost	Compost	Operating
	West Windsor	Compost	

1103001144	Albert E. Barrett	Recycling Center	Operating
1102001487	Mercer Group Int	Recycling Center	Operating
1107001420	Mid Jersey Mulch	Recycling Center	Operating
1102001238	Vinch Recycling	Recycling Center	Operating

Human Resources: The Lead Agency will insure that sufficient staff is provided to meet the solid waste program goals and objectives as described in the annual CEHA agreement.

Investigative Procedures, Enforcement, and Penalty Assessment:

All Investigative and Enforcement Procedures shall be conducted pursuant to the January 22, 2003 standard operating procedures and guidance of the NJDEP and any amendments made thereto. In particular, the Standard Operating Procedure explicitly outlines how such actions shall be performed, and is incorporated in the Mercer County solid waste control work program as follows. If NJDEP amends the SOP, the MCOEH shall be notified of the changes, and MCOEH shall comply with the amended SOP.

1. Notice of Violation ("NOV") - Whenever an inspection discloses a violation of any NJDEP Solid Waste Regulation, the agent for the Lead Agency will issue an NOV. The notice will indicate, among other pertinent facts, the time allowed for compliance, if appropriate.

2. Penalty Assessment (PA) - Mercer County will implement NJDEP Solid Waste Management Penalty Assessment matrices using the penalty schedule in the State's Solid Waste Regulations.

When a follow-up of an NOV (issued without a PA) indicates a lack of compliance or when an NOV is issued with a PA, the PA will be generated using this Penalty schedule. The PA will be determined by the Health Officer based upon input from the field investigator and the solid waste management coordinator relative to the severity of damage and conduct of the violator. Grace periods will be provided in accordance with DEP policies and regulations. The enforcement agency may conduct an informal conference so as to present the facts, which may mitigate the violation(s) and determine if a settlement is warranted. The Health Officer of the Lead Agency or his designee will preside at the informal conference.

3. Failure of the violator to comply with a penalty assessment and/or a penalty assessment settlement shall result in the issuance of a municipal court summons. If a violator is a municipality, the case may be referred to DEP for processing.

Standard Operating Procedure for Solid Waste Enforcement Activities by CEHA Agency and Approved CEHA Solid Waste Subcontractors:

I. Purpose:

The purpose of this standard operating procedure (SOP) is to provide clear direction to all delegated certified local health agencies in specific aspects of the investigation and prosecution of all solid waste enforcement actions taken under the authority of:

- County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq. and the administrative rules written there under, N.J.A.C. 7:1H-1 et seq.

- Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the administrative rules written there under N.J.A.C. 7:26-1 et seq. and N.J.A.C. 7:26A-1 et seq.

Specifically, this procedure will delineate DEP and CEHA solid waste enforcement authorities and obligations; will define how and when these authorities may be subcontracted; will identify the categories of solid waste enforcement actions the certified local health agencies are authorized to take; and will detail how penalties and fees are to be assessed, settled and accounted for. The goal of this procedure is to ensure that CEHA actions are consistent with the Department's procedures and among the counties to the maximum feasible extent and, as such, are equitable and legally defensible after appropriate approvals from Mercer County.

I. **Delegation of Authority**:

The CEHA statute authorizes the Commissioner of the Department of Environmental Protection to "delegate the administration of one or more aspects of the environmental health laws of this State or of the rules adopted thereto" to a "certified local health agency." The Order of Certification issued by the Department specifies the environmental laws delegated to the certified local health agency and the programs it is authorized to administer. The certified local health agency must also submit a comprehensive work program for Department approval which, among other things, describes the solid waste enforcement and other activities it proposes to undertake and demonstrates its ability to meet the administrative and performance standards set forth in the rules. In some cases, the primary county health agency administering the delegated authorities under CEHA may choose to subcontract some of its authority to other local governmental agencies, which then serve as "subcontractors" to the certified local health agency. Such arrangements may be authorized by the Department for a variety of media areas, including solid waste enforcement, provided that the following conditions are met:

A. The certified local health agency shall retain ultimate control and responsibility for the proper implementation of the CEHA program within the county. All administrative responsibilities shall be under the direct supervision of the health officer of the certified agency. The health officer or a designated manager employed by the certified agency shall assign and monitor work to staff, approved CEHA subcontractors, and refer cases to legal counsel. The certified agency shall provide notifications to the Department in accordance with notification guidelines document issued by the Department on January 6, 2000.

B. The certified local health agency shall, in the work program submitted to the Department, identify each subcontractor that will perform solid waste enforcement functions, their respective qualifications, and the specific nature and scope of the delegated activities to be performed by each subcontractor.

C. The certified local health agency must execute a written agreement with each

subcontractor providing solid waste enforcement services as described in the work program and including such terms as may be necessary to ensure accountability, effective coordination and efficient delivery of delegated solid waste enforcement services. Such agreements require written Department approval prior to implementation.

D. The certified local health agency may subcontract solid waste enforcement authority only to other governmental agencies within the county and their paid employees. In no case shall any solid waste enforcement authority be delegated to, or appear to be assumed by, any private party. The Department reserves the exclusive right to approve or reject any subcontracting agency. In the case of rejection, the Department shall notify the delegating certified local health agency in writing within ten business days of the reasons for the rejection, as well as remedial measures that the subcontractor may take to gain Department approval.

E. The certified local health agency's authority to enforce provisions of the Solid Waste Management Act are limited to the inspection and/or investigation of and issuance of enforcement actions against, authorized and unauthorized solid waste facilities, solid waste transporters, recycling facilities, compost operations and the investigation of citizen complaints within the agency's county borders. In addition, the certified local health agency is authorized to enforce its county's Solid Waste Management Plan (Plan), as approved by the Department. Such enforcement may include transportation routes and waste flow. CEHA authorized enforcement staff may perform investigations beyond the agency's county borders to verify compliance with its county's Solid Waste Management Plan and take enforcement actions against New Jersey solid waste facilities accepting solid waste that is bypassing a county's Plan.

F. Each certified local health agency and its approved subcontractors are authorized to inspect daily records maintained by New Jersey permitted solid waste facilities during normal working hours (N.J.A.C. 7:26-2.13(b)). These records may also be reviewed at Department Headquarters, Bureau of Resource Recovery and Technical Assistance. There is no statutory or regulatory authority delegated under CEHA to enable certified local health agencies to request such records directly from solid waste transporters and thus, such records must be reviewed either at the permitted facilities or at Department Headquarters in order to identify potential violations.

III. **Department and Bureau of Solid Waste Compliance and Enforcement (BSWCE) Authority to Oversee CEHA Solid Waste Enforcement Activities**.

Under the CEHA statute and rules, the Department has the ultimate authority and responsibility over all certified local health agencies. The Department realizes that there is some variation between the counties in terms of types of solid waste violations and violation frequency. Nevertheless, the Department strives to maintain consistency among the counties in how State solid waste rules are enforced. This consistency is vital to any good enforcement program to

avoid the appearance of selective enforcement that could undermine enforcement efforts and to ensure fairness. Consistency is best achieved by careful coordination between BSWCE and the certified local health agencies. Therefore, the following requirements apply to all CEHA solid waste investigations and enforcement actions:

A. Only those solid waste investigations and inspections specified in the approved work program may be performed by the certified local health agency. Any and all solid waste investigations and actions that are overly complex or political in nature shall be immediately brought to the attention of the Bureau Chief or applicable supervisor of the BSWCE for their determination of appropriate enforcement action. If there is any uncertainty about the appropriateness of a certified local health agency to continue a solid waste investigation or issue an enforcement action, the BSWCE CEHA coordinator's decision on how the case should proceed is final.

B. If an investigation reveals solid waste violations that require further enforcement action, the certified local health agency is authorized to issue an enforcement action to the violator. For violations of delegated CEHA solid waste laws that have adopted "grace period" rules, a Notice of Violation (NOV) shall be issued, either in the field, or sent via certified mail to the facility. A follow-up inspection shall be conducted after the appropriate compliance period. When a follow up inspection for an NOV indicates continued non-compliance, an NOV/OS (Notice of Violation/Offer of Settlement) or a court summons and complaint may be issued depending on the severity of the violation and the violator's history of non-compliance. To ensure consistency, the Department requires that all NOVs, NOV/OS's, and a court summons and complaint for solid waste violations be on the Department-supplied form to ensure that all required information and warnings are included in the NOV.

C. Certified local health agencies shall not rely on the public health nuisance code for citing significant environmental violations that are identified during the course of CEHA delegated inspections or investigations and instead shall use the Solid Waste Management Act and the regulations adopted thereunder. If there is any question about the appropriateness of using the nuisance code, or any other environmental statute or regulation, the certified local health agency should contact the BSWCE CEHA coordinator for guidance prior to issuing the violation.

D. All certified local health agencies are required to notify the BSWCE CEHA coordinator in writing of all solid waste enforcement actions, including the actions taken by any solid waste enforcement subcontractor. Each certified local health agency shall designate a lead point of contact to notify BSWCE. In the case of NOVs, the Department requires a fax copy within five calendar days of issuance. The BSWCE CEHA coordinator shall be notified by fax or phone prior to the issuance of an NOV/OS document. If the certified local health agency contemplates issuing a court summons, the BSWCE CEHA coordinator shall be notified by fax or phone a minimum of five calendar days prior to issuance. In no

case shall a NOV/OS or court summons be issued until BSWCE CEHA coordinator notification is confirmed. Such notice is essential to the Department's ability to oversee CEHA activities and ensure that cases are not undermined by overlapping and inconsistent actions.

E. In all cases of repeated, recalcitrant solid waste offenders, where the issuance of three NOVs within a one year period has failed to achieve substantial compliance, the case shall be discussed with the BSWCE CEHA coordinator to determine the next appropriate enforcement action to take. The referral to the BSWCE shall be made within five calendar days following a determination of non-compliance with the third NOV, but not more than twenty calendar days after the issuance of the third NOV. A written case summary shall accompany the referral, including a synopsis of the case history, and copies of all evidence, NOVs and inspection forms.

F. Certain classes and types of violations fall under the Department's grace period regulations where a prescribed amount of grace days are allowed for the violator to achieve compliance, and these regulations may be used when appropriate. Also, certain classes and types of violations fall under the Department's base penalty regulations and these regulations may be used when appropriate. However, violations that do not fall under the grace period or base penalty regulations may be assessed using the Department's penalty matrix regulations for severity of the offense and violator's conduct (attached).

G. In addition to NOVs and settlements, each certified local health agency shall submit to the BSWCE CEHA coordinator a monthly summary of all NOVs and settlements, facilities inspected, actions taken, total number of inspections and compliance status of violators. **No other documents should be sent to the BSWCE CEHA coordinator (i.e., no vehicle inspection forms, in-compliance reports, etc.)**. These summaries shall be e-mailed to the BSWCE.

IV. Penalties and Fees:

All penalties and fees resulting from solid waste enforcement activities and violations shall be consistent with applicable Department solid waste rules, specifically:

A. To ensure consistency, all NOV/OS penalties assessed under delegated solid waste management laws shall be calculated according to the penalty schedule and criteria found in the solid waste rules cited above (attached). In no case shall any NOV/OS containing a penalty in excess of $10,000 be issued without prior written approval from BSWCE. In the case of waste flow penalties, the Department is providing guidance on these penalty amounts to facilitate consistency and fairness throughout the State (attached).

B. For waste flow penalty calculations, refer to the Department's Solid Waste Regulations at N.J.A.C. 7:26-6.5 and 7:26-5.4(g)7. The base penalty amount for

"Failure to comply with a district solid waste flow plan" is $10,000. These penalties may be settled, as appropriate, in accordance with Section V. below.

C. Except as provided for below, all penalties and fees collected pursuant to CEHA delegated solid waste laws shall be deposited into the Environmental Quality & Enforcement Fund (EQEF) established by each certified local health agency, and dedicated exclusively to the support of the CEHA program. CEHA penalties shall not be used for solid waste debt relief. In waste flow penalty enforcement cases, two checks shall be required for 1. The penalty amount made payable to the certified local health agency for deposit into the EQEF; and 2. The reimbursement to the county for lost solid waste revenues due to bypassing the county's waste flow system (i.e. solid waste debt relief). A complete accounting of all penalty and fee collections and expenditures shall be submitted to the Department with each quarterly activity report.

D. A certified local health agency may initiate an enforcement action in the court of "competent jurisdiction," which under the Solid Waste Management Act may be the Superior County or the municipal court in whose jurisdiction the solid waste violation occurred. The Superior Court, however, has the power to grant most forms of requested relief, including injunctive relief to contain the environmental impacts of serious violations. It is essential for all certified local health agencies to consult with county counsel or the municipal prosecutor having jurisdiction to determine which environmental statutes and ordinances apply to an enforcement situation and the proper judicial forum.

V. **Settlements:**

In many solid waste cases, a responsible party may be provided an opportunity to discuss the penalty assessment and negotiate a settlement amount with the certified local health agency. All certified local health agencies are authorized to negotiate solid waste penalty settlements provided that the following requirements are met:

A. Prior to any settlement negotiations, substantial compliance should be attained, or a realistic schedule for achieving compliance should be agreed upon and incorporated into the settlement document. All settlement agreements must be memorialized in writing. Repetitive violators (i.e. three or more violations in a 12-month period) or cases in which violations are considered egregious in nature shall not qualify for settlement meetings.

B. The CEHA health officer or his/her designee will conduct the settlement meeting. County counsel or the municipal prosecutor cannot be designated to independently settle any matter delegated under CEHA and need not be present at the settlement meeting unless the certified local health agency requests their assistance.

C. The certified local health agency shall notify the BSWCE CEHA coordinator of

any settlement conference concerning solid waste violations 5 calendar days prior to the conference. At the settlement conference, the certified local health agency may accept a settlement offer of 25% less than the original penalty without prior Department approval. If the certified local health agency desires a settlement reduction in excess of 25% of the original penalty, the certified local health agency shall submit a written (or E-mail) justification to, and obtain written approval from, the BSWCE CEHA coordinator prior to offering the reduced settlement to the violator. The outcome of all settlement conferences and negotiations shall be reported to the BSWCE CEHA Coordinator within five days of the date of settlement.

VI. **Reporting**

The Lead Agency will report all its solid waste program activities on approved reporting forms to the NJDEP in accordance with the annual CEHA grant agreement.

Notification Protocol: The Lead Agency will notify NJDEP Solid Waste Compliance and Enforcement (Solid Waste) Program of enforcement actions, with at least five days prior notice before instituting court action or conducting a settlement agreement. This notice will be faxed or e-mailed to Solid Waste. In addition, follow-up reports on the outcome of a settlement conference or court action, including the penalty assessment and compliance (if applicable) will be provided to Solid Waste. This information is necessary to avoid duplication of effort, and allow Solid Waste to verify consistent enforcement and penalty assessments are occurring state-wide.

All reporting of solid waste activities, including:

- enforcement actions
- penalties assessed, collected and expended
- inspections
- complaint investigations
- waste flow investigations
- enforcement fees collected and expended (if applicable)
- settlement meetings
- court actions

Forms:

The MCOEH has the following forms and documents in inventory for solid waste enforcement activities:

Case (complaint) forms
Investigative summary
Notice of Noncompliance (NNC)
Notice of Violation (NOV)
Penalty Assessment (PA)

Transfer Station/Landfill Inspection Report Form
Compost Facility Inspection Report Form
Recycling Facility Inspection Form

Staffing and Training:

Staffing will consist of 11 employees from the Mercer County Improvement Authority (MCIA). The MICA Staff will receive training from NJDEP and/or other certified local health agencies to become proficient in conducting compliance monitoring inspections and complaint investigations. Ongoing training programs will consist of updated inspection and investigative training courses as offered by the NJDEP augmented by continuing education seminars and conferences as they become available.

Solid Waste Emergency Response:

The MCOEH will establish a schedule for after-hours coverage so that a solid waste field investigator is available for any after-hour matter requiring an incident response that cannot wait until the next business day. The schedule and/or on-call procedure will be coordinated through the Communications Section of the County Sheriff's Department.

Summary:

Implementation:

It is believed the Solid Waste Management Program Work Program herein above submitted establishes that the MCOEH has the capability and determination to undertake a solid waste enforcement program, and should be delegated the authority to enforce the SWMA, N.J.S.A. 13:1E-1 et seq., and implementing regulations, N.J.A.C. 7:26-1.1 et seq., on behalf of the NJDEP.

The Work Program as submitted demonstrates that the human resources, the administrative procedural mechanisms, the equipment, the investigative and enforcement capabilities, and necessary programs are all in place.

The MCOEH will undertake all compliance monitoring inspections and NJDEP referrals, as well as any subsequent enforcement action that may be needed, in accordance with this Work Program.

The MCOEH will schedule after-hours emergency coverage so an inspector is available for immediate response.

The MCIA will conduct at least two (2) yearly household hazardous waste collection days whereby all Mercer County homeowners and other small generators can dispose of various chemicals, paints, batteries, automotive fluids and tires in an environmentally responsible

manner. The MCOEH will provide support for these events as needed, for hazardous materials emergency response or if solid waste support is required.

Any investigation performed which results in the issuance of a Notice of Violation will specify a compliance schedule. Compliance is attained by follow-up inspections performed until the violation is abated. Continuation of a violation determination by Lead Agency directly or by performing a NJDEP compliance follow-up inspection will result in the issuance of a Penalty Assessment or legal action.

The Lead Agency through an Interlocal Services Agreement with the Mercer County Improvement Authority will conduct waste flow investigations to check for proper origin and destination and certification of waste load origins. Violations thereof are documented, and result in stringent enforcement action and Penalty Assessments.

The Lead Agency through an Interlocal Services Agreement with the Mercer County Improvement Authority conducts inspections of generators/haulers to ensure that recyclables do not appear at Transfer Stations for improper disposal.

When all of the requirements, objectives, and activities listed within this Work Plan are met, Mercer County anticipates that the NJDEP will and should immediately certify the Mercer County Solid Waste Program.

HAZARDOUS SUBSTANCE/EMERGENCY RESPONSE CONTROL PROGRAM:

Purpose:

A. To integrate the activities of the NJDEP Hazardous Substance Emergency Response Program (Hazmat) and the Lead Agency consistent with the findings and purpose of N.J.A.C. 26:3A2-21 et seq.

B. To ensure the maximum effective use of manpower and resources by the delegation of appropriate Hazmat responsibilities to the Lead Agency acting as authorized agent for the NJDEP.

C. To develop and maintain a county-wide Hazmat program in Mercer County directed to the protection of the public health and the environment, through the effective coordination of available county and municipal Hazmat Emergency Response resources, and the support of municipal health agencies, area hospitals, and healthcare providers.

D. To maintain public support of the Mercer County Hazmat program through the prompt response to environmental emergencies and the satisfactory advisement to, and in consultation with, impacted citizens and local officials

E. To provide for effective communication and exchange of information between agencies.

F. To supplement and enhance the Mercer County Office of Emergency Management Emergency Operations Plan - Hazmat Annex.

G. To effectively address discharges of hazardous substances which threaten public health and the environment.

H. To effectively work with municipal, county, State, and federal agencies to address pertinent issues of emergency preparedness for chemical, biological, radiological, nuclear, and explosive (CBRNE) incidents.

Program Standards:

A. All activities relating to spill control shall be conducted in accordance with the Discharge of Petroleum and other Hazardous Substances, N.J.A.C. 7:lE-1.1 *et seq*., and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, *et seq*.

B. Investigate reports of spills and other releases into the environment of oil, petroleum products and other hazardous substances from any source or cause, including pipeline or tank ruptures, train derailments, highway accidents, deliberate illegal dumping of wastes (whether free flowing or drummed), leachate from landfill or abandoned dump sites, releases from industrial sites and the appearance of toxic pollutants in well water. Immediately report in a manner prescribed by NJDEP all such incidents, along with a report of all actions taken thus far.

C. In cooperation with NJDEP, participate in the removal of certain designated hazardous substances, including petroleum products which have been spilled, and in the taking of measures to prevent damage to public health, safety, welfare or the environment resulting from spills, and receive reimbursement for such activity where authorized under the Spill Compensation and Control Act and the Mercer County Emergency Response and Cost Recovery Ordinance. Act as on-site coordinator, take charge of removal activities, and report on the measures to the NJDEP. (When NJDEP acts as on-site coordinator, the Lead Agency through Mercer County Office of Emergency Management, will furnish assistance and support when requested).

D. Investigate spill incidents in order to determine: the quantity of material released into the environment; the probable impact on public health and natural resources; the causes, persons responsible and other information needed to establish the seriousness of the incident; the remedial measures needed; and the identities of persons who may be liable for costs and damages. Make available to NJDEP and the Administrator of the New Jersey Spill Compensation Fund all information and evidence obtained from such investigations. In the event the State brings legal action, investigators and their evidence shall be available for court and pretrial proceedings.

E. Maintain, equip and implement a county-wide emergency hazardous material response program comprising the elements listed below, based upon the objectives contained in the New Jersey Water Pollution Control Act, Air Pollution Control Act, and Discharge of Petroleum and Other Hazardous Substances regulations.

F. Notify the NJDEP's communications center (Action Line) within 15 minutes or immediately of any violation (N.J.A.C. 7:lE et seq.) or those incidents and emergencies that involve a release or potential release of hazardous materials into the environment that could result in an emergency, threatening life, property, public order, health or the environment.

G. Provide tactical and technical assistance to the NJDEP or respond unilaterally upon request of the DEP to a hazardous materials incident/emergency.

H. Provide sampling and analysis of the environment at the site of a hazardous materials incident/emergency or those regions impacted by the releases of hazardous material . Sampling and analysis protocol shall follow established standard operating procedures, standard methods and those directed by the DEP with assistance from the USEPA and other recognized authorities.

I. Maintain records, logs, correspondence and other necessary documents and samples for legal review and potential testimony. Maintain "chain of custody" for necessary samples and documents for legal presentation in court of law. Provide written reports, summaries and other necessary documents to the NJDEP in relation to gathering evidence/data on responses. Provide a monthly report to the NJDEP listing as minimum: Location of incident, Time and duration, Nature of incident, Hazardous Materials involved, Responsible parties, Responding agents, Summary of events, Mitigation effort status, Costs incurred, General comments, Suggestions, etc.

J. Bring legal action against persons responsible for causing spills, by exercising the power to enforce environmental laws as provided in the Environmental Rights Act, N.J.S.A. 2A:35A-1 *et seq*., when requested in writing by NJDEP.

K. Claims for reimbursement of expenses incurred for activities related to the removal of spills of hazardous substances, or the prevention or mitigation of damages arising from such spills, shall be billed to the responsible party, or possibly to the State Spill Compensation Fund in accordance with an ordinance to be adopted upon Work Plan Certification providing for additional financial resources for the responsibilities set forth under the County Environmental Health Act.

Implementation Generalities:

A. The lead agency shall execute and maintain interlocal service agreements with participating local Hazmat Teams, to administer the purposes and standards of this program.

B. The three Mercer County municipal Hazmat teams' personnel are currently trained to respond to hazardous material incidents, collect data and assist in the prosecution of responsible

parties, when necessary. Hazmat teams' personnel are to be enrolled in a Medical Surveillance Program.

C. The three Mercer County municipal Hazmat teams' personnel are adequately equipped and supplied to respond to Hazmat incidents and accomplish the tasks set forth in the program standards.

D. Basic reference materials needed to make informed decisions as they relate to Hazmat incidents are available for utilization by Hazmat personnel.

E. Emergency Response personnel are capable of responding to hazardous materials incidents/emergencies on a continuous 24 hour a day - 7 days a week schedule.

Implementation Specifics:

A. The Mercer County municipal Hazmat Response teams will continue to respond to emergency incidents throughout the county.

B. The Mercer County municipal Hazmat Response teams and the Mercer County Emergency Management Coordinator shall be responsible to carry out all the program standards, except that as hereinafter articulated certain specific program responsibilities remain with the Lead Agency. The county health officer will work with the county and municipal offices of emergency management, municipal health agencies, area hospitals, health care providers, NJDEP, NJDHSS, and NJ State Police to develop and implement emergency response protocols to respond to chemical, biological, radiological, nuclear, and explosive incidents, which have the potential to impact upon the health of Mercer County residents and impact the environment in Mercer County.

The applicable municipal Hazmat team coordinator will act as the on-site coordinator and take charge of removal/containment activities during the period of emergency only. Once it has been determined by the Hazmat team that the immediate threat to the public health, safety, and welfare has been abated, thenceforth it shall be the responsibility of the Lead Agency or the subcontracted municipal HAZMAT team to refer the case to the DEP for any long-term remedial measures that may be needed.

The Hazmat response teams shall provide sampling of the environment at the site of a hazardous materials incident/emergency during the period of the emergency only. Once it has been determined by the Hazmat response teams that the immediate threat to the public health, safety and welfare has been abated, any follow up sampling and analysis of the environment shall be referred to the DEP by the Lead Agency or the subcontracted municipal hazmat team.

C. In the event any Hazmat incident could result in an after incident potential threat to the environment which might eventually lead to violations of Air, Water, Solid Waste, and/or Noise program standards, prevention, mitigation and remediation of the after incident exposures shall be the responsibility of the Lead Agency in coordination with the appropriate DEP office.

Incident Investigations:

When agreed upon, NJDEP will delegate the investigation of specific incidents to the Lead Agency on a case by case basis. In any such instances, NJDEP may retain general supervision over the investigation. In those cases, the Lead Agency or its designated agent may investigate discharge incidents in order to determine: the types and quantities of materials released into the environment; the probable impact on public health, public and private property and the natural resources; the causes, persons responsible, and any other information needed to establish the seriousness of the incident; the remedial measures needed; and the identities of persons who may be liable for costs and damages.

The Lead Agency agrees that in any investigation that it is involved in, regardless of the scope of involvement, that it will comply with the criteria described in the following sections regarding incident investigations.

1. Method of Investigation - All investigations conducted pursuant to this agreement are to be performed in such a manner as to ensure the health and safety of the public as well as participating investigators. This requires adherence to all applicable health and safety regulations, policies and procedures adopted by the State to this end. These regulations and policies and procedures apply to, but are not limited to; levels of protection, qualitative respiratory fit-testing, site entry and employee chemical right-to-know.

All investigations are to be conducted in a methodical, objective and comprehensive fashion with attention to all case details and parties involved.

The investigation itself may be initiated by receipt of a telephone report, written complaint, observation or any one of numerous other methods by which the Lead Agency or its delegated agent is advised of an incident. The purpose of the investigation is to document, through objective observation and/or interviews and/or collection of physical evidence, the validity of the report. The investigation may be conducted alone, in teams or in coordination with any of several federal, state and local regulatory and criminal investigative agencies with the consent of such agencies and consistent with the provisions of this agreement. The findings of the investigation will be considered in determining future case direction including state funded cleanup, issuance of enforcement documents, sample analysis or no further action. Investigators and investigative reports are subject to subpoena and court appearance and are, therefore, required to withstand critical and often adversarial review.

2. Investigative Reports - A NJDEP approved reporting format is to be used in all hazardous substance investigative situations.

An investigative report shall be prepared by the Lead Agency investigators and submitted to his/her supervisor in an expeditious manner. Correspondence, communications, and reports prepared under terms of this agreement will be forwarded on request to the NJDEP through its Enforcement Regional, Field Offices. In the event that direct contact with the Regional Field office is not possible, alternate telephone contact may be made through the NJDEP's Environmental Action Line 1-877-WARNDEP (1-877-927-6337).

The Lead Agency will make available to the NJDEP and the Administrator of New Jersey Spill Compensation Fund, all information and evidence obtained from investigations performed under this work plan. In the event the State brings legal action, investigators and their evidence shall be available to appear in court and pretrial proceedings. All such information shall also be made available to the Mercer County Prosecutor's Office.

3. Sample Procedure - Samples will be collected in accordance with NJDEP sampling policy and procedure. These procedures include, among other things, sampling equipment, collection methods and storage, holding times and preservation, etc. Authorized samples will be forwarded to NJDEP through its Regional field office, unless otherwise specified. A procedure shall be established for the surrender of samples from the Lead Agency to NJDEP. NJDEP will be responsible for the analysis of such samples. Any sampling, other than that authorized by NJDEP will be analyzed at the expense of the Lead Agency or the subcontracted municipal HAZMAT teams. The decision whether to analyze any particular sample will be at the discretion of NJDEP.

Implementation Schedule:

Mercer County's municipal Hazmat response teams are currently operational. A Memorandum of Understanding was executed on June 6, 1996 to provide the citizens of Mercer County and surrounding communities with a coordinated, safe and speedy response to all Hazmat incidents. Interlocal agreements with the participating local teams will be executed within the next several weeks and maintained by the Lead Agency.

WATER POLLUTION CONTROL PROGRAM:

The county will implement a water pollution control program in 2005. Mercer County's work plan will be modified to reflect its implementation.

AIR POLLUTION CONTROL PROGRAM:

Mercer County will administer an Air Pollution Control Program pursuant to authority delegated by the Commissioner of NJDEP under the County Environmental Health Act (CEHA). This program will focus on the completion of routine compliance monitoring inspections as delegated by NJDEP and the investigation of citizen complaints, which include open burning, odors, smoke, and visual particulates.

Within Mercer County, there are 170 gas stations, 59 dry cleaners, and 284 source facilities designated as minor sources. In addition, the DEP received approximately 49 citizen complaints relating to air pollution in calendar year 2003.

Purpose:

A. To monitor and enforce the State's Air Pollution Control Act and regulations adopted thereunder as required in the NJDEP approved CEHA work program, standard operating procedures, policies, and guidance documents.

Program Standards and Priorities:

A. Investigate all air pollution complaints received from citizens and NJDEP. These investigations include, but are not limited to, open burning, odors, particulates, permits and certifications, and motor vehicle idling.

B. Enforce the State Air Pollution Control Code as required by the NJDEP. Notify the NJDEP Central Regional Field Office of all pending enforcement actions, including pre-conference and conference settlements. Conduct these enforcement actions in accordance with NJDEP's grace period policy.

C. NJDEP shall be notified five days prior to the convening of a settlement conference or taking court action. In addition, follow-up reports on the outcome of all settlement conferences and court actions, including the penalty assessment and compliance plan (if applicable) shall be forwarded to NJDEP.

D. Compile and maintain files and records to support NJDEP and county enforcement actions.

E. Conduct minor and B source facility compliance monitoring inspections using inspection checklists in lieu of inspection forms at delegated facilities. These facilities include gas stations, dry cleaners, paint spray facilities, fuel oil distributors with tanks >10,000 gallons and <40,000 gallons, gasoline bulk terminals with loads <15, 000 gallons of gasoline per day, and all facilities such as schools, offices, apartment and government buildings, and small businesses having the following equipment:

- regulated boilers $\geq$ 1 million BTU/hr. and <10 million BTU/hr.
- fuel oil tanks >10,000 gallons and <40,000 gallons
- regulated emergency generators $\geq$ 1 million BTU/hr. and <10 million BTU/hr.
- wood working shops
- gasoline dispensing facilities

F. Target facilities with expired certificates, followed by grandfathered sources, and then non-regulated facilities.

G. Compile and maintain files and records to support NJDEP and County enforcement actions.

H. Initiate enforcement proceedings in a court of competent jurisdiction against violators as required by the NJDEP.

I. Submit all compliance monitoring inspection reports to the NJDEP's Minor Source Compliance Investigation Program within 60 days of completing the inspection. Submit all inspection reports as specified in the annual grant agreement.

J. Submit all complaint investigation reports to the NJDEP's Central Regional Field Office within 30 days of completing the investigation.

K. Develop a motor vehicle idling compliance monitoring program.

Air Facility Inspections:

The Lead Agency will inspect facilities at the frequency set by NJDEP for compliance with the Air Pollution Control Act and regulations adopted thereunder, as found in the annual CEHA Grant Agreement. The Lead Agency shall report the findings of all facility inspections conducted in accordance with this section to NJDEP.

The purpose of the facility inspection is to observe and monitor the facility operation to determine compliance with the established statutes, rules and regulations. Generally, the inspection will be conducted as follows:

* Upon arrival on site, the inspector shall contact the facility operator having primary responsibility of the facility operation.

* The inspector shall review the facility records for completeness, accuracy and compliance.

* The inspector shall use the NJDEP inspection checklist for the minor source facility to assess the facility operation for compliance with the specific engineering and operational requirements as established in the facility permit. If an inspection checklist is not available for minor source, the inspector shall use the facility permit and applicable air regulations to determine compliance. Those areas of potential violations that require complex methods of measurements or technical expertise not available at the county level will be referred to DEP.

Enforcement Actions:

Upon identification of air violations, the investigator may issue a Notice of Violation (NOV) in the field or via certified mail. NOV's may, where appropriate, include provisions requiring violators to implement corrective measures within a specified period of time. When a follow-up of a NOV indicates a lack of compliance, the lead CEHA agency may issue a Notice of Violation/Offer of Settlement ("NOV/OS"), a court summons, or a court complaint. Upon identification of air violations deemed "non-minor" violations (i.e. those considered by DEP to be serious violations), as defined by the Grace Period Law at N.J.S.A. 13:1D-125 et seq. and DEP regulations that may be adopted, the lead CEHA agency shall issue an NOV/OS via certified mail. Not all violations qualify for Grace Period NOV's. As a result some initial violations may actually contain penalty assessments.

If an NOV/OS is contested, a settlement conference may be arranged in accordance with this Work Program.

General as to all air pollution control violations

When a complaint/summons is already pending against a violator for a separate violation, the matter may be joined with the existing matter as permitted by law. The CEHA Health Officer or another representative of the lead CEHA agency as designated by the Health Officer who is knowledgeable in the area of air pollution control may authorize settlement of air pollution matters upon consideration of the factors set forth below. If appropriate, a settlement conference shall be utilized to discuss the enforcement issues and negotiate a settlement agreement, which may include a compliance plan. If an agreement cannot be reached, the lead CEHA agency may file a summons and complaint in a court of competent jurisdiction. Repetitive violators (i.e. 3 or more similar, verified violations within the preceding 12 month period) and egregious violations shall not qualify for a settlement conference.

In matters where a penalty has been assessed, a settlement shall not compromise the original penalty amount by more than twenty-five percent (25%) without prior DEP written approval. Notice and documentation will be provided to the appropriate DEP program by the lead CEHA agency issuing any NOV or NOV/OS, filing a summons and complaint, scheduling a settlement conference and/or entering into a settlement agreement, in accordance with the SOP.

Offers of settlement may be based upon factors including but not limited to:

i. Compliance history of the violator.

ii. Nature, timing, and effectiveness of any measure taken by the violator to mitigate effects of the violation and prevent similar future violations.

iii. Quantity and severity of violations.

iv. Extraordinary and unusual cost(s)/impact(s) on the environment or the public.

v. Specific factual circumstances of violation and violator.

vi. Any other factor(s) permitted by law.

Special County Counsel or the municipal prosecutor of the municipality in which a violation has occurred will assist the lead CEHA agency with enforcement of the Air Pollution Control Act and regulations adopted thereunder, as requested by the Health Officer or a designated representative of the lead CEHA agency who is knowledgeable in the area of air pollution control, and will be responsible for the prosecution of all court proceedings.

In all cases of repeated, recalcitrant air pollution control violators in which three or more NOV's have been issued in a one-year period without achieving substantial compliance, the case shall be discussed with the appropriate DEP program to determine the next enforcement action to

be taken in accordance with the SOP and any supplements or amendments thereto. It is essential that enforcement actions serve as an effective deterrent to enhance overall compliance.

For any case that involves a NOV/OS in excess of $10,000, prior written approval to issue the enforcement document must be obtained from the appropriate DEP program.

Personnel:

The maximum effective use of manpower and resumes for air pollution control activities will be employed. The lead CEHA agency shall provide the services of at least one (1) staff with a background in Environmental Science and/or Enforcement to supervise and/or perform the functions outlined under this air pollution control program.

The lead CEHA agency will arrange for the respective training of the air pollution control investigator in the methods for conducting facility inspections and complaint investigations. DEP will also conduct or provide access to training programs to enhance the capabilities of the air pollution control investigator.

Plan of Implementation:

A. The Lead Agency will develop and maintain an inventory of delegated minor and B source facilities.

B. Compile and maintain files and records to support NJDEP and county enforcement activities.

C. In order to ensure coordination of enforcement measures NJDEP shall be notified five days prior to their convening of a settlement conference or taking of court action. In addition, follow-up reports on the outcome of a settlement conference or court action, including the penalty assessment and compliance plan (if applicable) shall be forwarded to NJDEP.

D. The Lead Agency will perform regular inspections of delegated minor and B source facilities for compliance with the New Jersey Air Pollution Control Code and to enforce state laws and/or regulations.

E. The Lead Agency and/or its designated subcontractor shall employ personnel who have training related to air pollution control disciplines, including a minimum, completion of courses entitled "Fundamentals of Air Pollution Control" and "Visual Emission Evaluation" or their equivalent. Re-certification will be required when indicated.

NOISE CONTROL PROGRAM:

The County will implement a Noise Control Program within two years (2006). Mercer County’s workplan will be modified to reflect its implementation.

Appendix A

Interlocal Services Agreement
Part One

WHEREAS, Mercer County is charged with providing or arranging for the provision of environmental health services which meet the performance and administrative standards of 7:lH-2.1 *et seq.*; and,

WHEREAS, the environmental health services shall be administered by a full-time health officer; and,

WHEREAS, the health officer of the County of Mercer appointed pursuant to N.J.S.A. 26:3A2.14 and N.J.S.A. 26:3A2-21 *et seq.* intends to administer the Solid Waste Management program standards (as more particularly described in County Environmental Health Act (CEHA) workplan attached hereto); and,

WHEREAS, the Lead Agency and the Mercer County Improvement Authority (MCIA) desire to memorialize the relationship between the parties and their respective duties and responsibilities toward each other;

NOW, THEREFORE the parties agree to the following:

I. The Mercer County Improvement Authority agrees to enforce the purposes and programs of the Mercer County work plan, attached hereto, as it relates to the Solid Waste Program,

II. The Mercer County Improvement Authority agrees to perform the following duties and responsibilities:

A. Monitor compliance with the rules and regulations of the NJDEP concerning the operation of solid waste facilities and the activities of solid waste collectors and haulers and take any appropriate enforcement action.

B. Enforce the Solid Waste Management Act, N.J.S.A. 13:lE-1 *et seq.* by identifying violators and returning them to compliance as quickly as possible, utilizing the enforcement powers delegated by NJDEP, if necessary. All enforcement efforts shall be coordinated with the Lead Agency and NJDEP with five-day notification to NJDEP prior to the initiation of court action or settlement agreement.

C. Identify solid waste dumping, in violation of N.J.A.C. 7:26-2.2, for prosecution by the Lead Agency or its authorized agent under the direction of County Counsel.

D. Enforce the provisions of the Sanitary Landfill Operations Requirements as specified in N.J.A.C. 7:26-2.5 *et seq.* where applicable, under the supervision of the Lead Agency.

E. Assure that only vehicles registered with the Department and properly displaying their solid waste decals and markings are allowed to haul or dispose of solid waste pursuant to N.J.A.C. 7:26-2.5 and N.J.A.C.-7:26-3.2.

F. Assure compliance with general operational requirements for incinerators, sanitary landfills, transfer stations, processing facilities and resource facilities pursuant to N.J.A.C. 7:26-2.11.

G. Monitor compliance with the collection and haulage requirements in N.J.A.C. 7:26-3.

H. Monitor compliance with the Mercer County Solid Waste Control Plan as approved by NJDEP.

III. Method of inspection.

The purpose of a solid waste facility inspection is to observe and monitor the physical site and facility operations to determine compliance with the established statutes, rules and regulations and conditions of registration. In general, the inspection will be conducted as follows:

A. Upon arrival on site, the inspection shall contact the facility operator or person(s) having primary responsibility for facility operations.

B. The inspector shall observe the activity at the working face/tipping floor for at least one hour.

C. The inspector shall review the facility records for completeness, accuracy, and compliance.

D. The inspector shall walk the site and make general observations.

E. The inspector shall assess the facility operation for compliance with the specific engineering and operational requirements as established in the facility permit. In addition, the general operational requirements should be physically observed and assessed. Those areas of potential violations that require complex methods of measurement or technical expertise not available at the county level will be referred to NJDEP

F. The inspector shall periodically spot check collection/haulage vehicles entering the facility for proper NJDEP registration and for waste type and waste flow regulations compliance.

G. The inspector shall observe all activity and operational requirements whether or not the county has direct enforcement responsibility in those areas. Where enforcement responsibility is not conferred or established, any potential violation observed by the county shall be immediately referred to NJDEP.

H. The inspector is also responsible for identifying, inspecting and providing enforcement assistance with regard to illegal facilities as well as exempt classes of solid waste such as on-site construction debris facility. As a minimum, the inspector shall conduct all inspections and investigation in accordance with the inspection frequency schedule provided within the CEHA work plan.

IV. Incident response:

A. It is recognized that the NJDEP may routinely refer incidents or complaints of violation for response by the Lead Agency or its delegated agent. Such incidents include but are not limited to:

i. landfill fires
ii. complaints of waste spillage
iii. complaints of illegal solid waste activity, or dumping
iv. complaints of violations at solid waste facilities.

B. The Lead Agency shall adhere to the specific incident response procedure established by the DEP. This procedure shall include, among other things, the method for recording the incident, screening the extent of hazard or risk of the incident, assigning staff for response, and follow-up or referral procedures.

C. The Lead Agency shall immediately refer any incident to the NJDEP that represents a significant risk or requires complex methods of measurement or technical expertise not available at the county level.

D. The Lead Agency shall specify the point of contact, and the succession of authority for response in case of an emergency that occurs during other than regular office work hours. This procedure shall be kept updated by the Lead Agency.

Signed, in agreement by:

_____ _____

April Aaronson, Director Date
Mercer County Department of Human Services

_____ _____

Phillip S. Miller, Executive Director Date
Mercer County Improvement Authority

_____ _____

Hansel Asmar, Health Officer Date
Mercer County Office of Environmental Health

Appendix A

IntraCounty Agreements
Part Two

WHEREAS, Mercer County is charged with providing or arranging for the provision of environmental health services which meet the performance and administrative standards of 7:lH-2.1 *et seq.,* and;

WHEREAS, environmental health services shall be administered by a full-time health officer; and;

WHEREAS, the health officer of the County of Mercer appointed pursuant to N.J.S.A. 26:3A2-14 and N.J.S.A. 26:3A2-21 *et seq.* intends to administer the Solid Waste Management program standards (as more particularly described in County Environmental. Health Act (CEHA) work plan attached hereto) by sub delegating enforcement of CEHA HAZMAT Response program standards to the Mercer County Office of Emergency Management. and;

WHEREAS, the Lead Agency and the Mercer County Office of Emergency Management desire to memorialize the relationship between the parties and their respective duties and responsibilities towards the other.

NOW, THEREFORE both parties agree to the following:

I. The Mercer County Office of Emergency Management (MCOEM) agrees to enforce the purposes and programs of the Lead Agency CEHA work plan attached hereto, as it relates to the Hazardous Substances Emergency Response Control Program.

II. In that regard the MCOEM agrees to perform the following duties and responsibilities:

A. Incident Response -

1. The MCOEM shall maintain sufficiently trained personnel who are in compliance with applicable OSHA requirements. These personnel will respond to, and provide NJDEP/Lead Agency requested assistance at the site of any incident, which involves the actual or potential release of toxic or hazardous substances. Such situations will include, but not be limited to, all reports of spills, discharges and other releases into the environment of oil, petroleum products and other hazardous materials from any source or cause, including pipeline or tank ruptures, train derailments, highway accidents, deliberate illegal dumping of waste (whether free flowing or drummed), and releases from residential,, commercial, governmental and industrial sites.

2. When NJDEP receives initial notification of an incident report, the MCOEM will be advised of the details of the incident. NJDEP retains oversight authority to assure that all remedial actions are performed in a manner consistent with all applicable statutes, rules and regulations, orders and policies. At the time of notification, NJDEP will advise MCOEM personnel to proceed in the following manner:

a. MCOEM will be notified of the incident but assistance will not be requested;

b. MCOEM will be notified of the incident and will proceed to the site and provide support to NJDEP as needed. Where both NJDEP and the MCOEM respond to an incident, the MCOEM's response shall be carried out under the direction and supervision of NJDEP to insure coordination of action. In such a case, should NJDEP determine that continued response by the county is unnecessarily, response will be completed by NJDEP without further assistance from the MCOEM;

c. MCOEM will be notified of the incident and will proceed to the site to assess the nature and extent of hazard of the incident. Where authorized by NJDEP the MCOEM will direct all assessment procedures necessary for response. During the performance of these duties, the MCOEM is required to remain in contact with NJDEP regarding all ongoing action.

3. The MCOEM shall specify the point of contact, succession of authority and procedure for response in case of an emergency that occurs during other than regular office work hours.

4. Post incident remedial activities are reserved for NJDEP, unless approved in writing by NJDEP.

B. Incident Investigation:

Investigations will be conducted by the Lead Agency with support by the MCOEM as outlined in the attached CEHA work plan.

III. Program Administration

A. Training -

1. The MCOEM shall maintain its Hazardous Substances Response and Investigation training program to include, but not be limited to, identification of the course areas, total training hours, training needs and budget.

2. The MCOEM will submit to the NJDEP through the Lead Agency annually, a listing of all hazardous response and investigate personnel, along with their Qualifications and training including, but not limited to, respiratory fit-testing certification. The MCOEM shall, also include a listing of all equipment available for emergency response operations.

B. Reporting Requirements -

1. Forms:

a. The MCOEM shall routinely report the results of all incident response and investigations, within an agreed upon number of days of such activity, to the appropriate NJDEP Regional Field Office, with attention to the Region Chief and to the Lead Agency

b. The MCOEM shall report the results of these responses and investigations on approved NJDEP forms or Lead Agency forms, if previously approved by NJDEP.

c. Sufficient quantities of forms will be inventoried and available in the offices of the MCOEM.

2. Monthly performance reports:

The MCOEM shall submit a monthly Interim Report summarizing hazardous substance activities as specified in the CEHA grant requirements.

C. Public Participation:

Where requested, the Lead Agency along with the MCOEM will. assist NJDEP in public participation activities including its planning, decision making and implementation processes. This policy. includes involvement, where appropriate, of elected officials, industry, public interest groups, organizations, response agencies, etc.

D. Coordination Meetings:

At least once every calendar year, the Lead Agency along with the MCOEM and the Mercer County Health Officers' Association shall schedule a coordination meeting with the NJDEP to discuss this Agreement and related issues such as communication, coordination and procedures. Additional meetings may be scheduled by mutual. consent.

E. Enforcement protocols:

The MCOEM agrees to follow the enforcement protocols as more particularly described in Appendix C of this work plan. Cost recovery procedures will be implemented as provided for in the "Emergency Response and Cost Recovery Ordinance for the County of Mercer."

Signed, in agreement by:

_____ _____

April Aaronson, Director Date
Mercer County Department of Human Services

_____ _____

Carl West, Director Date
Mercer County Department of Public Safety
And Emergency Management

Appendix B

Enforcement Protocols

The protocols set forth below are intended to provide a mechanism for the regular and timely consultation and exchange of information between the DEP and Mercer County Office of Environmental Health, the Lead Agency.

1. Inspection/Investigation Reports:

For each Inspection conducted or incident investigated by the Lead Agency or its authorized agent concerning any subject matter that is contained in the work program, the Lead Agency shall ensure that all relevant facts and circumstances, including the existence or absence of all elements necessary to establish a violation, are properly documented in a written report (Investigation Report) on forms provided or approved by DEP. The Lead Agency shall forward copies of each Report to the department within the time frames specified by the DEP. This procedure ensures that all relevant facts are adequately and contemporaneously documented in a uniform manner throughout the State.

2. Enforcement Actions:

Whenever the Lead Agency or its authorized agent identifies a violation of any environmental health law, rule, regulation or ordinance for which the Lead Agency or its authorized agent has been certified by the department to enforce, the Lead Agency or its authorized agent shall issue a Notice of Violation ("NOV") to the alleged violator within 15 days of identifying the violation, including the time of inspection or investigation. A field NOV may also be issued upon immediate identification of the violation. The NOV shall identify the specific statute, rule, regulation or ordinance violated, the non-compliant activity or condition constituting a violation, the date upon which the non-compliant activity or condition must be remedied or abated, and the maximum penalty that may be imposed by law. This minimum information shall be provided in each NOV. Once an NOV is issued, the Lead Agency or its authorized agent may exercise its prosecutorial discretion to pursue a settlement or initiate a civil action seeking appropriate relief. No offer of settlement will be made in cases of violations which are repetitive, egregious in nature; and/or seriously impacted public health or the environment.

3. Penalty Enforcement Notifications:

The Lead Agency shall notify the department at least five working days prior to initiating a settlement hearing or civil action in Superior Court to collect a penalty or seek other relief in connection with any violation. Notice shall be provided by facsimile to the DEP, and may include a list of actions the Lead Agency anticipates initiating over a 30-day period. The prior express approval of the DEP to proceed with a particular enforcement action identified in the five day notice is not required, except the Lead Agency shall refrain from initiating any action at the request of the DEP. Civil or criminal investigations and enforcement actions maybe unwittingly impaired by the initiation of a local enforcement action taken without prior consultation with the department. Accordingly, the purpose of the five-day notice is to provide a mechanism for rou-

tine and timely consultation between the department and the Lead Agency regarding enforcement actions.

The Lead Agency or its authorized agent shall prosecute all violations of any environmental health law, rule, regulation or ordinance identified by the county after the certification date by initiating a civil action.

4. Penalties:

To ensure that the DEP and the Lead Agency or its authorized agent pursue consistent penalty policies, whenever a violation is prosecuted and the Lead Agency seeks to collect a penalty, the Lead Agency shall calculate a penalty based upon the penalty policies and criteria adopted by the department and set forth in Title 7 of the New Jersey Administrative Code. Having determined the appropriate penalty based upon the department's penalty policies, the Lead Agency shall petition the court to impose the penalty so determined. This is not intended to preclude the Lead Agency or its authorized agent from negotiating, settling and compromising any matter on terms and conditions that are consistent, equitable, promote compliance and acceptable to the court. Each settlement shall include, at a minimum, an agreement by the violator to achieve full compliance within a specified period of time that shall be reasonable under all of the circumstances. The terms and conditions of each settlement shall be in writing and may provide for the payment of a penalty that is less than the amount calculated as described above if the DEP concurs that such a penalty reduction is appropriate. Any penalty reductions below those penalties set forth in DEP regulations must meet with DEP approval. The terms and conditions of settlements shall, be treated the same. If a penalty will exceed the threshold of $10,000, the Lead Agency must obtain written DEP approval prior to settling the case or going to court.

5. Reporting:

The Lead Agency shall transmit to the DEP on a quarterly basis the following information regarding actions taken by the Lead Agency or its authorized agent in the preceding quarter:

(1) The number of citizen complaints received and inspections/investigations conducted in response to such complaints and the subject matter of the complaint;

(2) The number of random/periodic inspections conducted on county initiative and the subject matter of the Inspection;

(3) The number and disposition of inspections/investigations conducted pursuant to a referral. from the department, and the subject matter of the Inspection;

(4) The number and disposition of enforcement actions initiated for each subject area contained in the work program;

(5) The amount of revenue collected from penalties pursuant to any environmental health statute, rule or ordinance;

(6) The amount of revenue collected from fees imposed pursuant to any environmental health statute, rule and ordinance.

(7) A summary of any litigation arising out of the work program in which the Lead Agency or its authorized agent is a named defendant.

Appendix D

Table of Organization

Appendix E

DRAFT

EMERGENCY RESPONSE AND COST RECOVERY ORDINANCE FOR THE COUNTY OF MERCER

WHEREAS, by Ordinance #_____, the County designated the «COUNTY» County Health Department as the County entity for administration of the County Environmental Health Act Program, pursuant to N.J.S.A. 26:3A2-21 et seq. (CEHA) and, by Resolution #_____, authorized preparation and submission to the Department of Environmental Protection (DEP) of a County Environmental Health Work Plan; and

WHEREAS, the DEP by order dated _____, certified approval of the County Plan for air, water, noise, hazardous materials emergency response and solid waste environmental enforcement; and

WHEREAS, the County Executive, through the «COUNTY» County Health Officer and Health Department. has recommended adoption of an ordinance to establish standard procedures and provisions for the recovery from the responsible party of costs of responses to hazardous materials emergency spills and situations resulting from unpermitted discharges; now, therefore, be it

ORDAINED, by the «COUNTY» County Board of Chosen Freeholders that:

1. The «COUNTY» County Emergency Response Cost Recovery Ordinance is as follows:

Section I - Authority:

This Ordinance is enacted pursuant to and consistent with the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., and the rules and regulations adopted thereunder.

Section II - Purpose:

The unauthorized and unpermitted discharge of a hazardous substance within the jurisdictional confines of the County of «COUNTY» is prohibited. This Ordinance establishes procedures and protocols for emergency response and provides for the recovery of costs incurred by the County of «COUNTY» and its agents in an emergency response action to unauthorized and unpermitted discharges and, as such, supplements the provisions of the «COUNTY» County Environmental Health Work Plan as approved by the DEP.

Section III - Definitions:

The words and terms used in this ordinance shall have the following meaning:

"Agents of the County" shall include, for purposes of this ordinance, a municipality, public entity, or other entity which executes an interlocal services agreement with the County pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-l et seq. , for the purpose of providing emergency response services within the geographical boundaries of the County, provided such agreement is incorporated into the County's Work Plan pursuant to N.J.S.A. 26:3A2-33.

"County" means the County of «COUNTY», its employees. agents, officers and officials.

"Department" means the New Jersey Department of Environment Protection.

"Discharge" means an intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective State or Federal permit, resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the waters or onto the land of the County, or into waters outside the County, or into waters outside of the County when damage may result to the lands, waters or natural resources within the jurisdiction of the County. This definition does not include any "leak."

"Emergency response action" means any action taken by the County, its employees, agents or contractors in response to a discharge or threatened discharge of a hazardous substance for the purpose of: (1) investigating its cause, source or effect; (2) conducting or overseeing a remedial action; (3) initiating any action to prevent or mitigate any risk or threat to public health, safety or welfare arising out of a discharge; and (4) to prevent or mitigate any damage or injury to public or private property or natural resources.

"Emergency response action costs" means all costs reasonably incurred by the County of «COUNTY», its employees, agents and contractors in connection with an emergency response action, including overtime costs for appropriately deployed emergency response personnel and expendable items. Excluded are costs to pay volunteer responders and costs associated with fire fighting.

"Expendable items" means any items used to prevent, mitigate or contain any discharge or threatened discharge, which cannot be reused or replenished or replaced without cost after use or employment in an emergency response action. Expendable items shall include. but are not limited to, chemical extinguishing agents, absorbents and absorbent materials, sand, recovery drums, protective equipment and clothing, including such items as disposable chemical protective suits, gloves, boots, and goggles. Items not compensable include those items typically em-

ployed to fight fires and not to mitigate a discharge.

"Hazardous substances" means all substances included within the definition of "hazardous substances" under N.J.A.C. 7:1E-1.7, including all amendments and supplements thereto.

"Municipality" means any of the incorporated municipalities within the County of «COUNTY», including their employees, officers and officials.

"Leak or leaking" means any escape of a hazardous substance from the ordinary containers employed in the normal course of storage, transfer, processing or use into a secondary containment or diversion system or onto a surface from which it is cleaned-up and removed prior to its escape into the waters or onto the lands of the State.

"Owner or operator" means, with respect to a vessel any person owning or operating or chartering by demise such vessel; with respect to any facility or vehicle. any person or owner operating such facility or vehicle, whether by lease, contract or any other form of agreement; with respect to abandoned facilities or vehicles the person who owned or operated the facility or vehicle immediately prior to such abandonment; the owner or operator at the time of the discharge.

"Person" means any entity or natural person, including without limitation, any of the following; public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, interstate subdivisions or agents, the State of New Jersey and any of its political subdivisions or agents.

"Responsible party" means a person who is in any way responsible for discharge, including each owner and operator and any other person obligated by law to clean up and remove contaminants.

Section IV - Prohibition:

The discharge of a hazardous substance is prohibited, except this prohibition shall not apply to discharges conducted in compliance with the conditions of valid Federal or State permit or otherwise authorized, by law.

Section V - Notification:

Any person who is in any way responsible for a discharge of a hazardous substance shall immediately notify the department pursuant to N.J.A.C. 7:lE-5.3.

Section VI - Liability:

Any person who is in any way responsible for the discharge of a hazardous substance is liable strictly, jointly and severally for all emergency response action costs reasonably incurred by the County, its agents, employees, and contractors, and any personal or property damage incurred by the county, its agents, employees and contrac-

tors.

Section VII - Emergency Response:

The County may initiate and conduct an emergency response action in response to a discharge that has occurred, is occurring or threatens to occur within the geographical boundaries of the County, in accordance with the provisions of the department's Order of Certification dated _____.

Section VIII - Cost Recovery:

a. The County may recover all costs reasonably incurred by the County, its employees, agents and contractors in connection with an emergency response action, including the overtime costs of appropriately deployed emergency response personnel costs incurred by the County in the recovery of these costs, and the costs of expendable items.

b. Whenever the County seeks to recover costs pursuant to a., above, the County shall send by certified and regular mail a demand letter to the responsible party or parties, which shall contain:

1. The date and time of the discharge;

2. The basis for liability;

3. A detailed narrative description of the costs incurred by the County, its employees, agents, contractors and authorized political subdivisions in responding to the discharge;

4. A calculation sheet, including hours and personnel charged, salary rates and any overhead rates;

5. An explanation of the procedures to be followed to pay the costs demanded or to appeal the demand.

Payment shall be remitted within 45 days of receipt of the demand letter.

c. Whenever the County issues a demand letter to a responsible party and the responsible party fails to remit payment within 45 days as prescribed herein, the County may bring an action in a court of competent jurisdiction to recover the costs incurred in the emergency response action, reasonable litigation costs and interest on the outstanding amount due calculated from the 46th day following the receipt of the demand letter to the date judgment is rendered at the interest rate set forth in the Rules Governing the Courts of New Jersey.

Section IX - Inspection, Right of Entry:

Authorized representatives of the County shall have the same right as an authorized representative of the department to enter and inspect any premises, facility, site, vessel, or building when there is an emergency condi-

tion, for the purpose of ascertaining compliance or non-compliance with the provisions of this ordinance and the provisions set forth at N.J.A.C. 7:1E-l et seq.

Section X - Construction and Severability:

a. This ordinance is to be liberally construed to effectuate the purposes herein described. Nothing herein is to be construed as repealing or abridging the emergency powers of any agency of government except to the extent expressly set forth herein.

b. This ordinance shall be implemented and enforced in accordance with the terms and conditions herein set forth, the County Plan and the department's Order of Certification dated _____.

c. If any section, subsection, paragraph, sentence, clause, phrase, or word contained in this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect.

d. This ordinance shall be deemed to include any additions or amendments that may be required by the Commissioner of the Department of Environmental Protection as a condition of approval.

Section XI - Repealer:

Any ordinance or portion thereof enacted by the County, any municipality, board of health, or other public entity within the County of «COUNTY» that contains any subject matter governed by this ordinance, which is consistent with or which stands as an obstacle to the effective implementation of this ordinance shall be superseded by this ordinance and is hereby repealed and set aside.

Section XII - Effective Date:

This ordinance shall take effect after public hearing and 90 days after final adoption by the Board of Chosen Freeholders unless disapproved by the Commissioner of the Department of Environmental Protection within said period pursuant to N.J.S.A. 26:3A2-27.

2. A public hearing on this ordinance shall be held at _____.

3. The Clerk of the Board is hereby directed to publish and distribute this ordinance in accordance with law.

4. Copies of this ordinance upon adoption shall be forwarded to: _____

_____

within five working days after adoption, a certified copy shall be mailed to Bradley Campbell,

Commissioner, Department of Environmental Protection, P.O. Box 402, Trenton, New Jersey 08625-0402.

APPENDIX F

Pending Interlocal Service Agreement with the Mercer County Improvement Authority

Appendix G

Pending Interlocal Service Agreements with the Hazmat Teams in:

- **Hamilton Township**
- **Trenton City**
- **West Windsor Township**

Appendix D

STANDARD OPERATING PROCEDURE
FOR
CEHA DELEGATED SOLID WASTE ENFORCEMENT ACTIVITIES

Amended September 29, 2004

I. **Purpose**:

The purpose of this standard operating procedure (SOP) is to provide clear direction to all certified county health agencies in specific aspects of the investigation and prosecution of all solid waste enforcement actions taken under the authority of:

- County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq. and the administrative rules written thereunder, N.J.A.C. 7:1H-1 et seq.

- Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the administrative rules written thereunder N.J.A.C. 7:26-1 et seq. and N.J.A.C. 7:26A-1 et seq.

Specifically, this procedure will delineate DEP and CEHA solid waste enforcement authorities and obligations; will define how and when these authorities may be subcontracted; will identify the categories of solid waste enforcement actions the certified county health agencies are authorized to take; and will detail how penalties and fees are to be assessed, settled and accounted for. The goal of this procedure is to ensure that CEHA actions are consistent with the Department's procedures and among the counties to the maximum feasible extent and, as such, are equitable and legally defensible.

II. **Delegation of Authority**:

The CEHA statute authorizes the Commissioner of the Department of Environmental Protection to "delegate the administration of one or more aspects of the environmental health laws of this State or of the rules adopted thereto" to a "certified local health agency." The Order of Certification issued by the Department specifies the environmental laws delegated to the certified county health agency and the programs it is authorized to administer. The certified county health agency must also submit a comprehensive work program for Department approval which, among other things, describes the solid waste enforcement and other activities it proposes to undertake and demonstrates its ability to meet the administrative and performance standards set forth in the rules. In some cases, the certified county health agency administering the delegated authorities under CEHA may choose to subcontract some activities to other local governmental agencies, which then serve as "subcontractors" to the certified county health agency. Such arrangements may be authorized by the Department for a variety of media areas, including solid waste enforcement, provided that the following conditions are met:

A. The certified county health agency shall retain ultimate control and responsibility for the proper implementation of the CEHA program within the county. All administrative responsibilities shall be under the direct supervision of the health officer of the certified agency. The health officer or a designated representative employed by the certified agency shall assign work to staff, approved CEHA subcontractors, and refer cases to legal counsel. The certified agency shall be ultimately responsible for ensuring that

notifications to the Department are provided in accordance with notification guidelines document issued by the Department on January 6, 2000.

B. The certified county health agency shall, in the work program submitted to the Department, identify each subcontractor that will perform solid waste enforcement functions, their respective qualifications, and the specific nature and scope of activities to be performed by each subcontractor.

C. The certified county health agency must execute a written agreement with each subcontractor providing solid waste enforcement services as described in the work program and including such terms as may be necessary to ensure accountability, effective coordination and efficient delivery of subcontracted solid waste enforcement services. Such agreements require written Department approval prior to implementation.

D. The certified county health agency may subcontract with other governmental agencies within the county and their paid employees. In no case shall any solid waste enforcement authority be provided to, or appear to be assumed by, any private party. The Department reserves the exclusive right to approve or reject any subcontracting agency. In the case of rejection, the Department shall notify the certified county health agency in writing within ten business days of the reasons for the rejection, as well as remedial measures that the subcontractor may take to gain Department approval.

E. The certified county health agency's authority to enforce provisions of the Solid Waste Management Act are limited to the inspection and/or investigation of and issuance of enforcement actions against, authorized and unauthorized solid waste facilities, solid waste transporters, recycling facilities, compost operations and the investigation of citizen complaints within the agency's county borders. In addition, the certified county health agency is authorized to enforce its county's Solid Waste Management Plan (Plan), as approved by the Department. Such enforcement may include transportation routes and waste flow. CEHA authorized enforcement staff may perform investigations beyond the certified agency's county borders to verify compliance with its county's Solid Waste Management Plan and take enforcement actions against New Jersey solid waste facilities and transporters violating a county's Plan.

F. Each certified county health agency and its approved subcontractors are authorized to inspect daily records maintained by New Jersey permitted solid waste facilities during normal working hours (N.J.A.C. 7:26-2.13(b)). These records may also be reviewed at Department Headquarters, Bureau of Resource Recovery and Technical Assistance.

III. **Department and Bureau of Solid Waste Compliance and Enforcement (BSWCE) Authority to Oversee CEHA Solid Waste Enforcement Activities**.

Under the CEHA statute and rules, the Department has the ultimate authority and responsibility over all certified county health agencies. The Department realizes that there is some variation between the counties in terms of types of solid waste violations and violation frequency. Nevertheless, the Department strives to maintain consistency among the counties in how State solid waste rules are enforced. This consistency is vital to any good enforcement program to avoid the appearance of

selective enforcement that could undermine enforcement efforts and to ensure fairness. Consistency is best achieved by careful coordination between BSWCE and the certified county health agencies. Therefore, the following requirements apply to all CEHA solid waste investigations and enforcement actions:

A. Only those solid waste investigations and inspections specified in the approved work program may be performed by the certified county health agency. Any and all solid waste investigations and actions that are overly complex or political in nature shall be immediately brought to the attention of the Bureau Chief or applicable supervisor for their determination of appropriate enforcement action. If there is any uncertainty about the appropriateness of a certified county health agency to continue a solid waste investigation or issue an enforcement action, the BSWCE CEHA coordinator's decision on how the case should proceed is final.

B. If an investigation reveals solid waste violations that require further enforcement action, the certified county health agency is authorized to issue an enforcement action to the violator. For violations of delegated CEHA solid waste laws that have adopted "grace period" rules, a Notice of Violation (NOV) shall be issued, either in the field, or sent via certified mail to the facility. A follow-up inspection shall be conducted after the appropriate compliance period. When a follow up inspection for an NOV indicates continued non-compliance, an NOV/OS (Notice of Violation/Offer of Settlement) or a court summons and complaint may be issued depending on the severity of the violation and the violator's history of non-compliance. To ensure consistency, the Department requires that all NOVs, NOV/OSs, and a court summons and complaint for solid waste violations be on the Department-supplied form to ensure that all required information and warnings are included in the NOV.

C. Certified county health agencies shall not rely on the public health nuisance code for citing significant environmental violations that are identified during the course of CEHA delegated inspections or investigations and instead shall use the Solid Waste Management Act and the regulations adopted thereunder. If there is any question about the appropriateness of using the nuisance code, or any other environmental statute or regulation, the certified county health agency should contact the BSWCE CEHA coordinator for guidance prior to issuing the violation.

D. All CEHA agencies and their subcontractors are required to notify the BSWCE CEHA coordinator in writing of all solid waste enforcement actions. In the case of NOVs, the Department requires a fax copy within five calendar days of issuance. The BSWCE CEHA coordinator shall be notified by fax or phone prior to the issuance of an NOV/OS document. If the certified county health agency contemplates issuing a court summons, the BSWCE CEHA coordinator shall be notified by fax or phone a minimum of five calendar days prior to issuance. In no case shall a NOV/OS or court summons be issued until BSWCE CEHA coordinator notification is confirmed. Such notice is essential to the Department's ability to oversee CEHA activities and ensure that cases are not undermined by overlapping and inconsistent actions.

E. In all cases of repeated, recalcitrant solid waste offenders, where the issuance of three NOVs within a one year period has failed to achieve substantial compliance, the case

shall be discussed with the BSWCE CEHA coordinator to determine the next appropriate enforcement action to take. The referral to the BSWCE shall be made within five calendar days following a determination of non-compliance with the third NOV, but not more than twenty calendar days after the issuance of the third NOV. A written case summary shall accompany the referral, including a synopsis of the case history, and copies of all evidence, NOVs and inspection forms.

F. Certain classes and types of violations fall under the Department's grace period regulations where a prescribed amount of grace days are allowed for the violator to achieve compliance, and these regulations may be used when appropriate. Also, certain classes and types of violations fall under the Department's base penalty regulations and these regulations may be used when appropriate. However, violations that do not fall under the grace period or base penalty regulations may be assessed using the Department's solid waste regulations, which includes a penalty matrix for determining penalties based on the severity of the offense and violator's conduct.

IV. **Penalties and Fees:**

All penalties and fees resulting from solid waste enforcement activities and violations shall be consistent with applicable Department solid waste rules, specifically:

A. To ensure consistency, all NOV/OS penalties assessed under delegated solid waste management laws shall be calculated according to the penalty schedule, matrix and criteria found in the solid waste regulations. In no case shall any NOV/OS containing a penalty in excess of $10,000 be issued without prior written approval from BSWCE.

B. For waste flow penalty calculations, refer to the Department's Solid Waste Regulations. Currently there is no base penalty for these violations and therefore the penalty matrix must be used to determine the appropriate penalty. Sometime in early 2005 the Department will adopt a Grace Period Law which will include base penalties for waste flow violations. Currently the base penalties listed in the rule proposal are $3,000 for violating N.J.A.C. 7:26-3.4 (m) and N.J.A.C. 7:26-6.12 (b). These penalties may be settled, as appropriate, in accordance with Section V. below.

C. Except as provided for below, all penalties and fees collected pursuant to CEHA delegated solid waste laws shall be deposited into the Environmental Quality & Enforcement Fund (EQEF) established by each certified county health agency, and dedicated exclusively to the support of the CEHA program. CEHA penalties cannot be used for solid waste debt relief. In waste flow penalty enforcement cases, two checks shall be required for 1. The penalty amount made payable to the certified county health agency for deposit into the EQEF; and 2. The reimbursement to the county for lost solid waste revenues due to bypassing the county's waste flow system (i.e. solid waste debt relief). A complete accounting of all penalty and fee collections and expenditures shall be submitted to the Department with each CEHA quarterly activity report.

D. A certified county health agency may initiate an enforcement action in the court of "competent jurisdiction," which under the Solid waste Management Act may be the Superior County or the municipal court in whose jurisdiction the solid waste violation

occurred. The Superior Court, however, has the inherent power to grant most forms of requested relief, including injunctive relief to contain the environmental impacts of serious violations. It is essential for all certified county health agencies to consult with county counsel or the municipal prosecutor having jurisdiction to determine which environmental statutes and ordinances apply to an enforcement situation and the proper judicial forum.

V. **Settlements:**

In many solid waste cases, a responsible party may be provided an opportunity to discuss the penalty assessment and negotiate a settlement amount with the certified county health agency. All certified county health agencies are authorized to negotiate solid waste penalty settlements provided that the following requirements are met:

A. Prior to any settlement negotiations, substantial compliance should be attained, or a realistic schedule for achieving compliance should be agreed upon and incorporated into the settlement document. All settlement agreements must be memorialized in writing. Repetitive violators or cases in which violations are considered egregious in nature shall not qualify for settlement meetings.

B. The CEHA health officer or a designated representative of the CEHA agency will conduct the settlement meeting. County counsel or the municipal prosecutor cannot be designated to independently settle any matter delegated under CEHA. Counsel need not be present at the settlement meeting unless the certified county health agency requests their assistance.

C. The certified county health agency shall notify the BSWCE CEHA coordinator of any settlement conference concerning solid waste violations 5 calendar days prior to the conference. At the settlement conference, the certified county health agency may accept a settlement offer of 25% less than the original penalty without prior Department approval. If the certified county health agency desires a settlement reduction in excess of 25% of the original penalty, the certified county health agency shall submit a written (or E-mail) justification to, and obtain written approval from, the BSWCE CEHA coordinator prior to offering the reduced settlement to the violator. The outcome of all settlement conferences and negotiations shall be reported to the BSWCE CEHA Coordinator within five days of the date of settlement.

VI. **Reporting**

All reporting of solid waste activities, including:

- enforcement actions
- penalties assessed, collected and expended
- inspections
- complaint investigations
- waste flow investigations
- enforcement fees collected and expended (if applicable)

- settlement meetings
- court actions

shall be conducted in accordance with applicable departmental statutes and rules, policies and procedures, CEHA certification order, and annual CEHA grant agreement. The frequency of such reporting is specified in the annual grant agreement.

In addition, the BSWCE CEHA coordinator is to be provided with copies of all enforcement actions such as NOVs, NOV/OSs, and court summons and complaint . In addition, copies of the supporting documents for these actions are to be provided including investigation reports, inspection reports, facility correspondence, etc. The submission of enforcement documents with supporting documents should be made on a monthly basis or sooner.

VII. **Termination or Suspension of CEHA Certification**

The Department retains the authority to suspend or terminate the delegation of the CEHA solid waste control program if a CEHA certified agency is found to significantly deviate from the terms of the Order of Certification, the approved CEHA work program, and/or the annual CEHA grant agreement and fails to correct the issues of concern to the Department within the specified time frame.

Attachment

Appendix #1 to Standard Operating Procedure for
CEHA Delegated Solid Waste Enforcement Activities

Guidance on Referring Certain Solid Waste Violators to NJDEP for Possible A-901 Approval Revocation or Non-Renewal of Solid Waste Licenses

An important component to an effective enforcement program is deterrence to prevent violators from becoming repeat offenders. The issue of deterrence is of particular concern in the solid waste enforcement program when violators may realize an economic benefit over their competitors who have elected to spend money to maintain compliance with applicable solid waste laws. It is essential to deter violators who find it less costly to incur violations and pay penalties as part of the cost of doing business.

NJDEP has a powerful tool available to assist its CEHA solid waste partners to address repetitive violators and violators who do not pay penalties, which is to disqualify solid waste transporters from renewing their solid waste licenses, by way of revocation of their A-901 Approval.

The Department is therefore establishing procedures in this guidance document for its CEHA partners on referring violators to the Department who have established a pattern of repeated noncompliance and/or significant nonpayment of penalties within stipulated timeframes.

Non-Renewal of Solid Waste Registrations - Decals & Additions

The Department may determine that a solid waste transporter who is renewing registration certificates and decals or is seeking additions to their registration is a potential candidate for disqualification from the process, resulting in possible non-renewal and registration revocation for the following:

1. Any of the disqualifying reasons set forth in N.J.A.C. 7:26-16.8 and 16.9;

2. Violation of any applicable provision of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., this chapter, any administrative order issued by the Department, or any environmental protection statute of this State; or

3. A pattern of violations of the environmental protection statutes or regulations of this or any other State or of the United States.

County health agencies and their solid waste subcontractors certified under CEHA should refer violators who are significantly delinquent in making penalty payments to their agency and have not demonstrated any good faith efforts to comply or make payments, or who are demonstrating a significant pattern of non-compliance to the Department's Office of Local Environmental Management (OLEM). The following information must be submitted:

- Name and address of violator
- Trade name(s), if applicable
- NJDEP Solid Waste ID number

- Description of non-compliance, with numbers of violations and citations found over previous 24-month period
- Amount of penalties assessed, collected, and due.
- Copies of any court orders or signed settlement agreements indicating penalties assessed.

Revocation of A-901 Approval

This approval allows persons to engage in the collection, transportation, treatment, storage, transfer or disposal of solid or hazardous waste in this State. (N.J.S.A. 13:1E-126 et seq.; N.J.A.C. 7:26-16 and 16A).

In order to maintain this approval, the A-901 applicant or permittee must exhibit "sufficient integrity, reliability, expertise, and competency...." N.J.A.C. 7:26-16.8(a).

It is the Department's position that a violator who fails to pay substantial penalties assessed by a court of competent jurisdiction or through a signed settlement agreement, and has not made any good faith efforts to make payments or admits guilt of the same or similar repetitive violations of solid waste laws demonstrates that the A-901 applicant or permittee does not exhibit the traits described in the paragraph immediately above and thus, could be subject to revocation of his or her A-901 approval by the Department.

Only the Department can revoke an A-901 approval. County health agencies and their solid waste subcontractors certified under CEHA should refer egregious violators who demonstrate a significant pattern of non-compliance to OLEM to consider for revocation proceedings. County agencies should be mindful that both the Department and the Attorney General's Office will expend considerable resources to initiate revocation proceedings, so only the worst offenders should be submitted for consideration. The following information must be submitted to OLEM:

- Name and address of violator
- Trade name(s), if applicable
- NJDEP Solid Waste ID number
- Numbers and citations of solid waste violations found over previous 12-month time period
- Amount of penalties assessed and amount collected
- Total amount of penalties due to the CEHA agency
- Copies of any court orders or signed settlement agreements.

The mailing address for OLEM is:

NJDEP-Office of Local Environmental Management
PO Box 422
401 E State St, 4th floor
Trenton, NJ 08625

February 20, 2004

The CEHA Coordinator for the Department's Bureau of Solid Waste Compliance & Enforcement is:

Michael Gage
Tel: (609) 584-4180
Email: **michael.gage@dep.state.nj.us**
Fax #: (609) 588-2444

If Mike is unavailable, please speak to the BSWCE Duty Officer at the number indicated above.

Appendix E

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-1.7(b)	Failure of owner or operator of any facility exempted under N.J.A.C. 7:26-1.7 to comply with all conditions set forth in its certificate of authority to operate.	$3,000	M	30
7:26-2.7(b)1	Failure of permittee to apply for a permit renewal at least 90 days prior to the expiration date of the existing SWF permit.	$3,000	M	30
7:26-2.8(b)	Failure of permittee to submit a statement updating the information contained in the initial registration statement.	$3,000	M	30
7:26-2.8(c)	Failure of permittee to notify the Department within 30 days of any change of information in the registration statement.	$3,000	M	30
7:26-2.8(e)	Failure to apply and receive approval of a SWF permit prior to engaging in the disposal of solid waste in this State	$5,000	NM	
7:26-2.8(f)	Failing to obtain a SWF permit prior to constructing or operating a solid waste facility.	$5,000	NM	
7:26-2.8(j)	Failure to meet all conditions, restrictions, requirements or any other provision set forth in SWF permit.	$3,000	M	30
7:26-2.8(k)	Failure to receive Department approval prior to modifying, revising or otherwise changing a permit condition.	$3,000	M	30
7:26-2.8(l)	Failure to receive Department approval prior to transferring ownership of a SWF permit.	$5,000	NM	
7:26-2.11(b)1	Failure of operator to clean areas where waste has been deposited or stored within each 24 hour period, for sanitary landfills all areas where waste has been deposited shall be covered.	$3,000	M	1
7:26-2.11(b)10	Failing to ensure waste is not received in excess to the system's designed capacity.	$4,500	NM	
7:26-2.11(b)11	Failure to operate the facility in a manner that employs the use of equipment and other techniques as identified in the facility's SWF permit.	$3,000	M	30
7:26-2.11(b)12	Failure to maintain an approved O and M manual at the facility, changes to be submitted, at a minimum, on an annual basis	$3,000	M	30
7:26-2.11(b)2	Failure to ensure any waste stored overnight at any facility is effectively treated to prevent odors associated with putrefaction.	$3,000	M	30
7:26-2.11(b)3	Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.	$3,000	M	30
7:26-2.11(b)4	Failure to implement dust control methods.	$3,000	M	30
7:26-2.11(b)5	Failure to ensure no odors of sufficient strength and duration to be injurious to human health or unreasonably interfere with the enjoyment of life or property are detected off-site.	$4,500	NM	
7:26-2.11(b)6	Failure to maintain all facility systems in a manner that facilitates proper operation and minimizes system downtime.	$4,500	NM	
7:26-2.11(b)7	Failure to maintain an adequate water supply and adequate fire-fighting equipment.	$5,000	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-2.11(b)8	Failure to control insects, other arthropods and rodents.	$4,500	NM	
7:26-2.11(b)9	Failure to comply at all times with the conditions of SWF permit.	$3,000	M	30
7:26-2.11(c)1	Failure to admit only properly registered solid waste vehicles for loading or unloading of any solid waste.	$4,500	NM	
7:26-2.11(c)2	Failure to designate a secure area where solid waste may be unloaded from vehicles exempt from registration under N.J.A.C. 7:26-3.3.	$4,500	NM	
7:26-2.11(c)3	Failure to designate a secure area where unpermitted waste can be deposited.	$4,500	NM	
7:26-2.11(c)4	Failure to maintain a record of the quantity of each waste type accepted for disposal.	$5,000	NM	
7:26-2.11(c)5	Failure to provide a means of cleaning vehicle tires of debris.	$3,000	M	30
7:26-2.12(b)	Failure of generators of asbestos containing waste materials to submit a complete written notification of intent to demolish, 10 days prior to beginning the demolition activity.	$4,500	NM	
7:26-2.12(c)	Failure of generators of asbestos containing waste material to submit a complete written notification of intent to renovate, 10 days prior to beginning the renovation activity.	$4,500	NM	
7:26-2.13(a)1-6	Failure to maintain a daily record of waste received.	$3,000	M	30
7:26-2.13(a)7	Failure to maintain a daily record of asbestos waste and make appropriate submittals.	$3,000	M	30
7:26-2.13(a)8	Failure to install or operate scales or keep records.	$3,000	M	30
7:26-2.13(c)1	Failure of facility operator to verify the O and D form.	$4,500	NM	
7:26-2.13(e)	Failure to timely submit complete monthly summaries of waste to the Department and the District Solid Waste Coordinator.	$3,000	M	30
7:26-2.14(j)	Failure of SWFPPA permittee to prepare and submit a complete annual progress report.	$3,000	M	30
7:26-2.14(k)	Failure of SWFPPA permittee to conduct a complete facility wide benchmark audit not less than once every five years.	$3,000	M	90
7:26-2A.8(b)1	Failure to confine working face to the smallest practical area.	$4,500	NM	
7:26-2A.8(b)2	Failure to compact waste to yield smallest volume.	$3,000	M	30
7:26-2A.8(b)3	Failure to compact waste in shallow layers; or compacting waste over leachate collection pipes per N.J.A.C. 7:26-2A.7(d)3xiv.	$4,500	NM	
7:26-2A.8(b)4	Failure to ensure lift height of daily cell does not exceed 12 feet.	$4,500	NM	
7:26-2A.8(b)5	Failure to ensure slope is no steeper than 3:1. Failure of balefill operations to comply with working face requirements.	$4,500	NM	
7:26-2A.8(b)6	Failure to obtain department approval of separate areas for storage of demolition waste or recyclable materials.	$3,000	M	30
7:26-2A.8(b)7	Failure to cover exposed surfaces of solid waste at close of each operating day with daily cover.	$4,500	NM	
7:26-2A.8(b)8	Failure to progressively apply daily cover.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-2A.8(b)9	Failure to apply intermediate cover (a minimum of 12 inches of earth) to surfaces exposed more than 24 hours.	$4,500	NM	
7:26-2A.8(b)10	Failure to maintain grade, thickness and integrity of intermediate and final cover.	$4,500	NM	
7:26-2A.8(b)11	Failure to grade areas with intermediate cover to facilitate drainage.	$4,500	NM	
7:26-2A.8(b)12	Failure to use appropriate daily and intermediate cover materials; not maintaining sufficient quantity of cover at site; not maintaining standby supply of cover within boundaries.	$4,500	NM	
7:26-2A.8(b)13	Failure to construct final cover in accordance with N.J.A.C. 7:26-2A.7(i) and to apply it to all surfaces.	$4,500	NM	
7:26-2A.8(b)20	Failure to maintain sufficient types and quantities of equipment to adequately meet the requirements of N.J.A.C. 7:26-2A.8(b)7 through (10).	$4,500	NM	
7:26-2A.8(b)21	Failure to maintain steel wheel type compactors of at least 45,000 pounds.	$3,000	M	30
7:26-2A.8(b)22	Failure to equip landfill equipment with safety devices.	$5,000	NM	
7:26-2A.8(b)23	Failure, in the case of breakdown of equipment, to repair or obtain replacement within 24 hours; or to include a maintenance contract in O & M plan.	$4,500	NM	
7:26-2A.8(b)24	Failure to limit access for disposal to operating hours only.	$4,500	NM	
7:26-2A.8(b)25	Failure to secure landfill with a six-foot high chain link fence.	$4,500	NM	
7:26-2A.8(b)27	Failure to maintain all weather road to working face.	$4,500	NM	
7:26-2A.8(b)28	Failure to control litter.	$3,000	M	30
7:26-2A.8(b)29	Failure to control dust by spraying water or equivalent.	$3,000	M	1
7:26-2A.8(b)30	Failure to eliminate emissions which result in odors detectable in areas of human use or occupancy beyond boundary line; or to control the odors by use of daily cover; or to immediately cover odorous waste with minimum six inches of cover.	$4,500	NM	
7:26-2A.8(b)31	Failure to control the off-site tracking of mud and soil.	$3,000	M	30
7:26-2A.8(b)32	Failure to minimize the propagation and harborage of insects, rodents, and birds.	$4,500	NM	
7:26-2A.8(b)33	Failure to protect all monitoring devices and environmental systems from damage.	$5,000	NM	
7:26-2A.8(b)37	Failure to have supervisor on site in order to ensure proper operation, evaluate monitoring data and inspection reports, determine performance of landfill, implement all operational decisions and ensure compliance with N.J.S.A. 13:1E-1 et seq., this chapter and the SWF Permit.	$5,000	NM	
7:26-2A.8(b)38	Failure to ensure that landfill personnel complete a program of on-the-job training.	$3,000	M	30
7:26-2A.8(b)39	Failure to ensure that landfill personnel complete initial training program within six months after the date of their employment.	$3,000	M	30

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-2A.8(b)40	Failure to ensure that landfill personnel take part in annual update of initial training program.	$3,000	M	30
7:26-2A.8(b)41	Failure to keep records of training received by personnel until closure.	$3,000	M	30
7:26-2A.8(c)	Failure to maintain environmental control systems in functioning manner, or to inspect them.	$5,000	NM	
7:26-2A.8(d-e)	Failure to perform inspections required by N.J.A.C. 7:26-2A.8(c) on a weekly basis and after storm events, and comply with recordkeeping requirements.	$4,500	NM	
7:26-2A.8(f)	Failure of operator to make repairs in accordance with N.J.A.C. 7:26-2A.8(b)28 and O & M manual, if deterioration or malfunction occurs.	$4,500	NM	
7:26-2A.8(g)	Failure to maintain and inspect sanitary landfill according to requirements.	$4,500	NM	
7:26-2A.8(h)	Failure to monitor in accordance with parameters and schedules.	$5,000	NM	
7:26-2A.8(i)	Failure to submit an annual topographic survey prepared according to N.J.A.C. 7:26-2A.8(i)1 through 4 by May 1 of each year.	$3,000	M	30
7:26-2A.8(j)1	Failure to obtain written approval of the Department prior to disruption/excavation.	$4,500	NM	
7:26-2A.8(j)3	Failure to keep area of excavation consistent with amount of equipment, and to keep excavation to smallest practical area.	$4,500	NM	
7:26-2A.8(j)4	Failure to control dust, odors, fires, rodents, insects, blowing litter.	$4,500	NM	
7:26-2A.8(k)6	Failure to repair any disruption of finished grade or covered surface upon completion of firefighting activities.	$4,500	NM	
7:26-2A.8(l)	Failure to comply with asbestos waste disposal requirements.	$4,500	NM	
7:26-2B.7(b)	Failure of solid waste composting and co-composting facility to comply with quarterly report requirements.	$3,000	M	30
7:26-2B.7(d)	Failure of solid waste composting and co-composting facility to comply with training requirements; Access to facility prohibited when facility is closed.	$4,500	NM	
7:26-2B.7(e)	Failure of solid waste composting and co-composting facility to monitor temperature of composting materials to ensure pathogen reduction criteria are met.	$4,500	NM	
7:26-2B.7(f)	Failure of solid waste composting and co-composting facility to comply with incoming waste processing timeframes and requirements.	$4,500	NM	
7:26-2B.7(g)	Failure of solid waste composting and co-composting facility to ensure incoming, unprocessed waste is not mixed with finished compost.	$4,500	NM	
7:26-2B.7(h)	Failure of solid waste composting and co-composting facility to comply with 15 month finished compost storage requirement.	$3,000	M	30

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-2B . 7(i)	Failure of solid waste composting and co-composting facility to comply with recordkeeping requirements.	$4,500	NM	
7:26-2B . 7(j-n)	Failure of solid waste composting and co-composting facility to comply with monitoring and sampling requirements.	$4,500	NM	
7:26-2B . 7(o)	Failure of solid waste composting and co-composting facility to comply with labeling requirements.	$4,500	NM	
7:26-2B . 7(p)	Failure of solid waste composting and co-composting facility to comply with USEPA 40 CFR 503 general requirements.	$4,500	NM	
7:26-2B . 8(d)	Failure of the owner or operator to conduct inspections as indicated in the approved final O & M manual in order to identify and remedy any problems and comply with recordkeeping requirements.	$4,500	NM	
7:26-2B . 8(f)	Failure of the owner or operator to implement waste receiving area control procedures that provide for the inspection of the incoming waste stream for the purpose of removing nonprocessible or potentially explosive materials prior to the initiation of processing.	$4,500	NM	
7:26-2B . 8(g)	Failure, should the facility experience equipment or system malfunction to the extent that the waste received cannot be handled or processed in the normal manner, of the operator to notify the Department of the existence of such a situation and circumstances contributing to the situation within the same working day of its occurrence.	$4,500	NM	
7:26-2B . 8(i)	Failure to store unprocessed incoming waste, facility process waste residues and effluents, and recovered materials in bunkers, pits, bins, or similar containment vessels and to keep at all times at levels that prevent spillage or overflow.	$4,500	NM	
7:26-2B . 8(j)	Failure to keep waste delivery tipping hall doors closed during non-processing or non-receiving hours.	$4,500	NM	
7:26-2B . 8(k)	Failure to schedule the delivery of waste to the facility and the removal of residues and recovered products from the site so as to eliminate traffic backups and allow for fluid vehicular movement on site.	$4,500	NM	
7:26-2B . 8(l)	Failure to ensure that samples and measurements taken for the purpose of monitoring facility process and treatment operations are representative of the process or operation and are performed with the conditions of the facility's SWF permit.	$5,000	NM	
7:26-2B . 8(m-r)	Failure of the operator to comply with waste determination, waste analysis and required recordkeeping.	$5,000	NM	
7:26-2B . 8(s)	Failure of the owner or operator to have a 24-hour surveillance system which continuously monitors and controls entry to the facility or an artificial or natural barrier which completely surrounds the facility.	$5,000	NM	

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-2B	.	8(t)	Failure of a facility to maintain required personnel, supervisor, boiler operator, licensed engineer to assure the proper and orderly operation of all system components, along with the ability to handle all routine facility maintenance requirements.	$5,000	NM	
7:26-2B	.	8(u)	Failure to ensure that all personnel complete an initial program of classroom instruction and on-the-job training, training program directed by a person thoroughly familiar with the technology, ensure that facility personnel respond to any malfunction or emergency situation, complete the initial training program within six months, planned annual review of the initial training, records document the type and amount of training received, kept until closure, former employees records kept for at least one year.	$3,000	M	30
7:26-2D	.	1(c)2i	Failure to ensure putrescible waste does not remain for more than 72 hours, nonputrescible waste does not remain for more than 10 days, and nonputrescible ID 72 waste in sealed containers waste does not remain for more than 180 days.	$4,500	NM	
7:26-2D	.	1(c)2ii	Failure to contain solid waste received, stored or transferred at any facility in sealed containers that do not leak any liquids or solid materials and are not opened for any purpose at the facility, except that an ID 72 liquid solid waste container may be opened briefly for the purpose of sampling the liquid provided the container is immediately resealed.	$4,500	NM	
7:26-2D	.	1(c)2iv	Failure to ensure that all solid waste containers staged or stored at the facility are secured at all times in a manner that prevents unauthorized access to the containers and their contents.	$4,500	NM	
7:26-2D	.	1(c)2v	Failure to maintain an adequate water supply and adequate fire-fighting equipment.	$4,500	NM	
7:26-2D	.	1(c)2vi	Failure to ensure no queuing or staging of solid waste vehicles occurs on public roadway.	$4,500	NM	
7:26-2D	.	1(c)2vii	Failure to ensure queuing and staging of solid waste vehicles is conducted to prevent traffic backups and related hazards on access roads servicing facility.	$4,500	NM	
7:26-2D	.	1(c)2ix	Failure to admit only properly registered solid waste vehicles.	$4,500	NM	
7:26-2D	.	1(c)2xii	Failure to designate emergency coordinator who is available at all times to handle emergency situations.	$4,500	NM	
7:26-2D	.	1(c)2xiii	Failure to maintain a daily record of waste received and submit quarterly reports.	$4,500	NM	
7:26-2D	.	1(d)2	Failure of facility to have tipping floors or ramps provide proper containment and channeling of wastewater to sanitary sewer connections or holding tanks and be constructed of sufficient strength to withstand heavy vehicle usage.	$4,500	NM	
7:26-2D	.	1(d)4	Failure of operator to clean areas where waste has been deposited or stored within each 24 hour period.	$3,000	M	1

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-2D.1(d)5	Failure to ensure any waste stored overnight at any facility is effectively treated to prevent odors associated with putrefaction.	$4,500	NM	
7:26-2D.1(d)6	Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.	$3,000	M	30
7:26-2D.1(d)7	Failure to implement dust control methods in order to prevent migration outside the enclosed building and off-site.	$3,000	M	30
7:26-2D.1(d)9	Failure to maintain an adequate water supply and adequate fire-fighting equipment.	$4,500	NM	
7:26-2D.1(d)10	Failure to control insects, other arthropods and rodents.	$4,500	NM	
7:26-2D.1(d)11	Failure to operate certified scales for the reporting requirements of N.J.A.C. 7:26-2.13 for waste transported by trucks.	$3,000	M	30
7:26-2D.1(d)13	Failure to ensure no queuing or staging of solid waste vehicles occurs on public roadway.	$4,500	NM	
7:26-2D.1(d)14	Failure to ensure queuing and staging of solid waste vehicles is conducted to prevent traffic backups and related hazards on access roads servicing facility.	$4,500	NM	
7:26-2D.1(d)16	Failure to admit only properly registered solid waste vehicles.	$4,500	NM	
7:26-2D.1(d)17	Failure to designate a secure area where solid waste may be unloaded from vehicles exempt from registration under N.J.A.C. 7:26-3.3.	$4,500	NM	
7:26-2D.1(d)18	Failure to establish a separate secure area for the drop-off and/or transfer of asbestos and asbestos-containing waste material (ACWM) or to comply with additional requirements for the handling of asbestos and ACWM.	$4,500	NM	
7:26-2D.1(d)21	Failure to ensure that nonputrescible solid waste does not remain at the rail facility for more than 10 days, except that ID72 liquid solid waste may be stored for up to 180 days in sealed containers. Putrescible solid waste shall not remain at any rail facility for greater than 72 hours.	$4,500	NM	
7:26-2D.1(d)22	Failure to implement effective security procedures to control entry and exit at all times.	$4,500	NM	
7:26-2D.1(d)25	Failure to designate emergency coordinator who is available at all times to handle emergency situations.	$4,500	NM	
7:26-3.2(a)	Failure to obtain an approved registration statement from the Department prior or to engaging in the transportation of solid waste.	$8,000	NM	
7:26-3.2(a)2	Failure to ensure that any device used for the transportation of solid waste is registered with the Department.	$4,500	NM	
7:26-3.2(a)4	Failure of registrant to ensure registered vehicles, cabs, containers, etc. are not used, controlled or possessed by any other person.	$5,000	NM	
7:26-3.2(c)	Failure to comply with any conditions or limitations which may be specified on the approved registration.	$5,000	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-3.2(d)	Failure of a registrant to submit a transporter registration renewal updating information contained in the previous registration statement.	$3,000	M	30
7:26-3.2(e)	Failure of registrant to notify the Department within 30 days of any change in the registration statement.	$3,000	M	30
7:26-3.4(b)	Failure to deposit all collected solid waste at an approved facility.	$5,000	NM	
7:26-3.4(c)	Failure to ensure solid waste does not remain or is stored in any solid waste vehicle in excess of 24 hours, unless an emergency.	$3,000	M	30
7:26-3.4(d)	Failure to ensure design of solid waste vehicle is such that it will not cause spillage onto roadways.	$3,000	M	30
7:26-3.4(e)	Failure to ensure solid waste vehicle is not loaded beyond its design capacities or in such a manner that will cause spillage onto roadways.	$4,500	NM	
7:26-3.4(f)	Failure to keep all solid waste vehicles in good working condition and to provide a means of continuous service in the event an emergency arises.	$3,000	M	1
7:26-3.4(g)	Failure to protect property of customer.	$4,500	NM	
7:26-3.4(h)	Failure to properly mark each solid waste vehicle or to carry current DEP registration certificate.	$3,000	M	30
7:26-3.4(i)	Failure to use tarpaulins as needed.	$4,500	NM	
7:26-3.4(j)	Failure to access or exit a solid waste facility pursuant to the district management plan or SWF permit.	$3,000	M	1
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	NM	
7:26-3.5(a)1	Failure to design all solid waste vehicles used for the transportation of sewage sludge to preclude any spillage or leakage onto roadways.	$4,500	NM	
7:26-3.5(a)2	Failure to ensure sewage sludge and other fecal material is not intermixed with other wastes of a chemical or industrial nature.	$5,000	NM	
7:26-3.5(b)	Failure to design all solid waste vehicles used for the transportation of bulky waste to preclude any spillage.	$4,500	NM	
7:26-3.5(c)	Failure to ensure radioactive material and lethal chemicals are not transported in or through this State without prior approval from authorities having jurisdiction, and from the Department.	$5,000	NM	
7:26-3.5(d)1	Failure to design all solid waste vehicles used for the transportation of asbestos waste so as to preclude any spillage leakage or emissions therefrom.	$4,500	NM	
7:26-3.5(d)2	Failure to package asbestos for transportation in accordance with 40 CFR 61.152 and N.J.A.C. 7:26-2.12.	$5,000	NM	
7:26-3.5(d)3	Failure to transport asbestos in a manner that prevents the rupture of containers in loading, transporting and unloading operations.	$5,000	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-3.5(d)4	Failure to transport collected asbestos and/or asbestos containing material directly from the point of generation to the solid waste landfill permitted to receive such wastes.	$5,000	NM	
7:26-3.5(d)5	Failure to ensure no visible air emissions are generated during loading, transporting, or unloading operations.	$5,000	NM	
7:26-3.5(h)2	Failure of transporter to complete and sign O and D form prior to transporting the solid waste.	$3,000	M	1
7:26-3.6(g)1	Failure to ensure that nonputrescible solid waste does not remain at the intermodal facility for up to 10 days, except that ID72 liquid solid waste may be stored for up to 180 days in sealed containers. Putrescible solid waste shall not remain at any intermodal facility for greater than 72 hours.	$4,500	NM	
7:26-3.6(g)2	Failure to contain solid waste received, stored or transferred at any facility in sealed containers, registered as solid waste containers with the Department in accordance with N.J.A.C. 7:26-3, that do not leak any liquids or solid materials and are not opened for any purpose at the facility, except that an ID 72 liquid solid waste container may be opened briefly for the purpose of sampling the liquid provided the container is immediately resealed.	$4,500	NM	
7:26-3.6(g)3	Failure to ensure no odors of sufficient strength and duration to be injurious to human health or unreasonably interfere with the enjoyment of life or property are detected at the facility or off-site, in the vicinity of the facility.	$4,500	NM	
7:26-3.6(g)4	Failure to ensure access to any intermodal container facility is restricted to facility operators, solid waste vehicle operators and authorized visitors only. Effective security procedures shall be implemented to control entry and exit at all times. All solid waste containers staged or stored at the facility shall be secured at all times in a manner that prevents unauthorized access to the containers and their contents.	$4,500	NM	
7:26-3.6(g)7	Failure to ensure routine housekeeping and maintenance procedures are implemented at the facility to prevent the accumulation of dust, debris and to maintain general cleanliness throughout the facility and in the working environment.	$3,000	M	30
7:26-3.6(g)9	Failure to designate an on-site emergency coordinator who will be available during all hours of operation for the purpose of handling emergency situations, such as, but not limited to, spills, discharges or releases of solid wastes at the facility.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-3.6(g)10	Failure to ensure all containerized solid waste accepted at the intermodal container facility, unless exempted under N.J.A.C. 7:26-6.3, from New Jersey sources are disposed of in accordance with applicable District Solid Waste Management Plans. Any out-of-State solid waste accepted at an intermodal container facility shall be disposed of consistent with the provisions set forth in the approved District Solid Waste Management Plan for the district in which the facility is located, or, where applicable, at permitted out-of-State disposal facilities authorized by the receiving state.	$4,500	NM	
7:26-3.6(g)11	Failure to develop and maintain at the site an operations and maintenance (O & M) manual that shall describe all operating conditions and procedures of the facility. The O & M manual shall be made available to all facility personnel. The O & M manual shall be prepared in accordance with N.J.A.C. 7:26-2.10(b)9.	$4,500	NM	
7:26-3.6(h)1	Failure to maintain daily records on forms supplied by the Department, in accordance with N.J.A.C. 7:26-2.13. These reports shall note the name of the registered transporter, transporter's DEP registration number, vehicle plate number, waste type, waste quantity, solid waste container DEP registration number, source, destination facility name and State registration number and quantity, by vehicle, of all solid waste received, transferred and shipped at the facility. The records shall specify the source and date of every shipment of waste received and the destination and date of every shipment of waste out of the facility. Quantities of solid waste shall be listed in tons and cubic yards. Quantities of liquid solid wastes shall be listed in gallons.	$4,500	NM	
7:26-3.6(h)2	Failure to compile the daily records into standard quarterly reports, which shall be submitted to the Department within 20 days of the end of each calendar quarter.	$3,000	M	30
7:26-3.7(a)	Failure to ensure waste materials to be collected and transported show no evidence of smoking, smoldering or burning.	$5,000	NM	
7:26-3A.8(a)	Failure of a generator of RMW to register with the Department.	$5,000	NM	
7:26-3A.8(a)1	Failure of a generator of RMW to register in the proper category.	$3,000	M	30
7:26-3A.8(b)1	Failure of a commercial transporter of RMW to register with the Department.	$5,000	NM	
7:26-3A.8(b)2	Failure of a non-commercial transporter of RMW to register with the Department.	$4,500	NM	
7:26-3A.8(c)	Failure of commercial intermediate handlers and owner/operators of destination facilities to register with the Department.	$5,000	NM	

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-3A	.	8(c)3	Failure of a non-commercial collection facility or an intermediate handler treating their own waste to register with the Department.	$4,500	NM	
7:26-3A	.	8(d)1	Failure of commercial collection facility to register with the Department.	$5,000	NM	
7:26-3A	.	8(d)5,6	Failure of a non-commercial collection facility to register with the Department.	$4,500	NM	
7:26-3A	.	9	Failure of transporters', intermediate handlers' and destination facilities' supervisory personnel to attend an education and training session and disseminate information to employees.	$3,000	M	30
7:26-3A	.	10(a)	Failure of generators of RMW to segregate for off-site transport prior to placement in containers.	$4,500	NM	
7:26-3A	.	10(d)	Failure to handle a package of RMW mixed with other waste as RMW.	$4,500	NM	
7:26-3A	.	11	Failure of a generator to ensure that RMW is properly packaged before transporting or offering for transport off site.	$4,500	NM	
7:26-3A	.	12(a)	Failure to comply with RMW storage requirements.	$4,500	NM	
7:26-3A	.	12(b)	Failure to comply with RMW storage periods.	$3,000	M	30
7:26-3A	.	12(c)	Failure to secure sharps containers.	$4,500	NM	
7:26-3A	.	13(a)	Failure to comply with container decontamination and reuse requirements.	$4,500	NM	
7:26-3A	.	14(a)	Failure to comply with labeling requirements.	$3,000	M	30
7:26-3A	.	15(a)	Failure to comply with marking requirements.	$3,000	M	30
7:26-3A	.	16(a)	Failure to determine if waste is RMW.	$4,500	NM	
7:26-3A	.	16(d)	Failure to use properly registered transporters.	$4,500	NM	
7:26-3A	.	16(e)	Failure to dispose of RMW at an authorized facility.	$5,000	NM	
7:26-3A	.	16(h)	Failure to comply with home self-care RMW requirements.	$3,000	M	30
7:26-3A	.	16(i)	Failure to get approval from the department prior to using an alternative or innovative technology for the treatment or destruction of RMW.	$5,000	NM	
7:26-3A	.	19	Failure of a generator to comply with tracking form requirements.	$3,000	M	30
7:26-3A	.	21	Failure to comply with generator recordkeeping requirements.	$3,000	M	30
7:26-3A	.	22	Failure of generator to comply with exception reporting requirements.	$3,000	M	30
7:26-3A	.	25	Failure of generator with on-site incinerator to comply with recordkeeping requirements.	$3,000	M	30
7:26-3A	.	26	Failure of owner/operator of on-site incinerator to comply with reporting requirements.	$3,000	M	30
7:26-3A	.	27(i)	Failure of a transporter/collection facility to dispose of RMW stored in the vehicle within fourteen calendar days, or before it becomes putrescent.	$4,500	NM	
7:26-3A	.	28	Failure of a transporter to comply with RMW acceptance requirements.	$4,500	NM	
7:26-3A	.	30(a)1	Failure of vehicle to have fully enclosed, leak resistant cargo carrying body.	$4,500	NM	
7:26-3A	.	30(a)2	Failure to ensure RMW does not become putrescent and is not subjected to mechanical stress or compaction during loading and unloading or during transit.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-3A.30(a)3	Failure to maintain cargo carrying body in good sanitary condition.	$4,500	NM	
7:26-3A.30(a)4	Failure to securely lock unattended cargo carrying body.	$5,000	NM	
7:26-3A.30(b)	Failure to comply with vehicle identification requirements.	$3,000	M	30
7:26-3A.30(c)	Failure to manage RMW/solid waste mixture as RMW.	$5,000	NM	
7:26-3A.31(a)	Failure of transporter to accepting RMW from a generator to ensure it is accompanied by a tracking form signed by the generator in accordance with the provisions of N.J.A.C. 7:26-3A.19.	$4,500	NM	
7:26-3A.31(b)	Failure of transporter to sign and date tracking form and provide copy to generator.	$4,500	NM	
7:26-3A.31(c)	Failure of transporter to ensure tracking form accompanies RMW while in transit.	$4,500	NM	
7:26-3A.31(d)	Failure of transporter to comply with tracking form requirements when delivering RMW to another transporter (including a transfer facility) or to an intermediate handling facility or destination facility.	$3,000	M	1
7:26-3A.31(e)	Failure of transporter to comply with tracking form requirements when transporting RMW across an international border or when delivering RMW to a transporter or treatment, destruction, or destination facility located in a foreign country.	$4,500	NM	
7:26-3A.32(a)	Failure to deliver entire quantity of RMW to intermediate hauler, destination facility or next transporter.	$4,500	NM	
7:26-3A.32(b)	Failure to contact generator for directions and make changes accordingly, if RMW cannot be delivered as intended.	$3,000	M	30
7:26-3A.33(a)	Failure to comply with requirements for consolidating waste to a new tracking form.	$3,000	M	30
7:26-3A.34(a)	Failure of transporter to maintain signed copy of tracking form for three years.	$3,000	M	30
7:26-3A.34(b)	Failure of transporter to comply with recordkeeping requirements when consolidating RMW.	$3,000	M	30
7:26-3A.34(c)	Failure of transporter to maintain copy of RMW transporter report for three years.	$3,000	M	30
7:26-3A.35	Failure of transporter to comply with reporting requirements.	$3,000	M	30
7:26-3A.37(a)	Failure of transporter to have an approved RMW spill management plan.	$4,500	NM	
7:26-3A.37(b)	Failure of transporter to have a RMW spill containment and cleanup kit at all sites and in all vehicles used for the storage, handling, collection, treatment and collection of RMW.	$4,500	NM	
7:26-3A.38(b)6	Failure of RMW incinerator to ensure waste stored overnight is effectively treated.	$4,500	NM	
7:26-3A.38(b)7	Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.	$4,500	NM	
7:26-3A.38(b)8	Failure to ensure no odors are detected off-site.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-3A.38(b)9	Failure to maintain all facility systems in a manner that facilitates proper operation and minimizes system downtime.	$4,500	NM	
7:26-3A.38(b)10	Failure to maintain adequate water supply and fire fighting equipment, failure to post emergency numbers (fire, police, ambulance, hospital).	$5,000	NM	
7:26-3A.38(b)11	Failure to effectively control insects, arthropods, rodents.	$4,500	NM	
7:26-3A.38(b)12	Failure to maintain orderly operation and sanitary conditions.	$4,500	NM	
7:26-3A.38(b)14	Failure to maintain O & M Manual at the facility.	$4,500	NM	
7:26-3A.38(b)17	Failure of facility to accept RMW only from properly registered transporters.	$4,500	NM	
7:26-3A.39(i)1	Failure to ensure stored waste does not exceed 300,000 pounds or amount as specified in authorization.	$4,500	NM	
7:26-3A.39(i)2	Failure to ensure collection facility receives no more than 150,000 pounds of waste per day, or as otherwise indicated in authorization.	$4,500	NM	
7:26-3A.39(i)4	Failure to accept only RMW waste managed in accordance with N.J.A.C. 7:26-3A.	$4,500	NM	
7:26-3A.39(i)5	Failure to ensure only registered vehicles transport to and from facility.	$4,500	NM	
7:26-3A.39(i)6	Failure to ensure all waste at all times remains fully contained, and does not leak.	$4,500	NM	
7:26-3A.39(i)9	Failure to ensure no odors are detected off-site. Odor causing waste to be disposed of immediately.	$4,500	NM	
7:26-3A.39(i)10	Failure to implement and maintain effective security procedures.	$4,500	NM	
7:26-3A.39(i)13	Failure to implement routine housekeeping and maintenance procedures.	$3,000	M	30
7:26-3A.39(i)16	Failure to ensure truck queuing is minimized, on-site traffic controls implemented.	$4,500	NM	
7:26-3A.39(i)17	Failure to ensure RMW is not staged, placed or stored beyond confines of facility or vehicle.	$4,500	NM	
7:26-3A.39(j)2	Failure to maintain O & M Manual at the facility.	$4,500	NM	
7:26-3A.39(j)3	Failure to comply with training program requirements.	$3,000	M	30
7:26-3A.39(j)6	Failure to maintain fire protection systems in operable condition, fire procedures posted.	$5,000	NM	
7:26-3A.39(j)8	Failure to maintain on site operating records, O & M manual.	$4,500	NM	
7:26-3A.39(j)9	Failure to maintain safety appliances in proper operating order, comply with O & M inspection schedules, maintain inspection records.	$5,000	NM	
7:26-3A.39(k)	Failure to comply with recordkeeping and reporting requirements.	$3,000	M	30
7:26-3A.40(c)3	Failure of intermediate handlers and destination facilities to ensure only approved treatment and destruction processes authorized by NJDEP and DOH are utilized.	$4,500	NM	
7:26-3A.41(a)	Failure of destination facility receiving RMW to sign and date tracking form, note discrepancies, provide copies to generator and transporter, and retain copy.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26-3A.41(b)	Failure of intermediate handler receiving RMW to sign and date tracking form, note discrepancies, entering required information on new tracking form, keeping log, provide copies to generator and transporter, and retain copy.	$4,500	NM	
7:26-3A.41(c)	Failure of destination facility or intermediate handler receiving RMW from a rail transporter to comply with shipping form requirements.	$4,500	NM	
7:26-3A.41(d)	Failure of destination facility or intermediate handler to maintain shipping or tracking form for three years.	$3,000	M	30
7:26-3A.41(f)	Failure of transporter to provide signed copies of the tracking form to the generator when the destination facility or intermediate facility is an out-of-State facility and will not comply with the tracking from requirements of N.J.A.C. 7:26-3a.41.	$4,500	NM	
7:26-3A.42	Failure to comply with tracking form discrepancy requirements.	$3,000	M	30
7:26-3A.43	Failure to comply with recordkeeping requirements.	$3,000	M	30
7:26-3A.44	Failure of collection facilities, intermediate handlers and/or destination facilities to comply with additional reporting requirements.	$4,500	NM	
7:26-3A.46	Failure of rail transporter to comply with tracking form requirements.	$4,500	NM	
7:26-3A.47(a)	Failure to ensure alternative of innovative technology processes and any modifications are approved by the NJDEP and DOH prior to any marketing, sale or use in New Jersey.	$5,000	NM	
7:26-3A.48(a,b)	Failure of an out-of-State organization using the U.S. Postal Service or other parcel service and disposing of regulated medical waste from New Jersey to comply with certification requirements.	$4,500	NM	
7:26-3A.48(c)	Failure of a RMW generator to ensure that RMW waste is not sent to any out-of-State facility [which] that does not have a certificate on file with the Department.	$5,000	NM	
7:26-6.12(b)	Failure to comply with the applicable district solid waste management plan.	$4,500	NM	
7:26A-3.1(a)	Failure of approved recycling center to comply with all approval conditions.	$3,000	M	30
7:26A-3.3.5(f)	Failure of recycling center to post a legible sign at the recycling center entrance indicating its approval and listing items detailed in 3.2(a)13i and ii.	$3,000	M	30
7:26A-3.6	Failure to submit renewal application for a general approval to the Department at least three months prior to the current approval expiration and to comply with all submittal requirements.	$3,000	M	30
7:26A-3.7(j)	Failure, within 45 days after expiration of the time period authorized by the limited approval to operate a recycling facility, to file a final report with the Department.	$3,000	M	30
7:26A-3.7(k)	Failure of persons operating a limited approved recycling center to ensure that no illegal dumping occurs.	$4,500	NM	

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-3	.	8(a)	Failure to limit processing methods for tires to slicing, shredding, chipping, crumbing or other methods approved by the Department, prohibition to incinerating, landfilling, abandoning or otherwise illegally disposing of tires.	$4,500	NM	
7:26A-3	.	8(b)	Failure by the owner or operator of a [the] tire recycling center to ensure that no mosquito colony formation develops.	$4,500	NM	
7:26A-3	.	8(c)	Failure of a tire, tree stump, tree part or wood waste recycling center to have an approved fire control plan.	$5,000	NM	
7:26A-3	.	9(a)	Failure of recycling center to ensure the temporary storage of Class B recyclable material does not exceed the amount indicated in the general or limited approval to operate.	$4,500	NM	
7:26A-3	.	9(b)	Failure of recycling center to ensure that unprocessed Class B recyclable material is not stored in excess of one year from the date of receipt.	$4,500	NM	
7:26A-3	.	10	Failure of recycling center to comply with modification requirements.	$3,000	M	30
7:26A-3	.	15(a)	Failure to ensure a general or limited approval to operate a recycling center is not transferred without prior approval of the Department.	$5,000	NM	
7:26A-3	.	15(c)	Failure to provide one copy of written request to transfer approval to the recycling coordinator and one copy to the applicable municipal planning board.	$3,000	M	30
7:26A-3	.	17(a)	Failure of recycling center to comply with recordkeeping and annual reporting requirements.	$3,000	M	30
7:26A-4	.	1(a)1i	Failure of recycling center to ensure that recyclable material is separated at the point of generation from other waste material.	$3,000	M	30
7:26A-4	.	1(a)1ii	Failure of recycling center to ensure only Class A, Class B or Class C materials are received, stored, processed or transferred at the center.	$4,500	NM	
7:26A-4	.	1(a)1iii	Failure of recycling center to comply with commingling requirements.	$3,000	M	30
7:26A-4	.	1(a)2	Failure of recycling center to ensure residue is not stored on-site in excess of six months.	$4,500	NM	
7:26A-4	.	1(a)4	Failure of recycling center to store residue separately from recyclable material and in a manner which prevents run-off, leakage or seepage from the residue storage area into, on or around the soil of the residue storage area.	$4,500	NM	
7:26A-4	.	1(a)5	Failure of recycling center to ensure hazardous wastes are not stored, processed or transferred at any recycling center.	$5,000	NM	
7:26A-4	.	1(a)6	Failure of recycling center to ensure electronic components which contain polychlorinated biphenyls (PCBs) and which are attached to or detached from appliances or other scrap metal, are not shredded, sheared or baled.	$5,000	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-4.1(a)8	Failure to operate a recycling center in such a manner that the recycling center property is maintained free of litter and debris and such that tracking of mud into nearby streets is prevented.	$3,000	M	30
7:26A-4.1(a)10	Failure of recycling center operator to ensure that traffic associated with the operation of the center does not result in a degradation of a level of service of any major intersection or public roadway within a half-mile radius.	$4,500	NM	
7:26A-4.1(a)11	Failure of recycling center operator to ensure recycling center operations are separated from sensitive land uses by an effective visual screen buffer.	$3,000	M	30
7:26A-4.1(a)12	Failure of recycling center operator to ensure unauthorized access to center is controlled.	$4,500	NM	
7:26A-4.1(a)13	Failure of recycling center operator to ensure areas of vehicular usage are suitably compacted and, where necessary, paved.	$3,000	M	30
7:26A-4.1(a)14	Failure of recycling center operator to have adequate water supply, firefighting equipment, and local fire department phone numbers phone numbers posted.	$5,000	NM	
7:26A-4.4(a)	Failure by the owner or operator of a recycling center to provide a recycling tonnage report by February 1 of each year.	$3,000	M	30
7:26A-4.4(b)	Failure by a transporter of recyclable materials to provide a recycling tonnage report by February 1 of each year.	$3,000	M	30
7:26A-4.4(c)	Failure of exempt person to submit required tonnage reports by February 1 of each year.	$3,000	M	30
7:26A-4.5(a)2	Failure of Class C yard trimming operator to ensure center has sufficient capacity to handle incoming volumes.	$3,000	M	30
7:26A-4.5(a)3	Failure of Class C yard trimming operator to have properly trained individual supervising operation, access to facility prohibited when center is closed.	$3,000	M	30
7:26A-4.5(a)4	Failure of Class C yard trimming operator to ensure yard trimmings are only received during times when operator is present.	$3,000	M	30
7:26A-4.5(a)5	Failure of Class C yard trimming operator to ensure all trimmings received are removed from bags, boxes.	$3,000	M	30
7:26A-4.5(a)6	Failure of Class C yard trimming operator to accept incoming materials containing grass, only in areas of the site that are at least 1,000 feet from any areas of human occupancy and to begin processing such material within the working day.	$4,500	NM	
7:26A-4.5(a)7i	Failure of Class C compost operators to attend, within one year of start up, approved composting courses.	$3,000	M	90
7:26A-4.5(a)7ii	Failure of Class C compost operator to maintain improved active composting surface to prevent ponding or runoff.	$4,500	NM	

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-4	.	5(a)7iii	Failure of Class C yard trimming operator to moisten, without excess runoff, dry yard trimmings prior to windrow formation.	$3,000	M	30
7:26A-4	.	5(a)7iv	Failure of Class C yard trimming operator to position windrows perpendicular to ground surface contours to prevent ponding.	$4,500	NM	
7:26A-4	.	5(a)7v	Failure of Class C yard trimming operator to install windsock.	$3,000	M	30
7:26A-4	.	5(a)7vi	Failure of Class C yard trimming operator to comply with windrow composting requirements.	$4,500	NM	
7:26A-4	.	5(a)7vii	Failure of Class C yard trimming operator to comply with material staging and processing buffer distance requirements.	$3,000	M	30
7:26A-4	.	5(a)7viii	Failure of Class C yard trimming operator to comply with finished compost testing requirements.	$3,000	M	30
7:26A-4	.	5(a)7xii	Failure of Class C yard trimming operator to comply with additional recordkeeping requirements.	$3,000	M	30
7:26A-4	.	5(b)1	Failure of Class C material operator to ensure center has sufficient capacity to handle incoming volumes.	$4,500	NM	
7:26A-4	.	5(b)2	Failure of Class C material operator to comply with composting structure requirements, no ponding, leachate control.	$4,500	NM	
7:26A-4	.	5(b)3	Failure of Class C material operator to maintain fully enclosed operation.	$4,500	NM	
7:26A-4	.	5(b)5	Failure of Class C material operator to comply with O & M manual requirements.	$4,500	NM	
7:26A-4	.	5(b)7	Failure of Class C material operator to comply with employee training requirements.	$3,000	M	30
7:26A-4	.	5(b)8	Failure of Class C material operator to develop a recycling center-specific training manual and make available to each employee.	$3,000	M	30
7:26A-4	.	5(b)9	Failure of Class C material operator to have properly trained individual supervising operation.	$4,500	NM	
7:26A-4	.	5(b)11	Failure of Class C material operator to comply with incoming organics processing timeframes and requirements.	$4,500	NM	
7:26A-4	.	5(b)12	Failure of Class C material operator to ensure incoming, unprocessed material is not mixed with finished compost.	$4,500	NM	
7:26A-4	.	5(b)13,14	Failure of Class C material operator to meet Process to Further Reduce Pathogens criteria and requirements.	$4,500	NM	
7:26A-4	.	5(b)16	Failure of Class C material operator to comply with 15 month finished compost storage requirement.	$3,000	M	30
7:26A-4	.	5(b)20	Failure of Class C material operator to conduct required QA/QC sampling and record results of such sampling.	$4,500	NM	
7:26A-4	.	5(b)21	Failure of Class C material operator to have analysis of finished compost product conducted by laboratory certified in accordance with N.J.A.C. 7:18.	$4,500	NM	
7:26A-4	.	5(b)22	Failure of Class C material operator to maintain required records.	$3,000	M	30

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-4.5(b)23	Failure of Class C material operator to submit quarterly report to the Department within 30 days after the end of each quarter.	$3,000	M	30
7:26A-4.5(c)1	Failure of Class C operator to comply with labeling requirements.	$3,000	M	30
7:26A-4.5(c)2	Failure of Class C operator to comply with compost utilization requirements.	$4,500	NM	
7:26A-5.1(a)	Failure to ensure no shearing, shredding, baling or other actions which could cause release of refrigerant fluid to take place, occurs prior to recovery of such fluid.	$5,000	NM	
7:26A-5.1(b)	Failure to recover refrigerant fluid in a manner such that no venting of refrigerant fluid occurs.	$5,000	NM	
7:26A-5.1(c)	Failure to deliver recovered refrigerant fluid to a facility which has agreed to reprocess the fluid or, if such arrangements cannot be made, failure to store or dispose of the recovered fluid in accordance with applicable rules and regulations.	$5,000	NM	
7:26A-6.1(a)2i(1)	Failure to manage used oil mixed with a listed hazardous waste as a hazardous waste in accordance with N.J.A.C. 7:26G.	$5,000	NM	
7:26A-6.1(a)2ii(1)	Failure to manage used oil mixed with a characteristic hazardous waste or a listed hazardous waste that is listed solely because it exhibits one or more hazardous waste characteristics as a hazardous waste in accordance with N.J.A.C. 7:26G.	$5,000	NM	
7:26A-6.1(a)4ii	Failure by used oil generator to comply with management requirements for diesel fuel mixed with used diesel crankcase oil.	$3,000	M	30
7:26A-6.1(a)9	Failure by a marketer or burner to comply with requirements of 40 C.F.R. 761.20(e) for used oil containing quantifiable levels of PCBs.	$5,000	NM	
7:26A-6.2(a)	Failure to meet one or more of the specifications for a used oil fuel identified in Table 1 of N.J.A.C. 7:26A-6.2(a) prior to burning for energy recovery.	$5,000	NM	
7:26A-6.2(b)	Failure to obtain a Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus prior to burning on-specification used oil fuel.	$3,000	M	30
7:26A-6.3(a)	Failure to comply with requirements for managing used oil in a surface impoundment or waste pile.	$5,000	NM	
7:26A-6.3(b)	Failure to comply with prohibition against using used oil as a dust suppressant.	$5,000	NM	
7:26A-6.3(c)	Burning off-specification used oil in a device other than an industrial furnace, industrial or utility boiler or hazardous waste incinerator, or failing to obtain a "Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus" prior to burning off-specification used oil in one of these devices.	$5,000	NM	

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-6	.	3(d)	Failure to comply with the prohibition against burning on-specification used oil fuel in either a residential or Category I institutional device, furnace or boiler.	$3,000	M	30
7:26A-6	.	3(e)	Failure to comply with the prohibition against burning on-specification used oil in an oil-fired space heater that fails to meet the requirements of N.J.A.C. 7:26A-6.4(e).	$4,500	NM	
7:26A-6	.	3(f)	Failure to comply with the prohibition against burning off specification used oil in a space heater.	$4,500	NM	
7:26A-6	.	4(d)1	Failure of used oil generator storing used oil to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.	$4,500	NM	
7:26A-6	.	4(d)2	Failure of used oil generator to ensure used oil is stored only in tanks, containers, or [unit] units subject to regulation at 7:26G-8 or 9.	$3,000	M	30
7:26A-6	.	4(d)3	Failure of used oil generator to ensure containers or aboveground tanks used to store used oil storage units are in good condition and not leaking.	$4,500	NM	
7:26A-6	.	4(d)4	Failure of used oil generator to comply with used oil labeling/marking requirements.	$3,000	M	30
7:26A-6	.	4(d)5	Failure of used oil generator to comply with or initiate response to releases.	$4,500	NM	
7:26A-6	.	4(e)1	Failure of used oil generator to burn only self-generated or household do-it-yourselfer used oil in a space heater.	$4,500	NM	
7:26A-6	.	4(e)2	Used oil generator burned used oil in a oil space heater that exceeded the maximum capacity of 0.5 million BTU per hour.	$3,000	M	30
7:26A-6	.	4(e)3	Failure of used oil generator to vent combustion gases from a space heater to ambient air.	$4,500	NM	
7:26A-6	.	4(e)4	Failure of used oil generator, burning used oil in a space heater, to obtain a "Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus."	$4,500	NM	
7:26A-6	.	4(f)	Failure of used oil generator to comply with used oil off-site shipment requirements.	$4,500	NM	
7:26A-6	.	4(g)	Failure to comply with do-it-yourselfer and motor oils retailer requirements.	$3,000	M	30
7:26A-6	.	5(a)	Failure of do-it-yourselfer used oil collection center to comply with the generator standards at N.J.A.C. 7:26A-6.4.	$3,000	M	30
7:26A-6	.	5(a)	Failure of an owner or operator of a State of New Jersey permitted reinspection center, or a retail service station that has used oil collection tanks on the premises, to accept do-it-yourselfer used oil in accordance with N.J.A.C. 7:26A-6.5(a).	$3,000	M	30
7:26A-6	.	5(b)2	Failure of used oil collection center to comply with the generator standards at N.J.A.C. 7:26A-6.4.	$3,000	M	30
7:26A-6	.	5(c)2i	Failure of used oil collection center to comply with the generator standards at N.J.A.C. 7:26A-6.4.	$3,000	M	30

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-6.5(c)2ii	Failure of used oil collection center to register or be recognized by county or municipality as a used oil collection center.	$3,000	M	30
7:26A-6.5(c)2iii	Failure of used oil collection center to comply with sign posting requirements.	$3,000	M	30
7:26A-6.5(d)2	Failure of used oil aggregation point to comply with generator standards at N.J.A.C. 7:26A-6.4.	$3,000	M	30
7:26A-6.6(a)4	Failure of used oil transporter to comply with the Federal Motor Carrier Safety and Federal Hazardous Materials Transportation regulations, or to comply with the provisions of this subchapter as indicated in (a)4i through v when performing the listed activities.	$4,500	NM	
7:26A-6.6(b)	Used oil transporter conducted non-incidental processing of used oil.	$5,000	NM	
7:26A-6.6(c)	Failure of used oil transporter and/or transfer facility to [have] comply with the notification and/or EPA identification [number] requirements.	$5,000	NM	
7:26A-6.6(d)1	Failure of used oil transporter to comply with [deliveries] delivery requirements.	$4,500	NM	
7:26A-6.6(d)2	Failure of used oil transporter to comply with 49 CFR 171 through 180 requirements.	$4,500	NM	
7:26A-6.6(d)3	Failure of used oil transporter to comply with used oil transportation discharge requirements.	$4,500	NM	
7:26A-6.6(e)1	Failure of used oil transporter to determine if total halogen content is equal to, less than or greater than 1000 p.p.m. for used oil being transported or stored.	$4,500	NM	
7:26A-6.6(e)5	Failure of used oil transporter to retain records of analyses or other information, used to ensure used oil is not a hazardous waste, for 3 years.	$4,500	NM	
7:26A-6.6(f)1	Failure of used oil transporter and/or transfer facility, storing used oil, to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.	$4,500	NM	
7:26A-6.6(f)3	Failure of used oil transfer facility to ensure used oil is stored only in tanks, containers, or [unit] units subject to regulation at 7:26G-8 or 9.	$3,000	M	30
7:26A-6.6(f)4	Failure of used oil transfer facility to ensure used oil [storage units] containers or aboveground tanks are in good condition and not leaking.	$4,500	NM	
7:26A-6.6(f)5	Failure of used oil transfer facility to comply with ["]secondary containment [for containers"] requirements for containers.	$4,500	NM	
7:26A-6.6(f)6	Failure of used oil transfer facility to comply with ["]secondary containment requirements for existing aboveground tanks[" requirements].	$4,500	NM	
7:26A-6.6(f)7	Failure of used oil transfer facility to comply with ["]secondary containment requirements for new aboveground tanks[" requirements].	$4,500	NM	
7:26A-6.6(f)8	Failure of used oil transfer facility to comply with used oil labeling requirements.	$3,000	M	30
7:26A-6.6(f)9	Failure by used oil transfer facility to comply with used oil facility discharge requirements.	$4,500	NM	

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-6	.	6(g)	Failure of used oil [transfer facility/]transporter to comply with tracking requirements.	$4,500	NM	
7:26A-6	.	7(b)	Failure of used oil processor[/re-finer] or re-refining facility to comply with notification and/or EPA identification requirements.	$5,000	NM	
7:26A-6	.	7(c)1i	Failure of used oil processor or re-refining facility to maintain or operate facility to minimize possibilities of fire, explosion or any unplanned sudden or non-sudden releases of used oil.	$5,000	NM	
7:26A-6	.	7(c)1ii	Failure of used oil processor or re-refining facility to equip facility with emergency equipment.	$4,500	NM	
7:26A-6	.	7(c)1iii	Failure of used oil processor or re-refining facility to test and maintain emergency equipment.	$3,000	M	30
7:26A-6	.	7(c)1iv	Failure of used oil processor or re-refining facility to maintain access to communications or alarm system.	$3,000	M	30
7:26A-6	.	7(c)1v	Failure of used oil processor or re-refining facility to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.	$3,000	M	30
7:26A-6	.	7(c)1vi	Failure of used oil processor or re-refining facility to make required arrangements with police or fire departments, emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements.	$3,000	M	30
7:26A-6	.	7(c)2i(1)	Failure of used oil processor or re-refining facility to have a contingency plan designed to minimize hazards to human health and the environment.	$4,500	NM	
7:26A-6	.	7(c)2i(2)	Failure of used oil processor or re-refining facility to carry out provisions of the contingency plan immediately if there is a fire, explosion or release of used oil.	$5,000	NM	
7:26A-6	.	7(c)2ii(1)	Failure of used oil processor or re-refining facility contingency plan to describe actions to be taken in response to fires, explosions, or any unplanned sudden or non-sudden release.	$3,000	M	30
7:26A-6	.	7(c)2ii(2)	Failure of used oil processor or re-refining facility to amend its SPCC (40 C.F.R. 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7.1E) plan, to incorporate used oil management provisions.	$3,000	M	30
7:26A-6	.	7(c)2ii(3)	Failure of used oil processor or re-refining facility contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.	$3,000	M	30
7:26A-6	.	7(c)2ii(4)	Failure of used oil processor or re-refining facility contingency plan to list names, addresses or phone numbers of persons qualified to act as emergency coordinator.	$3,000	M	30
7:26A-6	.	7(c)2ii(5)	Failure of used oil processor or re-refining facility contingency plan to list emergency equipment, updated as required, with its location, description, or capabilities specified.	$3,000	M	30

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-6	.	7(c)2ii(6)	Failure of used oil processor or re-refining facility contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes.	$3,000	M	30
7:26A-6	.	7(c)2iii	Failure of used oil processor or re-refining facility contingency plan to be maintained at facility with a copy sent to local police or fire departments, hospitals or State or local emergency response teams.	$3,000	M	30
7:26A-6	.	7(c)2iv	Failure of used oil processor or re-refining facility to review or amend contingency plan as necessary.	$3,000	M	30
7:26A-6	.	7(c)2v	Failure of used oil processor or re-refining facility to make emergency coordinator thoroughly familiar with plan or available at all times.	$4,500	NM	
7:26A-6	.	7(c)2vi(1)	Failure of used oil processor or re-refining facility emergency coordinator to activate alarms or communications systems, or to notify appropriate State or local agencies.	$4,500	NM	
7:26A-6	.	7(c)2vi(9)	Failure of used oil processor or re-refining facility to submit incident report to Department within 15 days after an incident.	$3,000	M	30
7:26A-6	.	7(d)1	Failure of used oil processor or re-refining facility to determine if total halogen content is equal to, less than or greater than 1000 p.p.m. for used oil being transported or stored.	$4,500	NM	
7:26A-6	.	7(d)4	Failure of used oil processor or re-refining facility to ship used oil that fails the rebuttable presumption, for mixing as a hazardous waste, using a New Jersey licensed hazardous waste transporter.	$4,500	NM	
7:26A-6	.	7(e)1	Failure of used oil processor or re-refining facility, storing used oil, to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.	$4,500	NM	
7:26A-6	.	7(e)2	Failure of used oil processor [/re-refiner] or re-refining facility to ensure used oil is stored only in tanks, containers, or units subject to regulation at 7:26G-8 or 9.	$3,000	M	30
7:26A-6	.	7(e)3	Failure of used oil processor [/re-refiner] or re-refining facility to ensure [used oil storage units] containers or aboveground tanks, used to store or process used oil, are in good condition and not leaking.	$4,500	NM	
7:26A-6	.	7(e)4	Failure of used oil processor [/re-refiner] or re-refining facility to comply with [“]secondary containment requirements for containers[” requirements] used to store or process used oil.	$4,500	NM	
7:26A-6	.	7(e)5	Failure of used oil processor [/re-refiner] or re-refining facility to comply with the [“]secondary containment requirements for existing aboveground tanks[”] used to store or process used oil.	$4,500	NM	

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-6	.	7(e)6	Failure of used oil processor [/re-refiner] or re-refining facility to comply with the [“]secondary containment requirements for new aboveground tanks [” requirements] used to store or process used oil.	$4,500	NM	
7:26A-6	.	7(e)7	Failure of used oil processor [/re-refiner] or re-refining facility to comply with used oil labeling requirements.	$3,000	M	30
7:26A-6	.	7(e)8	Failure of used oil processor or re-refining facility to comply with or initiate response to releases.	$4,500	NM	
7:26A-6	.	7(e)9i(1)	Failure of used oil processor or re-refining facility at closure, who stored or processed used oil tanks, to remove or decontaminate all used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them appropriately.	$10,000	NM	
7:26A-6	.	7(e)9i(2)	Failure of used oil processor or re-refining facility that cannot remove all contamination from tank systems at closure to follow closure requirements for landfills.	$10,000	NM	
7:26A-6	.	7(e)9ii(1)	Failure of used oil processor or re-refining facility at closure, who stored used oil in containers, to remove from the site all containers holding used oil or residues of used oil.	$4,500	NM	
7:26A-6	.	7(e)9ii(2)	Failure of used oil processor or re-refining facility at closure, who stored used oil in containers, to remove or decontaminate all used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them appropriately.	$10,000	NM	
7:26A-6	.	7(f)	Failure of used oil processor or re-refining facility to [comply with] develop or follow a written waste analysis plan in accordance with requirements at N.J.A.C. 7:26A-6.7(f).	$5,000	NM	
7:26A-6	.	7(g)	Failure of used oil processor[/re-refiner] or re-refining facility to comply with used oil tracking [requirements] standards and records.	$4,500	NM	
7:26A-6	.	7(h)	Failure of used oil processor[/re-refiner] or re-refining facility to comply with operating record and reporting [requirements] standards.	$4,500	NM	
7:26A-6	.	7(i)	Failure by used oil processor[/re-refiner] or re-refining facility to [use] ensure used oil transporter [with] has an EPA identification number.	$3,000	M	30
7:26A-6	.	7(j)	Failure by used oil processor or re-refining facility to manage process residues in accordance with N.J.A.C. 7:26A-6.1(a)5.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-6.8(b)1	Used oil burner burned off-specification used oil in a device other than an industrial furnace, industrial or utility boiler or hazardous waste incinerator or burned off-specification used oil in these devices without a "Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus."	$5,000	NM	
7:26A-6.8(b)2i	Failure by used oil burner to comply with prohibition against aggregating off specification used oil with other fuels to produce an on-specification used oil fuel.	$5,000	NM	
7:26A-6.8(c)	Failure of used oil burner [facility] to comply with notification and/or EPA identification requirements.	$4,500	NM	
7:26A-6.8(d)1	Failure of used oil burner to determine if total halogen content is equal to, less than or greater than 1000 p.p.m. for used oil being transported or stored.	$5,000	NM	
7:26A-6.8(d)4	Failure by used oil burner to retain records of analyses, or other information used to ensure used oil is not a hazardous waste, for 3 years.	$4,500	NM	
7:26A-6.8(e)1	Failure of used oil burner storing used oil to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.	$3,000	M	30
7:26A-6.8(e)2	Failure of used oil burner to ensure used oil is stored only in tanks, containers, or [unit] units subject to regulation at 7:26G-8 or 9.	$3,000	M	30
7:26A-6.8(e)3	Failure of used oil burner [facility] to ensure used oil [storage units] containers or aboveground tanks are in good condition and not leaking.	$4,500	NM	
7:26A-6.8(e)4	Failure of used oil burner [facility], storing used oil in containers, to comply with the [“]secondary containment [for containers”] requirements.	$4,500	NM	
7:26A-6.8(e)5	Failure of used oil burner [facility], storing used oil in existing aboveground tank(s), to comply with the [“]secondary containment [for existing aboveground tanks”] requirements.	$4,500	NM	
7:26A-6.8(e)6	Failure of used oil burner [facility], storing used oil in new aboveground tank(s), to comply with [“]secondary containment [for new aboveground tanks”] requirements.	$4,500	NM	
7:26A-6.8(e)7	Failure of used oil burner [facility] to comply with used oil labeling requirements.	$3,000	M	30
7:26A-6.8(e)8	Failure of used oil burner to comply with or initiate response to releases.	$4,500	NM	
7:26A-6.8(f)	Failure of used oil burner [facility] to comply with [tracking requirements] operating record and recordkeeping standards.	$4,500	NM	
7:26A-6.8(g)	Failure of a used oil burner [facility] to comply with first-time notice [requirements] and recordkeeping standards.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-6.8(h)	Failure of used oil burner to manage residues from storage or burning in accordance with N.J.A.C. 7:26A-6.1(a)5.	$4,500	NM	
7:26A-6.9(a)3	Failure of used oil fuel marketer to comply with the standards for used oil generators, transporters/transfer facilities, processors/re-refiners or burners.	$4,500	NM	
7:26A-6.9(b)	Failure of a used oil fuel marketer to [ensure shipments of] ship off-specification used oil [is sent] only to [used oil burner facilities that have EPA identification numbers and burns the used oil in a device as identified in N.J.A.C. 7:26A-6.8(b)1] an authorized burner facility.	$5,000	NM	
7:26A-6.9(c)1	Failure of a used oil generator, transporter, processor/re-refiner or burner to determine if used oil meets the fuel specification at N.J.A.C. 7:26A-6.2 or failure to provide a copy of analyses or other information to facility receiving shipment of used oil.	$5,000	NM	
7:26A-6.9(c)2	Failure of first person claiming used oil fuel meets fuel specification at N.J.A.C. 7:26A-6.2 to retain copies of analyses or other information used to make determination for 3 years.	$4,500	NM	
7:26A-6.9(d)1	Failure of used oil fuel marketer to comply with notification and/or EPA identification requirements.	$4,500	NM	
7:26A-6.9(e)1	Failure of used oil fuel marketer to comply with [tracking] invoicing requirements for off-specification used oil fuel.	$4,500	NM	
7:26A-6.9(e)2	Failure of used oil fuel marketer to comply with tracking requirements for shipments of off-specification used oil fuel.	$4,500	NM	
7:26A-6.9(e)3	Failure of first person claiming used oil fuel meets fuel specification at N.J.A.C. 7:26A-6.2 to comply with tracking requirements for shipments of on-specification used oil fuel.	$4,500	NM	
7:26A-6.9(f)	Failure of used oil marketer to comply with [Notice requirements] notice standards.	$4,500	NM	
7:26A-6.10(b)1	Failure to manage used oil that has been identified as a hazardous waste and cannot be recycled, as a hazardous waste.	$5,000	NM	
7:26A-6.10(b)2	Failure to manage used oil that is not hazardous waste and cannot be recycled, as a solid waste.	$4,500	NM	
7:26A-6.10(c)	Failure to comply with prohibition against using used oil as a dust suppressant.	$5,000	NM	
7:26A-7.4(b)1	Failure of Small Quantity Handler of Universal Waste to place a consumer electronic that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the consumer electronic, and non-leaking.	$4,500	NM	
7:26A-7.4(b)2	Small Quantity Handler of Universal Waste disassembled a consumer electronic in a manner that constituted processing or treatment.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-7.4(b)3	Failure of Small Quantity Handler of Universal Waste who generates a solid waste, as the result of performing activities, to determine if the waste is hazardous.	$5,000	NM	
7:26A-7.4(c)1	Failure of Small Quantity Handler of Universal Waste to place any universal waste mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the contents of the mercury-containing device, and non-leaking.	$4,500	NM	
7:26A-7.4(c)2i	Failure of Small Quantity Handler of Universal Waste to remove mercury containing ampules in a manner designed to prevent breakage of the ampules.	$4,500	NM	
7:26A-7.4(c)2ii	Failure of Small Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.	$4,500	NM	
7:26A-7.4(c)2iii	Failure of Small Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, to a container that meets the requirements of 40 C.F.R. 262.34.	$4,500	NM	
7:26A-7.4(c)2iv	Failure of Small Quantity Handler of Universal Waste to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 C.F.R. 262.34.	$4,500	NM	
7:26A-7.4(c)2v	Failure of Small Quantity Handler of Universal Waste to ensure that any area where mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.	$4,500	NM	
7:26A-7.4(c)2vi	Failure of Small Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.	$4,500	NM	
7:26A-7.4(c)2vii	Failure of Small Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.	$4,500	NM	
7:26A-7.4(c)2viii	Failure of Small Quantity Handler of Universal Waste to pack mercury-containing ampules in a container with packing materials adequate to prevent breakage during storage, handling, and transportation.	$4,500	NM	
7:26A-7.4(c)3	Failure of Small Quantity Handler of Universal Waste, who removes mercury-containing ampules, to determine if any waste generated exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.	$5,000	NM	
7:26A-7.4(d)	Failure of Small Quantity Handler of Universal Waste to manage oil-based finishes, in its original or otherwise appropriate and labeled packaging.	$3,000	M	30

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-7	.	4(d)1	Failure of Small Quantity Handler of Universal Waste to place any universal waste oil-based finish that shows evidence of leakage, spillage, or damage that could cause leakage, into a container that is closed, structurally sound, compatible with the contents of the oil-based finish, and non-leaking.	$4,500	NM	
7:26A-7	.	4(d)2	Small Quantity Handler of Universal Waste to handled universal waste oil-based finishes in a manner that constituted processing.	$4,500	NM	
7:26A-7	.	5(b)1	Failure of Large Quantity Handler of Universal Waste to place any consumer electronic that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the contents of the consumer electronics, and non-leaking.	$4,500	NM	
7:26A-7	.	5(b)2	Large Quantity Handler of Universal Waste conducted disassembling or processing on consumer electronics without applying for a Class D Approval.	$4,500	NM	
7:26A-7	.	5(c)1	Failure of Large Quantity Handler of Universal Waste to place a universal waste mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage into a container that is closed, structurally sound, compatible with the contents of the mercury-containing devices, and non-leaking.	$4,500	NM	
7:26A-7	.	5(c)2i	Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules in a manner designed to prevent breakage of the ampules.	$4,500	NM	
7:26A-7	.	5(c)2ii	Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.	$4,500	NM	
7:26A-7	.	5(c)2iii	Failure of Large Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 C.F.R. 262.34.	$4,500	NM	
7:26A-7	.	5(c)2iv	Failure of Large Quantity Handler of Universal Waste to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 C.F.R. 262.34.	$4,500	NM	
7:26A-7	.	5(c)2v	Failure of Large Quantity Handler of Universal Waste to ensure that the area in which mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.	$4,500	NM	
7:26A-7	.	5(c)2vi	Failure of Large Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.	$4,500	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26A-7.5(c)2vii	Failure of Large Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.	$4,500	NM	
7:26A-7.5(c)2viii	Failure of Large Quantity Handler of Universal Waste to pack mercury-containing ampules in containers with packing materials adequate to prevent breakage during storage, handling, and transportation.	$4,500	NM	
7:26A-7.5(c)3	Failure of Large Quantity Handler of Universal Waste, who removes mercury-containing ampules, to determine if the waste generated exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.	$5,000	NM	
7:26A-7.5(d)	Failure of Large Quantity Handler of Universal Waste to manage universal waste finishes in its original packaging.	$3,000	M	30
7:26A-7.5(d)1	Failure of Large Quantity Handler of Universal Waste to place any universal waste finish that shows evidence of leakage, spillage, or damage that could cause leakage in a container that is closed, structurally sound, compatible with the contents of the universal waste finish, and non-leaking.	$4,500	NM	
7:26A-7.5(d)2	Large Quantity Handler of Universal Waste conducted disassembling or processing activities on universal waste finishes without applying for a Class D Approval.	$4,500	NM	
7:26A-7.5(e)	Failure of Large Quantity Handler of Universal Waste to submit a report to the Department documenting the types and amounts of universal waste which were received, stored and shipped in the preceding calendar year.	$3,000	M	30
7:26A-7.7(a)	Failure to accumulate universal waste consumer electronics devices in a closed container that is clearly marked with the words Universal Waste-Consumer Electronics.	$3,000	M	30
7:26A-7.7(b)	Failure to accumulate universal waste mercury-containing devices in a closed container that is clearly marked with the words Universal Waste-Mercury-Containing Devices.	$3,000	M	30
7:26A-7.7(c)	Failure to mark a container, tank, transport vehicle or other vessel in which oil-based waste finishes are contained, with the words Universal Waste-Oil-Based Finish.	$3,000	M	30
7:26H-1.6(a)	Failure to obtain a Certificate of Public Convenience and Necessity prior to engaging in the business of solid waste collection or solid waste disposal.	$5,000	NM	
7:26H-1.6(c)	Failure of solid waste utility to have a Certificate of Public Convenience and Necessity when bidding for a solid waste contract.	$5,000	NM	
7:26H-1.12(c)	Failure of the disposal utility to file rate revisions, in accordance with N.J.A.C. 7:26H-3.10, for services that [which] do not increase charges above the peak rate.	$2,000	M	30

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26H-1.12(d)	Failure of the disposal utility to file rate revisions, in accordance with N.J.A.C. 7:26H-3.11, for services that [which] increase charges above the peak rate.	$2,000	M	30
7:26H-1.14(a)	Failure of solid waste utility to furnish safe, adequate, and proper service.	$2,500	NM	
7:26H-1.14(d)	Failure of collection utility to file a petition with the Department prior to discontinuing service to a customer, which petition shall give the reasons for such discontinuance.	$2,500	NM	
7:26H-1.14(e)	Failure of solid waste utility to file a report with the Department when service to a customer is interrupted and it appears that the interruption will continue for more than one day or one pick up.	$2,000	M	1
7:26H-1.20(b)1	Failure of solid waste utility to ensure all records are maintained at an office in the State of New Jersey unless otherwise approved by the Department.	$2,000	M	30
7:26H-1.20(b)3	Failure of solid waste utility to notify the Department of the location of the office or offices where records pertaining to the provision of solid waste services are maintained.	$2,000	M	30
7:26H-1.20(c)	Failure of solid waste utility to retain all documents for at least five years from the date that the documents were due or created, and at the office of the solid waste utility.	$2,000	M	30
7:26H-1.21	Failure of solid waste utility to file evidence of insurance.	$5,000	NM	
7:26H-1.24(b)	Failure of solid waste utility to have a lease on file with the Department for the use of all property, equipment and facilities that [which] are used to provide service and are not owned by the utility.	$2,500	NM	
7:26H-3.2(a)	Failure of solid waste utility to receive authorization of the Department prior to consummating the sale, transfer, or encumbrance of the assets of the solid waste utility or any change in majority control of such utility.	$3,000	NM	
7:26H-3.2(c)	Failure of the solid waste utility to ensure notice of sale appears in newspapers at least 30 days before sale occurs.	$2,000	M	30
7:26H-3.3(a)	Failure of solid waste utility to petition for authority to transfer capital stock; Transfer without authorization.	$3,000	NM	
7:26H-3.4(a)	Failure of solid waste utility to obtain Department approval prior to consolidating or merging with another solid waste utility, merging or consolidating with any other person or business concern, or dissolution of the solid waste utility.	$3,000	NM	
7:26H-3.5(a)	Failure of solid waste utility to petition the Department for authority to issue stocks, bonds, notes, other evidence of indebtedness or to execute mortgages and comply with requirements thereof.	$3,000	NM	
7:26H-3.6(a)	Failure of solid waste utility to file a Notice of Intent and obtain Department approval prior to entering into a management agreement with any person.	$3,000	NM	

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26H-3.6(c)	Failure of solid waste utility to ensure a Notice of Intent to enter into a management agreement appears in newspapers at least 30 days prior to the completion of the transaction.	$2,000	M	30
7:26H-3.7(a)	Failure of solid waste utility to receive approval of the Department prior to taking any action which would cause a change in the utilitys depreciation rates.	$2,500	NM	
7:26H-4.2(a)	Failure of solid waste utility to file a tariff and maintain a copy for public inspection.	$3,000	NM	
7:26H-4.4(a)1	Failure of utility's customer to allow unencumbered access to containers. All containers and areas from which solid waste is to be collected shall be kept free from all hazards and potential hazards.	$2,000	M	30
7:26H-4.4(a)2	Failure of solid waste utility to comply with collection service provisions of the approved tariff.	$2,500	NM	
7:26H-4.4(a)3	Failure of solid waste utility to assist customers in the selection of the rate schedule most favorable for their individual requirements.	$2,000	M	30
7:26H-4.4(a)4	Failure of solid waste utility to identify in the tariff, miscellaneous collection services, prior to providing any of these same services.	$2,000	M	30
7:26H-4.4(a)6	Failure of solid waste utility to ensure that loads of solid waste and designated source separated recyclable materials are not commingled; Disposing of leaves in any manner that differs from that outlined in N.J.S.A. 13:1E-99.21.	$2,500	NM	
7:26H-4.4(a)7	Failure of solid waste utility to make a pick up, not later than the next regularly scheduled collection day should the collector fail to pick up solid waste on a regularly scheduled day.	$2,000	M	30
7:26H-4.4(a)9	Failure of the collector to provide the customer at least 10 days written notice of its intention to discontinue service.	$2,500	NM	
7:26H-4.4(b)3	Failure of solid waste utility to include all required items, listed separately, on all bills for collection.	$2,000	M	30
7:26H-4.7(a)1	Failure of the disposal utility to operate according to the schedule contained in its permits and approved tariff; Failure to ensure all hours and rates are publicly posted.	$2,000	M	30
7:26H-4.7(b)2	Failure of the disposal utility to comply with billing and invoicing requirements.	$2,000	M	30
7:26H-4.7(b)4	Failure to comply with the facility's applicable rate schedule by assessing a late payment charge on an unpaid bill when such a charge is not provided for in the disposal facility's applicable rate schedule approved by the Department.	$2,000	M	30
7:26H-4.7(c)1	Failure of the solid waste utility to comply with advanced payment account requirements.	$2,000	M	30

Citation	Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26H-5.4(a)	Failure of the solid waste collector to charge or receive only those rates or charges for solid waste collection service which would result from effective competition. No solid waste collector shall charge or receive rates or charges for solid waste collection service which are greater than or less than rates or charges what would result from effective competition.	$2,500	NM	
7:26H-5.6(a)	Failure of solid waste utility to pay annual utility fee.	$2,000	M	30
7:26H-5.9(c)1	Failure of solid waste utility to submit annual Customer List.	$2,000	M	30
7:26H-5.9(c)7	Failure of solid waste utility to maintain customer lists in proper format and available for inspection.	$2,000	M	30
7:26H-5.12(b)	Failure of the collector to notify customers at least once each year that solid waste collection services in this State are available on a competitive basis and include with that notice a complete copy of a customer bill of rights.	$2,000	M	30
7:26H-5.12(c)5	Failure of the solid waste collector to handle customer complaints in a prompt, courteous, and efficient manner.	$2,000	M	30
7:26H-5.12(c)6	Failure of the solid waste collector to remove and transport solid waste in an environmentally sound manner that safeguards the public health and preserves the quality of the environment.	$2,000	M	30
7:26H-5.12(c)7	Failure of the solid waste collector to notify its customers in writing at least 10 days prior to any increase or decrease in rates.	$2,000	M	30
7:26H-5.12(c)9	Failure of the solid waste collector to remove its container or other equipment from the customers premises within three days of the effective date of discontinuance regardless of the status of the account.	$2,000	M	1
7:26H-5.12(c)15	Failure of the solid waste collector to transmit copies of any notice of discontinuance of service to the Department at the same time it is transmitted to the customer.	$2,000	M	30
7:26H-5.12(c)16	Failure of solid waste utility to ensure solid waste services contracts or agreements do not include any clause that calls for automatic renewal of the contract or agreement.	$2,000	M	30
7:26H-5.12(c)17	Failure of collection utility to display their name, as it appears on their Certificate of Public Convenience and Necessity, and any “trading as” name on all vehicles and containers.	$2,000	M	30
7:26H-5.12(d)	Failure of the collector to submit a certification to the Department certifying that each customer was provided with a customer bill of rights.	$2,000	M	30

Citation			Rule Summary	Base Penalty	Type of Violation	Grace Period
7:26H-6	.	15(b)	Failure of the contractor to promptly and properly attend to all complaints of residents and all notices, directives and orders of the contract administrator within 24 hours of the receipt of same; to keep a record of complaints and the date and time of the responses to such complaints, as well any action taken; to provide a written summary of all complaints and responses to the contract administrator each month.	$2,000	M	1

APPENDIX C

SOLID WASTE MANAGEMENT PLAN

BLANKET PLAN
FACILITY INCLUSION POLICY

PLAN INCLUSION SCHEDULE

BRIEF OVERVIEW:

On June 10,1993 the State of Jersey Department of Environmental Protection and Energy certified an amendment of the Solid Waste Management Plan of Mercer Country. According to the Certification, the Department approved the County Plan inclusion of a "Blanket Inclusion Policy" for recycling centers and compost facilities. The intent of the "Blanket Plan Inclusion " is to expedite inclusion of certain types of facilities, such as compost facilities and recycling centers into the County Solid Waste Plan.

PURPOSE:

The purpose of this Appendix is to establish a schedule and application fee to the already approved Blanket Plan procedures and requirements.

Prior to submitting the application to the County for plan inclusion for one of the above facilities, the applicant shall schedule a pre-application conference with the Mercer County Improvement Authority (MCIA) to discuss the submission requirements, the review process, and the plan amendment procedures. The applicant shall have prepared for the pre-application conference the following:

a) Site location map;
b) Written description of the type of facility;
c) Written estimate of the proposed design capacity of the facility;
d) Written description of the proposed operations.
e) The corporate name, address, and telephone number of the person seeking to own or operate the proposed recycling center;
f) The name of the individual serving as a contact person;
g) The location of the recycling center, including the lot and block, and the generally recognized address of the site;
h) The acreage of the site and/or square footage of the recycling center;
i) The zoning of the site;
j) A description of the material(s) to be received, stored, processed, or transferred at the recycling center;
k) Projected daily capacity in tons by material to be received, stored, processed, or transferred;
l) The daily capacity of the recycling center;
m) A narrative description of the daily operations;
n) A map delineating the actual location of the facility in relationship to the host municipality and neighboring communities;
o) A description of the major processing equipment in the recycling center;

1 Within 30 days of the pre-application conference and receipt of the material above, the MCIA will determine whether the application is

administratively complete. An application is administratively complete where it satisfies the information requirements set forth above.

2 If an application is deemed administratively complete in accordance with (1) above, the MCIA will, within 30 days of receipt of the application issue a letter to the applicant indicating the administrative completeness of the application.

3 If an applicant fails to meet the criteria for administrative completeness in accordance to (1) above, the MCIA will advise the applicant within 30 days, that the application is incomplete and will specify in writing what additional data, reports, specifications, plans or other information is required for administrative completeness, and a deadline by which such additional information shall be submitted. The MCIA shall not make a decision on any application until such time as the applicant has submitted the requested additional information and is deemed administratively complete. Failure to submit the requested additional information as requested shall constitute cause for denial of the application without prejudice. A determination of incompleteness shall stop any review and stay the time limitations set fourth in (1).

4 Within 30 days of receiving the notice of incompleteness, the applicant shall submit the requested additional information to the MCIA as an addendum to the application approval.

5 Upon receipt of the Addendum, the MCIA shall review the Addendum to determine administrative completeness in accordance with this subsection.

6 After administratively completeness has been determined by the MCIA the technical review process will begin.

7 Once the application is deemed Technically Complete, the provision of the Blanket Plan Inclusion policy previously approved and certified shall become effective.

Fee Structure:

The MCIA will require an application fee to be submitted for all inclusion into the County Plan application.

1. $1,000.00 - Applicants requesting approval to receive, store or process up to 150 tons of materials per day.
2. $1,500.00 - Applicants requesting approval to receive, store or process 151 to 500 tons of materials per day.
3. $2,000.00 - Applicants requesting approval to receive, store or process 501 and above tons of materials per day.

APPENDIX D

DRAFT RECYCLING ORDINANCE

AN ORDINANCE AMENDING THE MERCER COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN PURSUANT TO N.J.S.A 13:1E-1 ET. SEQ. TO INCORPORATE THE FINDINGS AND RECOMMENDATIONS OF THE STATEWIDE SOLID WASTE MANAGEMENT PLAN UPDATE AND THE RE-ESTABLISHMENT AND MODIFICATION OF THE MERCER COUNTY RECYCLING ORDINANCE TO COMPLY WITH SUCH FINDINGS AND RECOMMENDATIONS

WHEREAS, the Mercer County Board of Chosen Freeholders (the "Board") is charged under the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the "Solid Waste Act") with the formulation and implementation of a plan for solid waste management within Mercer County (the "County"); and

WHEREAS, by Freeholder Resolution 82-532 dated December 20, 1982, the Mercer County Improvement Authority (the "Authority") has been designated as the implementing agency for the Solid Waste Management Plan (the "Plan") within the District; and

WHEREAS, the State Legislature has determined that removing certain materials from the municipal solid waste stream will decrease the flow of solid waste to sanitary landfill facilities, aid in the conservation and recovery of valuable resources, conserve energy in the manufacturing process, and increase the supply of reusable raw materials for the State's industries.

WHEREAS, the Legislature has further found that the State may most appropriately demonstrate its long-term commitment to proper solid waste management by establishing the New Jersey Mandatory State-Wide Source Separation and Recycling Act (the "Recycling Act"); and

WHEREAS, An Ordinance Amending the Mercer County Solid Waste Management Plan pursuant to N.J.S.A. 13:1E-1 et. seq. to include establishing the Mercer County Recycling System and promulgating procedures for Municipal Inclusion was adopted as Mercer County Ordinance No. 88-33 on November 5, 1988, by the Board; and

WHEREAS, the Mercer County Recycling System was further modified with the adoption of Ordinance 89-19 on July 25, 1989, Ordinance 91-14 on December 6, 1991 and Ordinance 93-12 on June 11, 1993; and

WHEREAS, the Mercer County Recycling System is designed to meet the goals of the Recycling Act which include inter alia: addressing and mitigating problematic solid waste management issues, meeting statewide recycling goals, and developing an economic and environmentally sound approach which does not negatively affect existing private businesses, charitable, not-for-profit, or service organization recycling activities;

WHEREAS, on April 13, 2002, the Commissioner of the New Jersey Department of Environmental Protection (the "NJDEP") signed Administrative Order 2002-10 which required the NJDEP to revise, update and re-adopt the Statewide Solid Waste Management Plan (the "State Plan"); and

WHEREAS, on January 3, 2006, the State Plan was adopted which included, among other things, a renewed commitment to recycling 60% of the State's total solid waste stream and 50% of the State's municipal solid waste stream; and

WHEREAS, pursuant to the State Plan update, counties are required to modify and adopt amendments to their existing Plans to conform with the findings and recommendations of the State Plan; and

WHEREAS, the Authority has prepared such modifications and amendments to Plan that reflect the findings and recommendations of the State Plan; and

WHEREAS, this Ordinance shall be considered part of the Recycling Plan update required by the Recycling Act and the Department of Environmental Protection; now therefore

BE IT ORDAINED, by the Board of Chosen Freeholders of the County of Mercer, State of New Jersey, as follows:

PART A

1.) The Board hereby designates the Mercer County Improvement Authority as the implementing agency responsible for the Mercer County District Solid Waste Management Plan.

2.) The Board hereby incorporates the all provisions of the attached Amendment to the Plan prepared by the Mercer County Improvement Authority dated December 2006.

3.) The Board hereby incorporates all the following provisions of the Recycling Ordinance as amended:

SECTION 1: DEFINITIONS

1. "Acceptable Aluminum Containers" shall mean metal aluminum containers of the type commonly used for the packaging of beverages and food products.

2. "Acceptable Bi-Metal Containers" shall mean those cans with side and bottom construction made of steel and with top construction made of aluminum.

3. "Acceptable Co-Mingled Materials" shall mean those materials which would otherwise become municipal solid waste for municipalities in the County of Mercer as listed here at, and which may be collected, separated, processed and returned to the economic mainstream in the form of materials or products. Acceptable Co-Mingled Materials shall include Acceptable Metal Containers and Acceptable Glass as here defined herein. In no event shall Acceptable Co-Mingled Materials include Unacceptable Co-Mingled Materials.

4. "Acceptable Ferrous Metal Containers" shall mean metal containers of the type commonly used for the packaging of beverage and food products.

5. "Acceptable Glass Containers" shall mean any clear, amber and green glass container of the type commonly used for beverage and food products. Expressly EXEMPTED from this definition are glass containers used for non-beverage or non-food products such as pesticides, herbicides, or other chemicals. Light bulbs, plate, safety and mirrored glass are also <u>not</u> considered acceptable glass.

6. "Acceptable Metal Containers" shall mean metal containers (cans) of the type commonly used for beverage and food products only, and may include aluminum, tin plate steel, and bi-metal cans. Expressly EXEMPTED from this definition are cans utilized for the packaging of chemicals or other non-food and non-beverage products.

7. "Acceptable Mixed Paper" shall mean newspapers and associated inserts and periodical magazines. This definition shall not include office paper.

8. "Acceptable Plastic Containers" shall mean any polyethylene terephthalate (PET) and high-density polyethylene (HDPE) plastic container of the type commonly used for beverage and food containers only. PET or HDPE containers utilized for non-food and non-beverage items are expressly EXEMPTED from this definition.

9. "Battery" shall mean a group of two or more cells connected together to furnish electric current. For the purposes of this Ordinance, the "battery" and/or "batteries" being referred to are only for motor vehicles including automobiles, trucks and motorcycles.

10. "Beverages" shall mean milk, alcoholic beverages including beer or other malt beverages, liquor, wine. Vermouth and sparkling wine, and non-alcoholic beverages including fruit juice, mineral water and soda water and similar non-alcoholic carbonated and noncarbonated drinks intended for human consumption.

11. "Beverage Container" shall mean an individual, separate, hermetically sealed, or made airtight with a metal or plastic cap, bottle or can composed of glass, metal, plastic or any combination thereof, containing a beverage.

12. “Collection Unit” shall mean any equipment determined to be necessary to complete the collection services described in the Recycling Plan and Ordinance attached hereto and made a part hereof.

13. “Commercial Establishment” shall mean those businesses which constitute wholesale, retail or service establishments such as restaurants, stores markets, theatres, hotels, warehouses and offices.

14. “Corrugated” shall mean corrugated containers having liners of test liner, jute or kraft.

15. “County Recycling System” shall mean the Mercer County Collection and Processing System as more fully described in the Mercer County Recycling Plan and any amendments thereto attached hereto and made a part hereof.

16. “Cullet” shall mean crushed or shattered glass with an average particle size of 1 x 1 mm to 2 x 2 mm (+/-).

17. “Department” shall mean the New Jersey Department of Environmental Protection.

18. “Designated Recyclable Materials” shall mean those materials named in the approved Mercer County Recycling Plan and any amendments thereto attached hereto and made a part hereof.

19. “End User” shall mean the ultimate market for designated recyclable materials, which utilizes said materials as raw materials in the manufacture of new commodities.

20. “Existing Transfer Station” shall mean the Mercer County Improvement Authority’s Solid Waste Transfer Station located in Ewing Township, New Jersey, at Block 13, Lots 3, 10, 16, 17 and 37.

21. “Food Product” shall mean a food commodity packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at the point of manufacture.

22. “Industrial Establishment” shall mean those businesses, which include manufacturing, industrial, and research and development entities.

23. “Acceptable Mixed Paper” shall mean newspapers and associated inserts and periodical magazines. This definition shall not include office paper

24. “Multi-family units” shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or

more persons who live independently of each other. This definition shall also mean any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion there of. This definition shall also include apartments, townhouses, condominiums and retirement communities. "Condominiums" as herein shall include the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvement together with an undivided interest in common elements appurtenant to each such unit.

25. "Municipal Solid Waste Stream" shall mean all residential, commercial and institutional solid waste generated within the boundaries of any municipality.

26. "Municipality" shall mean any City, Borough, Town, Township or Village situated within the boundaries of Mercer County.

27. "Non-Profit Group" shall mean those groups or organizations operating not-for-profit, such as the Girl Scouts, Boy Scouts, Religious Organizations, etc. and other types of service organizations that may on occasion conduct recycling fund raising activities.

28. "Office Paper" shall mean high-grade paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper, and related type of cellulosic material containing not more than 10% by weight of volume of non-cellulosic material such as laminates, binders, coatings, or saturants.

29. "Other Paper" shall mean junk mail, cereal, cookie, cracker, dry detergent boxes, shoe boxes, juice boxes, milk and juice containers and telephone books

31 "Private Recycler" shall mean any individual or group registered with the Mercer County Improvement Authority to collect recyclable materials.

32. "Recyclable Container" shall mean a container intended for the in-home storage and collection of recyclable materials, to be approved by the Mercer County Improvement Authority, and to be signed with an appropriate recycling slogan.

33. "Recyclable Material" shall mean those materials which would otherwise become municipal solid waste, and which may be collected, separated, processed and returned to the economic mainstream in the form of materials or products.

34. "Recycling" shall mean the activity whereby a secondary material is introduced as a raw material into a process in which it is transformed into a new product in such a manner that its original identity is essentially lost.

35. "Recycling Act" shall mean the New Jersey Statewide Mandatory Source Separation and Recycling Ac, P.L. 1987, Chapter 102; N.J.S.A. 13:1E-99.1 et seq.

36. "Recycling Center" shall mean any facility designed and operated solely for receiving, storing, processing and transferring source separated, non-putrescible or source separated co-mingled non-putrescible metal, glass, paper, plastic containers, and corrugated and other cardboard, or other recyclable materials approved by the Department.

37. "Recycling Facility" means any place, equipment or plant designed and/or operated for the purpose of recycling to collect, store, process or to redistribute separated waste so as to return the material to market.

38. "Scavenger" shall mean any individual or group that is not registered with the Mercer County Improvement Authority to collect recyclable materials or an individual or group, which has not been granted an exemption to the registration requirement.

39. "Solid Waste" shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

40. "Solid Waste Facilities" shall mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1e-1 et. seq. , or any other Act, including transfer stations, incinerator, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner

41. "Source Separation" shall mean the act of segregating designated recyclable materials from residential, commercial and institutional solid waste by the generator thereof for the purpose of collection, disposition and recycling.

42. "Tin-Plate Cans" shall mean those cans with a basic steel construction with an interior coating of tin.

43. "Tire" shall mean a continuous solid or pneumatic rubber cushion encircling a wheel usually consisting when pneumatic of an external rubber-and-fabric covering that contains and protects from injury and air-filled inner tube for use on

a motor vehicle not for commercial use. A tire as defined herein shall have the rim removed

44. "Unacceptable Co-Mingled Materials" shall mean those materials, which are not defined as Acceptable Co-Mingled Materials.

45. "Unacceptable Mixed Paper" shall mean those materials which are not fined as Acceptable Mixed Paper and are unsuitable for consumption as the grade specified.

46. "White Goods" shall mean refrigerators, freezers, washers, dryers and other appliances of steel construction.

SECTION 2: RECYCLING REQUIREMENTS

Pursuant to the Recycling Act, each resident in Mercer County shall be required to comply with the Mercer County Recycling Plan to meet the state mandated recycling goals. To effectuate and implement the Mercer County Recycling Plan, it is hereby required that:

1. MUNICIPALITIES:

a. All municipalities shall, by ordinance, provide for recycling within the municipality pursuant to the Recycling Act by adoption of the requirements of the County Recycling System as its official municipal recycling program.

b. All municipal contracts for Solid Waste collection and/or disposal shall be consistent with this Ordinance and the Mercer County Recycling Plan.

c. All municipalities shall, by ordinance, provide for a collection system for leaves generated from residential premises, and require that persons occupying residential premises within its municipal boundaries shall, for the period from September 1 to December 31 of each year, source separate leaves from solid waste generated at those premises and, unless leaves are stored or recycled for composting or mulching by the generator, place the leaves for collection in the manner provided for in its ordinance. If a municipality fails to designate a leaf composting facility in its ordinance, the County shall direct it to a composting facility to meet the requirements of the Recycling Act.

d. All municipalities may deliver tires to the Mercer County Transfer Station, or such site as designated by the MCIA, for the transfer to a tire recycler.

e. All municipalities shall be required, at a minimum, within thirty (30) days after the adoption of its ordinance and at least once every six (6) months thereafter, to notify all persons occupying residential, commercial, and institutional premises within its

municipal boundaries of recycling opportunities, and the source separation requirements of its ordinance and the Mercer County Recycling Plan. In order to fulfill the notification requirements of this subsection, the municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.

f. All municipalities shall, pursuant to N.J.S.A 13:1E-99.16 (c), within thirty (30) days of the effective date of its recycling ordinance adopted pursuant to Section 2 subsection 1 (a) of this Ordinance, and at least once every thirty-six (36) months thereafter, conduct a review and make necessary revisions to the master plan and development regulations adopted pursuant to P.L. 1975, c. 291 (C. 40:55D-1 et seq.), which revisions shall reflect changes in State, County and Municipal policies and objectives concerning the collection, disposition and recycling of designated recyclable materials.

The revised master plan shall include provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance adopted pursuant to Section 2 subsection 1 (a) of this Ordinance, and for the collection, disposition and recycling designated recyclable materials within any development proposal for the construction of fifty (50) or more units of single-family residential housing or twenty-five (25) or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of one thousand (1,000) square feet or more of land.

2. RESIDENTS:

a. Each person in that municipality residing in areas designated for recycling collection, shall separate for curbside collection on designated collection days and such additional days as may be designated by the Mercer County Improvement Authority, those materials designated in the Mercer County Recycling Plan as listed below; and shall do so in the manner as set forth in this Ordinance and;

b. All residents within municipalities located within Mercer County shall recycle, or cause to be recycled, at a minimum, the following categories of recyclables:

- Paper, including:
  - Newspaper
  - Corrugated Cardboard
  - Other Paper
  - Office Paper
- Clear, green and amber glass
- Aluminum food and beverage containers
- Tin-plate steel containers

- Bi-metal food and beverage containers
- P.E.T. and H.D.P.E. containers
- Tires
- Vehicle batteries
- White goods
- Leaves
- Used motor oil
- Ferrous automotive scrap

c. Any and all persons having been found to have violated the provisions of the Mercer County Recycling Plan will be assessed warnings, penalties and fines pursuant to Section 6 (Penalties) of this Ordinance; and

d. At the time of placement of recyclable materials designated for collection by the Mercer County Recycling Plan at the curb or street side of residential units said materials shall be considered the sole property of the Mercer County Improvement Authority and shall be considered a conscious contribution by that resident to the County Recycling System for collection by the Mercer County Improvement Authority or its agent; and

e. Any residents may donate or sell designated recyclable materials to any person, whether operating for profit or not-for profit, provided that the receiving person may not perform curbside collection under any circumstance unless that person has registered with the Mercer County Improvement Authority as a Private Recycler.

3. <u>COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ESTABLISHMENTS</u>

a. All commercial, Industrial and Institutional Establishments located within Mercer County shall recycle, or cause to be recycled, at a minimum, the following categories of recyclables:

- Paper, including:
  - Newspaper
  - Corrugated Cardboard
  - Other Paper
  - Office Paper
- Clear, green and amber glass
- Aluminum food and beverage containers
- Tin-plate steel containers
- Bi-metal food and beverage containers
- P.E.T. and H.D.P.E. containers
- Tires
- Vehicle batteries
- White goods

- Leaves
- Used motor oil
- Ferrous automotive scrap

b. All Commercial/Industrial/Institutional Establishments within the County of Mercer shall prepare a source separation recycling plan to meet the state recycling mandates identifying or incorporating the following:
   i. All waste material generated, listed by type; and
   ii. All volumes of these waste categories currently recycled; and
   iii. Any agreement with any solid waste hauler or with a separate entity for the recycling of source separated designated materials as defined within the Mercer County Recycling Plan; and
   iv. A description of current or proposed recycling efforts for designated materials; and

c. All Commercial/ Industrial/Institutional Establishments required to keep a recycling plan on file at their place of business under this Ordinance may, at their option, prepare a joint recycling plan with any other entity or entities whereby a common hauler and/or collection point, for common pick-up, is set forth. However, each Commercial/ Industrial/Institutional Establishment shall prepare a plan identifying that they are part of this joint plan and shall attach a copy of same, incorporating it by reference.

d. Any such Commercial/Industrial/Institutional recycling plan shall be consistent with those terms, conditions and goals set forth in the Mercer County Recycling Plan. The failure to prepare said plan or comply with same shall subject the Commercial/ Industrial/Institutional Establishment to penalties as set forth in this Ordinance; and

f. An extension of the time for plan preparation and/or plan implementation of up to 90 days may be granted by the Mercer County Improvement Authority depending upon the size of the establishment. Justification for such a request shall be submitted to the Mercer County Improvement Authority in writing and shall be verified as necessary or justified;

g. Upon failure of a Commercial/Industrial/Institutional Establishment to meet the source separation recycling provisions of this Ordinance and/or the source separation and recycling provisions of the Recycling Act, if not exempted pursuant to subsection (h) described hereafter, the Mercer County Improvement Authority shall cause to be provided said recycling service, and all fees and costs for providing said recycling service shall be paid to the Mercer County Improvement Authority and, if applicable, shall be assessed at rates established by the New Jersey Board of Public Utilities and Mercer County's Solid Waste Franchise, and penalties shall be assessed as provided for in this Ordinance;

h. Pursuant to N.J.S.A. 13:1E-99.16(d) of the Recycling Act, all municipalities shall have the right to exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of the Ordinance if those personas have otherwise provided for the recycling of the recyclable materials designated in the Mercer County Recycling Plan from solid waste generated at those premises. Each municipality shall annually submit to the Mercer County Improvement Authority a list of those Commercial/ Industrial/Institutional Establishments requesting exemptions under this subsection and the results of the municipal determination with an explanation for said action. To be eligible for an exemption pursuant to this subsection, a commercial or institutional solid waste generator shall annually provide written documentation to the municipality and the Mercer County Improvement Authority of the total number of tons recycled. Persons occupying commercial and institutional premises exempted under this section shall not be exempted from the reporting provisions of the Recycling Act.

i. At the time of placement of recyclable materials designated for collection by the Mercer County Recycling Plan at the curb or street side of Commercial, Industrial or Institutional Establishments for collection under the county-wide curbside collection program, said material shall be considered the sole property of the Mercer County Improvement Authority and shall be considered a conscious contribution to the County Recycling System for collection by the Mercer County Improvement Authority or its agent; and

j. Any future commercial waste private recycling facilities must be approved by the Mercer County Improvement Authority and shall be included by amendment to the Mercer County Solid Waste Management Plan; and

k. Any and all such designated commercial recycling centers shall comply with all applicable laws, ordinances, and statutes, and the Mercer County Solid Waste Plan; and

4. PRIVATE RECYCLERS:

a. Any person or group of persons wishing to collect recyclable materials shall register with the Mercer County Improvement Authority as a “Private Recycler”; and

b. No person or entity shall conduct recycling collection activities on designated County collection days; and

c. Upon registration each private recycler shall receive an identification/registration decal from the Mercer County Improvement Authority and shall prominently display same on all recycling vehicles when collecting recyclables; and

SECTION 3: IMPLEMENTATION OF MUNICIPAL ORDINANCES

1. Each municipality located within Mercer County shall adopt an Ordinance adopting the Mercer County Recycling Plan, in the form similar to the attached Form A to this Ordinance, within ninety (90) days of the date of certification of this Ordinance and attached Mercer County Recycling Plan by the New Jersey Department of Environmental Protection; and

2. Upon the failure of any municipality to enact the above described Ordinance, then each resident of that municipality shall be hereby mandated to comply with the terms and provisions of this Ordinance until that time; and

SECTION 4: ENFORCEMENT

1. Enforcement of the Mercer County Recycling Plan shall be provided individually or severally by the Mercer County Improvement Authority, the New Jersey Department of Environmental Protection, and/or each municipality with regard to the enforcement of that municipality's recycling ordinance.

2. The County of Mercer hereby delegates authority to the Mercer County Improvement Authority, as the implementing agency for the Solid Waste Management Plan, to implement and enforce provisions of the Mercer County Recycling Plan and this ordinance.

3. The County of Mercer further authorizes the Mercer County Improvement Authority to issue orders to enforce orders to enforce compliance with the Mercer County Recycling Plan and/or this Ordinance by municipalities, residents, commercial, industrial and institutional establishments, and recyclers, and to assess penalties for violation of the Plan and/or this Ordinance consistent with the sums provided for in N.J.S.A. 13:1E-1 et seq.

SECTION 5: REGISTRATION REQUIREMENTS

1. No person shall collect recyclables unless registered with the Mercer County Improvement Authority and the requisite fee has been paid. Exemption from the registration fee, but not the registration requirement, shall be provided to non-profit service groups collecting recyclable materials on a limited number of occasions during a given year, and

2. Upon registration and payment of applicable fees, the registrant shall be issued and identification/registration decal which shall be prominently displayed on each recycling vehicle at all times while collecting recyclables; and

3. The following schedule of registration fees, based upon vehicle size, shall be applicable to all Private Recyclers within Mercer County:

a. $25.00 for vehicles between 1-5 yards;
b. $50.00 for vehicles over 5 yards but not exceeding 15 yards; and
c. $100.00 for vehicles over 15 yards

4. Any operator of a private (non-municipally operated) recycling drop-off center where materials will be received for processing shall register with the Mercer County Improvement Authority and shall be subject to a registration fee of $250.00 per annum and the quarterly reporting requirements of the Mercer County Improvement Authority. Approved non-profit recycling drop off locations and/or facilities shall be exempted from the registration fee but not from the reporting requirement.

SECTION 6: PENALTIES

1. RESIDENTS:

Any resident of any municipality within Mercer County who is found to have violated the provisions of this Ordinance shall be subject to the following procedures and penalties:

a. A warning on the first three occasions that said ordinance is violated; and
b. Thereafter, a cessation in the collection of garbage which contains recyclable materials from that household; and/or
c. A fine up to $500.00 per day of violation depending upon the extent of and circumstances of the violation to be assessed by the Mercer County Improvement Authority, as authorized hereby and pursuant to the inclusion of this Ordinance within the Mercer County Solid Waste Management Plan.

2. COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ESTABLISHMENTS

a. Failure to have an approved recycling plan in place as required by this Ordinance shall subject the Commercial/Industrial/Institutional Establishment to a fine of up to $100.00 per day until plan requirements are met
b. Any Commercial/Industrial/Institutional Establishment located within Mercer County found to have violated the terms and provisions of this Ordinance and/or its required recycling plan pursuant to Section 2 of the Ordinance shall be subject to the following procedures and penalties:
    i. A warning on the first three occasions that said plan is violated,
    ii. Thereafter, a fine up to $1,000.00 per day of violation depending upon the extent of and circumstances of the violation and the size of the violating establishment, to be assessed by the Mercer County Improvement Authority, as authorized hereby and pursuant to the inclusion of this Ordinance within the Mercer County Solid Waste Management Plan.

SECTION 7: PLAN MODIFICATION

Should any modifications to the Mercer County Recycling Plan heretofore become necessary, the following procedures shall be required:

7.1 Minor Modifications

a. Definition: "Minor modifications" to the County Recycling Plan shall include matters directly relating to the operation of the recycling system and shall include, but not be limited to, the following:

i. Change in marketing agreements for designated recyclable materials.
ii. Change in the provider (s) of curbside collection services.
iii. Change in the operation of recycling depots, i.e. Hours, etc.
iv. Designation of materials required to be source separated.
v. Determination of recycling targets.

b. Procedure: Modifications to the County Recycling Plan classified above as "minor" shall be included and incorporated therein after the following events have occurred:

i. The Mercer County Improvement Authority shall submit to the NJDEP a letter that describes in detail the recommended administrative action to be taken relative to the County Recycling Plan all in accordance with N.J.A.C 7:26-6.11, Administrative Actions; and

ii. The NJDEP approves or modifies the Administrative Action submitted.

7.2. Major Modifications

a. Definition: "Major modifications" to the County Recycling Plan shall include matters directly relating to compliance with the Solid Waste Management Act, N.J.S.A. 13:1E-1 et. seq., and those matters considered as solid waste plan amendments there under; and shall include, but shall not be limited to the following:

1. The identification of new or a change in the identity of existing designated plan implementation agency or agencies.
2. An inter-district agreement between two or more districts for the purpose of managing solid waste and/or recyclables on a regional basis.
3 Other matters at the discretion of the Board of Choosen Freeholders.

b. Procedure:

All procedures taken hereunder in this Section 7.2 shall comply with the requirements of Solid Waste Management Act, N.J.S.A. 13:1E-1 et. seq.

SECTION 8: CONCLUSION

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

PART B

This Ordinance shall take effect at the time and in the manner provided by law.

FORM A

FORM OF MUNICIPAL RECYCLING ORDINANCE

FORM A

FORM OF MUNICIPAL RECYCLING ORDINANCE

BE IT ORDAINED THAT:

The (INSERT NAME OF MUNICIPALITY) hereby adopts as its municipal recycling program, pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act, the County Recycling System as set forth in Ordinance No._____ _____ adopted by the Board of Chosen Freeholders of the County of Mercer, State of New Jersey on (INSERT DATE), and as more fully set forth in the amendment to the Mercer County Solid Waste Management Plan detailing its Recycling Plan, also incorporated into that Ordinance as follows:

SECTION 1: RECYCLING REQUIREMENTS

Pursuant to the Recycling Act, each resident of (INSERT NAME OF MUNICIPALITY), adopting the Mercer County Recycling Plan to meet the state mandated recycling goals. To effectuate and implement the __(INSERT NAME OF MUNICIPALITY) Recycling Plan, it is hereby required that:

1. MUNICIPALITY:

   a. The (INSERT NAME OF MUNICIPALITY) hereby adopts this Ordinance to provide recycling within its borders pursuant to the Recycling Act adopting herein the mercer County Recycling Plan as its official municipal recycling program; and
   b. All municipal contracts for Solid Waste collection and/or disposal within (INSERT NAME OF MUNICIPALITY) shall be consistent with this Ordinance and the Mercer County Recycling Plan.
   c. The (INSERT NAME OF MUNICIPALITY) shall heretofore provide for a collection system for leaves generated from residential premises within these municipal boundaries shall, for the period from September 1 to December 31 of each year, source separate leaves from solid waste generated at those premises and unless leaves are stored or recycled for composting or mulching by the generator, place the leaves for collection in the manner provided for herein. (Specify leaf composting facility and procedure).
   d. The (INSERT NAME OF MUNICIPALITY) may deliver tires to the Existing Transfer Station, or such site as designated by the Mercer County Improvement Authority, for transfer to a tire recycler.
   e. The (INSERT NAME OF MUNICIPALITY) shall, at a minimum, within thirty (30) days after the adoption of this ordinance and at least once every six (6) months thereafter, to notify all persons occupying residential, commercial, and institutional premises within these municipal boundaries of recycling opportunities, and the source separation requirements of its ordinance and the

Mercer County Recycling Plan. In order to fulfill the notification requirements of this subsection, this municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.

f. The (INSERT NAME OF MUNICIPALITY) shall, pursuant to N.J.S.A. 13:1E-99.16 (c), within thirty (30) days of the effective date of this ordinance, and at least once every thirty-six (36) months thereafter, conduct a review and make necessary revisions to the master plan and development regulations adopted pursuant to P.L. 1975, C. 291 (C. 40:55D-1 et seo.) , which revisions shall reflect changes in State, County and Municipal policies and objectives concerning the collection, disposition and recycling of designated recyclable materials.

   The revised State plan shall include provisions for the collection, disposition and recycling of recyclable materials and recycling of designated in this ordinance, and for the collection, disposition and recycling designated recyclable materials within any development proposal for the construction of fifty (50) or more units of single-family residential housing or twenty-five (25) or more units or multi-family residential housing and any commercial or industrial development proposal for the utilization of one thousand (1,000) square feet or more of land.

2. RESIDENTS:

a. On and after the official commencement date of the County Recycling System within (INSERT NAME OF MUNICIPALITY), each person residing in areas designated for recycling collection, shall separate for curbside collection on designated collection days and such additional days as may be designated by the Mercer County Improvement Authority, those materials designated in the Mercer County Recycling Plan as listed below; and shall do so in the manner as set forth in this Ordinance; and

b. All residents shall recycle, or cause to be recycled, at a minimum, the following categories of recyclables:

   1. Acceptable glass containers;
   2. Acceptable metal containers;
   3. Acceptable plastic containers;
   4. Tires;
   5. White goods;
   6. Leaves: and

c. Any and all persons having been found to have violated the provisions of the Recycling Plan of the (INSERT NAME OF MUNICIPALITY) will be

assessed warnings, penalties and fines pursuant to Section 6 (Penalties) of this Ordinance; and

d. At the time of placement of recyclable materials designated for collection by the Recycling Plan of the (INSERT NAME OF MUNICIPALITY) at the curb or streetside of residential units said materials shall be considered the sole property of the Mercer County Improvement Authority and shall be considered a conscious contribution by that resident to the County Recycling System for collection by the Mercer County Improvement Authority or its agent; and

e. Any resident within (INSERT NAME OF MUNICIPALITY) may donate or sell designated recyclable materials to any person, whether operating for profit or not-for-profit, provided that the receiving person may not perform curbside collection under any circumstances unless that person has registered with the Mercer County Improvement Authority as a Private Recycler.

3. COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ESTABLISHMENTS

a. All Commercial, Industrial, and Institutional Establishments located within (INSERT NAME OF MUNICIPALITY) shall recycle, or cause to be recycled, at a minimum, the following categories of recyclables:

1. Paper, including:

    a. Acceptable mixed paper;
    b. Corrugated cardboard; and
    c. Office paper;
    d. Other paper; and

2. Acceptable glass containers;

3. Acceptable metal containers;

4. Tires;

5. White goods; and

b. All Commercial/Industrial/Institutional Establishments located within (INSERT NAME OF MUNICIPALITY) shall submit a source separation recycling plan to the Mercer County Improvement Authority to meet the state recycling mandates identifying or incorporating the following:

i. All waste material generated, listed by type; and

ii. All volumes of these waste categories currently recycled; and

iii. Any agreement with any solid waste hauler or with a separate entity for the recycling of source separated designated materials as defined within the Mercer County Recycling Plan; and

iv. A description of current or proposed recycling efforts for designated materials; and

c. That the schedule for submittal of these commercial/industrial/institutional recycling plans to the Mercer County Improvement Authority shall be as follows:

i. All Commercial/Industrial/Institutional Establishments whose waste is collected by private haulers and not serviced by municipal collection shall prepare the plan within four (4) months of enactment of this Ordinance and shall implement same within (2) months following approval of the plan by the Mercer County Improvement Authority;

ii. All Commercial/Industrial/Institutional Establishments whose waste is collected through a municipal collection system shall be part of the municipal collection system of recyclables.

d. All Commercial/Industrial/Institutional Establishments required to submit a recycling plan under this Ordinance may, at their option, prepare a joint recycling plan with any other entity or entities whereby a common hauler and/or collection point, for common pick-up, is set forth. However, each Commercial/Industrial/Institutional Establishments shall prepare a plan identifying that they are part of this joint plan and shall attach a copy of same, incorporating it by reference.

e. Any such Commercial/Industrial/Institutional Recycling Plan shall be consistent with those terms, conditions and goals set forth in the Mercer County Recycling Plan and this Ordinance. The failure to submit said plan or comply with same shall subject the Commercial / Industrial /Institutional Establishments to penalties as set forth in this Ordinance; and

f. An extension of the time for plan preparation and/or plan implementation of up to ninety 90 days may be requested from the Mercer County Improvement Authority depending upon the size of the establishment. Justification for such a request shall be submitted to the Mercer County Improvement Authority in writing and shall be verified as necessary or justified; and

g. Pursuant to Mercer County Recycling Ordinance_____, upon failure of a Commercial/Industrial/Institutional Establishment to meet the source separation recycling provisions of this Ordinance and/or the source separation and recycling provisions of the Recycling Act, if not exempted pursuant to subsection (h) described hereafter, the Mercer County Improvement Authority shall provide said recycling service, and all fees and costs for providing said recycling service shall be assessed at rates to be established by

the Mercer County Improvement Authority through the New Jersey Board of Public Utilities and Mercer County's Solid Waste Franchise; and penalties shall be assessed as provided for in this Ordinance; and

(h) Pursuant to N.J.S.A. 13:1E-99-16 of the Recycling Act, this municipality shall have the right to exempt persons occupying commercial and institutional premises within the municipal boundaries from the source separation requirements of the Ordinance if those persons have otherwise provided for the recycling of the recyclable materials designated in the Mercer County Recycling Plan from solid waste generated at those premises. This Municipality shall annually submit to the Mercer County Improvement Authority a list of those Commercial/Industrial/Institutional Establishments requesting exemptions under this subsection and the results of is determination with an explanation for said action. To be eligible for an exemption pursuant to this subsection, a commercial or institutional sold waste generator shall annually provide written documentation to this municipality and the mercer County Improvement Authority of the total number of tons recycled. Persons occupying commercial and institutional premises exempted under this subsection shall not be exempted from the reporting provisions of subsection (c).

SECTION 2: PRIVATE RECYCLERS:

a. Any person or group of persons wishing to collect recyclable materials shall register with the Mercer County Improvement Authority as a "Private Recycler"; and

b. No private recycler shall conduct recycling collection activities within the (INSERT NAME OF MUNICIPALITY) on designated County collection days; and

c. Upon registration each private recycler shall receive an identification/registration decal from the Mercer County Improvement Authority and shall prominently display same on recycling vehicles when collecting recyclables within the (INSERT NAME OF MUNICIPALITY); and

d. An ongoing condition of collection activities within the municipality shall be the submittal of certified weight tickets to the Mercer County Improvement Authority for material sold to quantify levels for State mandated recycling goals. Said tickets shall be submitted to the Mercer County Improvement Authority no later than 30 days following the date of sale of the subject material.

SECTION 3: ENFORCEMENT

1. The enforcement of the Recycling Plan of the (INSERT NAME OF MUNICIPALITY) shall be provided individually and severally by (INSERT NAME OF MUNICIPALITY) with regard to enforcement of this Ordinance, and/or the Mercer

County Improvement Authority, and/or the New Jersey Department of Environmental Protection.

SECTION 4: REGISTRATION REQUIREMENTS

1. No person shall collect recyclables within the (INSERT NAME OF MUNICIPALITY) unless registered with the Mercer County Improvement Authority and the requisite fee has been paid, unless an exemption has been granted by the Mercer County Improvement Authority in accordance with Mercer County Ordinance No._____. The identification/ registration decal of each person so registered be prominently displayed on each recycling vehicle at all times while collecting recyclables within the (INSERT NAME OF MUNICIPALITY).

SECTION 5: PENALTIES

1. RESIDENTS:

a. Any resident of the (INSERT NAME OF MUNICIPALITY) who is found to have violated the provisions of this Ordinance shall be subject to the following procedures and penalties:

i. A warning on the first three occasions that said ordinance is violated, and thereafter;

ii. A cessation in the collection of garbage which contains recyclable materials from that household; and/or

iii. A fine up to $500.00 per day of violation depending upon the extent of and circumstances of the violation to be assessed pursuant to N.J.S.A. 13:1E-9 by the Mercer County Improvement Authority, as authorized hereby and pursuant to the inclusion of this Ordinance within the Mercer County Solid Waste Management Plan.

iv. The terms and provisions of this Ordinance may be enforced individually and severally by (INSERT NAME OF MUNICIPALITY), the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection.

2. COMMERICIAL, INDUSTRIAL AND INSTITUTIONAL ESTABLISHMENTS

a. Failure to submit the plan or have an approved plan in place as required by this Ordinance shall subject the Commercial/Industrial/Institutional Establishment to a fine up to $100.00 per day until plan submittal requirements are met.

b. Any Commercial/Industrial/Institutional Establishment located within Mercer County found to have violated their required recycling plan as submitted to the County pursuant to Section 2 of the Ordinance shall be subject to the following procedures and penalties:

i. A warning on the first three occasions that said plan is violated, and thereafter

ii. A fine up to $1,000.00 per day of violation depending upon the extent of and circumstances of the violation and the size of the violating establishment, to be assessed pursuant to N.J.S.A. 13:1E-9 by the Mercer County Improvement Authority, as authorized hereby.

iii. The terms and provisions of this Ordinance may be enforced individually and severally by (INSERT NAME OF MUNICIPALITY), the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection.

SECTION 6: CONCLUSION

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall become effective upon adoption after publication thereof in accordance with law.

This Ordinance shall constitute the adoption and approval of the Mercer County Recycling Plan as set forth in the amendment to the Mercer County Solid Waste Management Plan.