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TITLE 7. ENVIRONMENTAL PROTECTION
CHAPTER 26. SOLID WASTE
SUBCHAPTER 2D. REQUIREMENTS ON RAIL CARRIERS THAT TRANSFER CONTAINERIZED OR
NONCONTAINERIZED SOLID WASTE TO OR FROM RAIL CARS

N.J.A.C. 7:26-2D.1 (2009)

7:26-2D.1 Requirements on rail carriers that transfer containerized solid waste to or from rail cars

(a) For the purpose of this subchapter, the term "rail carrier" shall mean a person as defined in 49 U.S.C. § 10102(5) that provides common carrier railroad transportation and has been approved pursuant to 49 U.S.C. §§ 10901 or 10902, by the United States Surface Transportation Board (or its predecessor agency) or otherwise has been recognized as a rail carrier by such agency, and holds out to the general public that the operations at the facility are being conducted by it or on its behalf as part of its rail transportation services.

(b) A rail carrier that transfers containerized solid waste to or from rail cars shall provide the Division of Solid and Hazardous Waste with the following information prior to commencing solid waste transportation operations within the State of New Jersey: a description of the geographical location of the rail carrier's facility, identifying the name of the municipality in which the facility is located and the address of the facility. This information shall be sent to:

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
401 East State Street, PO Box 414
Trenton, New Jersey 08625-0414

(c) A rail carrier that engages in the transportation of solid waste at a facility owned by such rail carrier within the State of New Jersey exclusively in the form of sealed containers of solid waste, and that does not engage in any form of solid waste tipping (such as onto the floor of a building or other structure), processing, sorting or compaction, or the removal of solid waste from a container to transfer to another container or vehicle, shall comply with the following requirements:

1. The rail carrier shall provide the Division of Solid and Hazardous Waste with the following information, in addition to the information required by (b) above, prior to commencing solid waste transportation operations: a narrative from an officer of the rail carrier describing the facility operations and certifying that containers will not be opened and that employees, the public or the environment will not be exposed to solid waste except as allowed in accordance with this section. This information shall be sent to the same address as in (b) above.

2. The rail carrier shall operate in accordance with the following standards:

i. Nonputrescible solid waste shall not remain at the rail facility for more than 10 days, except that ID 72 liquid solid waste may be stored for up to 180 days in sealed containers. Putrescible solid waste shall not remain at the rail facility for greater than 72 hours;

ii. Solid waste received, stored or transferred at the rail facility shall at all times be contained in sealed containers that do not leak any liquids or solid materials and are not opened for any purpose at the facility, except that a container holding ID 72 liquid solid waste may be opened briefly for the purpose of sampling the liquid provided the container is immediately resealed;

iii. The operation shall not result in the migration of odors outside the confines of the rail carrier's property or the emission, except by locomotive or locomotive engine, of air contaminants in violation of *N.J.A.C. 7:27-5.2(a)*;

iv. 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;

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v. An adequate water supply and adequate fire-fighting equipment shall be maintained or be readily available to extinguish any and all types of fires. Fire-fighting procedures, including the telephone numbers of local fire, police, ambulance and hospital facilities, shall be posted in and around the facility at all times;

vi. The queuing and staging of solid waste vehicles on any public roadway is prohibited;

vii. The queuing and staging of solid waste vehicles shall be conducted so as to prevent traffic backups and related traffic hazards on access roads servicing the facility;

viii. Facilities and all appurtenances, other than those owned or operated by rail carriers, including vehicles while on-site, shall be positioned and buffered in such a manner that sound levels generated by the operation shall not exceed limits established pursuant to the Noise Control rules, *N.J.A.C. 7:29*, and rail carriers shall at all times comply with the noise emission standards set forth in Title 49 C.F.R. Part 210, and any applicable regulation promulgated pursuant to the State Noise Control Act, *N.J.S.A. 13:1G-1* et seq.;

ix. Only solid waste vehicles properly registered, pursuant to *N.J.A.C. 7:26-3*, with the Division of Solid and Hazardous Waste, unless exempt from the registration requirement pursuant to *N.J.A.C. 7:26-3.3*, and displaying the appropriate registration number and solid waste decal shall be admitted at the facility;

x. The Department's designated representatives and inspectors shall have the right to enter and inspect any building or any other portion of the rail facility, at any time. This right to enter and inspect includes, but is not limited to:

(1) Observing and sampling any materials on-site;

(2) Photographing any portion of the facility, solid waste vehicles, containers, and container contents;

(3) Investigating an actual or suspected source of pollution of the environment;

(4) Ascertaining compliance or noncompliance with the statutes, rules, or regulations of the Department; and

(5) Reviewing and copying all records required by Federal or State statutes or regulations, which shall be made available on request to Department representatives and inspectors at all reasonable times for review and inspection;

xi. Any release or discharge of any solid waste that would harm human health and the environment at the facility shall be immediately reported by the facility operator or its designee to the DEP Emergency Response 24-hour Hotline at 1-877-WARNDEP. The report shall specify the type of substance discharged and the estimated quantity, the nature of the discharge, the location of the discharge, any action being taken or proposed to be taken in order to mitigate the discharge, and any other information concerning the incident the Department may request at the time of notification;

xii. The facility operator shall 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;

xiii. The facility shall maintain daily records of waste received in accordance with *N.J.A.C. 7:26-3.6(h)1*, and shall submit quarterly reports within 20 days of the end of each calendar quarter summarizing waste receipts in accordance with *N.J.A.C. 7:26-3.6(h)2*; and

xiv. Any rail carrier that fails to operate in compliance with the requirements of this section shall be subject to all applicable penalties pursuant to the Solid Waste Management Act, *N.J.S.A. 13:1E-1* et seq., and *N.J.A.C. 7:26-5*.