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TITLE 7. ENVIRONMENTAL PROTECTION
CHAPTER 26. SOLID WASTE
SUBCHAPTER 4. FEES FOR SOLID WASTE

N.J.A.C. 7:26-4.1 (2009)

§ 7:26-4.1 General provisions

(a) Except as provided in *N.J.A.C. 7:26H-8.4*, the fee schedule set forth in this subchapter shall apply to all sanitary landfill operations, thermal destruction facilities, transfer stations, processing facilities, resource recovery facilities, municipal solid waste composting, co-composting or any other methods of transportation or disposal of solid waste, excluding hazardous waste, requiring licensing and registration with the Department.

(b) Persons transporting only their own household refuse in vehicles bearing passenger license plates or persons transporting their own solid waste in vehicles registered with a motor vehicles agency as having a maximum gross vehicle weight of 9,000 pounds for a single vehicle or 16,000 pounds combined maximum gross vehicle weight for a vehicle pulling a trailer, and claiming said exemption under *N.J.A.C. 7:26-3.3*, need not pay any solid waste fee to the Department. Any person transporting solid waste who does not meet the criteria for exemption under this subsection shall be subject to the fee requirements applicable to transporters of solid waste set forth at *N.J.A.C. 7:26-4.4*.

(c) Any fee under this subchapter that is subject to *N.J.A.C. 7:1L* shall be payable in installments in accordance with *N.J.A.C. 7:1L*.

7:26-4.2 Payment of fees

(a) Fees for activities related to solid waste transporters and facilities shall be paid in U.S. dollars by certified check, government purchase order or check, or money order, payable to "Treasurer, State of New Jersey", and mailed or hand delivered to the following address unless the Department authorizes some other means of payment:

New Jersey Department of Environmental Protection
Solid and Hazardous Waste Management Program
P.O. Box 414
401 East State Street
Trenton, NJ 08625-0414

(b) The Department may refrain from commencing work on activities related to solid waste transporters and facilities until the Department receives full payment of such fee. If the Department has commenced work on the service, the Department may suspend such work until it receives full payment of such fee.

(c) All compliance monitoring fees shall be paid in U.S. dollars by certified check, government purchase order or check, or money order, payable to "Treasurer, State of New Jersey" and mailed, along with the fee invoice, to the following address:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

7:26-4.3 Fee schedule for solid waste facilities

(a) The fee schedule for solid waste annual facility registration is as follows:

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1. Except as provided in (a)2 below, each solid waste facility permittee or rail carrier transfer facility shall pay an annual facility registration update fee of \$ 6,006. The annual facility registration update fee is due at the time the annual registration update is submitted, but in no event later than May 1 of each calendar year.

2. A newly permitted solid waste facility or a new rail transfer facility shall pay an initial facility registration fee of \$ 6,006, according to the following schedule:

- i. The initial facility registration fee for a newly permitted solid waste facility shall be due no later than the first July 1 immediately following the issuance of the permit; and
- ii. The initial facility registration fee for a new rail carrier transfer facility shall be due no later than the first July 1 immediately following the Department's receipt of the notification required under *N.J.A.C. 7:26-2D.1(b)*.

(b) Each solid waste facility permittee or rail carrier transfer facility shall pay an annual compliance monitoring services fee as follows:

1. For State fiscal year 2006, each solid waste facility, including newly permitted facilities and rail carrier transfer facilities, shall pay the applicable annual fee listed in the following table for compliance monitoring services. Except for newly permitted facilities and rail transfer facilities, the Department shall bill for these fees in equal quarterly installments, on or about July 15, October 15, January 15 and April 15 of each year. The solid waste facility shall pay each invoice no later than 30 days from the date of the invoice.

Type of Facility	Annual Compliance Monitoring Services Fee for State fiscal year 2006
Sanitary Landfill - operating at 31,200 tons per year (tpy) or more	\$ 13,695
Sanitary Landfill-operating at less than 31,200 tpy	\$ 6,090
Transfer Stations and Materials Recovery Facilities - operating at 31,200 tpy or more	\$ 9,895
Transfer Stations and Materials Recovery Facilities - operating at less than 31,200 tpy	\$ 7,990
Thermal Destruction Facilities - operating at 9.6 tons per day or more	\$ 6,090
Thermal Destruction Facilities - operating at less than 9.6 tons per day	\$ 2,030
Solid Waste Composting and Co-Composting Facilities	\$ 9,895
Closed Landfills	\$ 665
Landfill Disruption	\$ 540
Research Demonstration & Development/ Certificate of Authority to Operate	\$ 2,535
Rail Carrier Transfer Facility	\$ 9,895

2. The annual compliance monitoring services fee for each State fiscal year after State fiscal year 2006 shall be annually adjusted pursuant to *N.J.A.C. 7:26-4.7*. Except for newly permitted facilities and newly permitted rail transfer facilities, the Department shall bill for these fees in equal quarterly installments, on or about July 15, October 15, January 15 and April 15 of each year and the solid waste facility shall pay each invoice no later than 30 days from the date of the invoice.

3. A newly permitted solid waste facility or new rail transfer facility shall pay its first annual compliance monitoring services fee as follows, based on the quarterly beginning dates listed at *N.J.A.C. 7:26-4.3(b)1*:

- i. A newly permitted solid waste facility shall pay its first quarterly installment of the annual compliance monitoring services fee on or before the first quarter immediately following the issuance of the permit.

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ii. A new rail carrier transfer facility shall pay its first quarterly installment of the annual compliance monitoring services fee on or before the first quarter immediately following the Department's receipt of the notification required under *N.J.A.C. 7:26-2D.1(b)*.

iii. The Department shall bill for each quarterly installment following the first quarterly installment and these installments shall be payable in accordance with the schedule set forth at (b)1 above.

(c) The following tables set forth the classifications of solid waste facilities:

1. Thermal destruction facilities:

Class A: small scale thermal destruction facility (as such term is defined at *N.J.A.C. 7:26-1.4*)

Class B: design capacity greater than 9.6 tons per day

2. Sanitary landfills:

Class A: Class I sanitary landfill (as such term is defined at *N.J.A.C. 7:26-1.4*)

Class B: Class II sanitary landfill (as such term is defined at *N.J.A.C. 7:26-1.4*)

Class C: Class III sanitary landfill (as such term is defined at *N.J.A.C. 7:26-1.4*)

3. Sanitary landfill closure plan submissions:

Closure Plan

Class A: less than 10 acres

Class B: 10 to 30 acres

Class C: more than 30 acres

(d) Each class of solid waste facility set forth in (c) above shall pay the applicable fee for the Department's review of any submission listed in the following table. Each fee must accompany the corresponding submission, and is payable in accordance with *N.J.A.C. 7:26-2.4(b)* and (c)1vi. If the solid waste facility modifies or amends a submission and the modification or amendment falls into a submission category different from the submission category of the initial submission, the applicable fee for that new category must accompany the modification/amendment if greater than the initial fee submitted. If, however, the new category fee is less than the initial fee submitted, the Department will refund the difference between the fees, minus an adjustment for the amount of work the Department completed. The Department may refrain from commencing work on the service for which a fee is established pursuant to this subsection until the Department receives full payment of such fee. If the Department has commenced work on the service, the Department may suspend such work until it receives full payment of such fee. Where the Department's review of any submission listed in the following table results in the rejection, denial or withdrawal of an application that is the subject of that submission, full payment of the fee in the amount listed below is due and payable at the time of resubmission of the application.

1. Thermal Destruction Facilities

		Class	
		A	B
i.	Initial permit	\$ 83,286	\$ 271,452
ii.	Permit renewal	\$ 49,355	\$ 140,661
iii.	Major modification to permit	\$ 22,210	\$ 74,032
iv.	Minor modification to permit	\$ 12,339	\$ 18,508
v.	Transfer of ownership of permit	\$ 12,956	\$ 22,827
vi.	Minor technical review	\$ 3,085	\$ 6,169

2. Sanitary Landfill Facilities

		Class		
		A	B	C
i.	Initial permit	\$ 157,131	\$ 111,737	\$ 78,566
ii.	Permit renewal	\$ 101,262	\$ 69,836	\$ 40,156
iii.	Major modification to permit	\$ 41,902	\$ 26,538	\$ 17,808
iv.	Minor modification to permit	\$ 15,713	\$ 10,475	\$ 6,984
v.	Transfer of ownership of permit	\$ 17,459	\$ 12,338	\$ 10,825

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		Class		
		A	B	C
vi.	Minor technical review	\$ 2,095	\$ 1,397	\$ 698.00

3. Transfer Stations and Materials Recovery Facilities

i.	Initial permit		\$ 138,680	
ii.	Permit renewal with modification(s)		\$ 109,047	
iii.	Permit renewal without modification(s)		\$ 31,141	
iv.	Major modification to permit		\$ 77,906	
v.	Minor modification to permit		\$ 11,206	
vi.	Transfer of ownership of permit with modification(s)		\$ 109,047	
vii.	Transfer of ownership of permit without modification(s)		\$ 31,141	
viii.	Minor technical review		\$ 2,586	

4. Closure Plan

		Class		
		A	B	C
i.	Initial closure plan approval	\$ 13,243	\$ 19,864	\$ 27,299
ii.	Closure plan renewals	\$ 5,808	\$ 8,712	\$ 11,617
iii.	Major modification to approval	\$ 3,485	\$ 5,227	\$ 6,970
iv.	Minor modification to approval	\$ 1,162	\$ 2,323	\$ 3,485
v.	Transfer of ownership of approval	\$ 2,323	\$ 3,485	\$ 5,227
vi.	Minor technical review	\$ 697.00	\$ 1,394	\$ 2,091
vii.	Minor landfill disruption	\$ 855	\$ 855	\$ 855
viii.	Major landfill disruption	\$ 4,065	\$ 4,065	\$ 4,065

5. Annual Topographic Map Submissions

i.	Engineering design report review	\$ 3,525		
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(e) For submissions concerning methane venting systems, on-site disposal, cover material, RD&D reviews, hearing officer's report, construction facility inspection, contaminated soil reviews, or the solid waste facility performance partnership agreement, the applicant/permittee may request the Department to provide an estimate of the fee for review of that submission. As part of its initial review, the Department shall charge the fees for performing its services in connection with the submission. An estimated fee calculated under this subsection is not binding on the Department. The final fee to be charged by the Department shall be based on actual hours worked, multiplied by an hourly rate for solid waste regulation services for State fiscal year 2006 of \$ 115.00. For each State fiscal year after State fiscal year 2006, the hourly rate shall be annually adjusted pursuant to *N.J.A.C. 7:26-4.5*.

(f) The omission of any type of service from the fee schedules set forth in (a), (b), (d) and (e) above, or if the Department determines that performing its services will exceed the fee the Department charges for the review of any submission listed at (d) above, shall not prevent the Department from assessing a reasonable fee for such services, at any time whether prior to, during or after the Department has performed its services. An applicant/permittee making a submission which it believes is not included in any of the schedules set forth in (a), (b), (d) and (e) above may request the Department to provide an estimate of the fee for review of that submission. As part of its initial review, the Department shall charge the fees for performing its services in connection with the submission. The solid waste facility performance partnership agreement will be assessed a fee based on the hour-by-hour negotiation of the document with the permittee and any associated work. This assessment will allow for the flexibility required by the Department and the permittee in establishing its permit pursuant to *N.J.A.C. 7:26-2.14*. An estimated fee calculated under this subsection is not binding on the Department. The final fee to be charged by the Department shall be based on actual hours worked, multiplied by an hourly rate for solid waste regulation services for State fiscal year 2006 of \$ 115.00. For each State fiscal year after State fiscal year 2006, the hourly rate shall be annually adjusted pursuant to *N.J.A.C. 7:26-4.5*. The Department will calculate the fee for performance of the Department's services as follows:

1. If the Department determines, in its discretion, that the activity is of a type listed in (a), (b), (d) or (e) above, the amount of the fee shall be equal to the amount listed in (a), (b), (d) or (e).

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2. If the Department determines, in its discretion, that such activity is not of a type listed in (a), (b), (d) or (e) above, the fee shall be equal to the Department's estimate of the number of person-hours required to perform such activity, multiplied by the hourly rate for solid waste regulation services for State fiscal year 2006 of \$ 115.00. For each State fiscal year after State fiscal year 2006, the hourly rate shall be annually adjusted pursuant to *N.J.A.C. 7:26-4.5*.

(g) A determination of a fee made pursuant to (e) or (f) above shall expire on the date which is 90 days after the date such determination has been issued, unless the applicant or permittee has paid such fee to the Department in full before expiration. If the applicant or permittee desires to continue to pursue the submission for which the fee determination has expired, such applicant or permittee may request a redetermination of the fee in writing, and the Department shall redetermine the fee in accordance with (e) or (f) above, as applicable.

(h) The Department may, in its discretion, refrain from commencing work on the activity, which is the subject of a fee determined pursuant to (e) or (f) above or (i) below until the Department has received full payment of the fee. If the Department has already commenced work, the Department may, in its discretion, suspend such work until it has received full payment of the fee.

(i) The following table sets for the fees (in U.S. dollars) for services in reviewing beneficial use applications and issuing certificates of authority to operate (CAO) a beneficial use project pursuant to *N.J.A.C. 7:26-1.7(g)*. The Department may, in its discretion, refrain from commencing work or suspend work at any time until the applicant has paid the designated fee.

1. Beneficial Use Review

i. In-State (no sampling results)	\$ 534.00
ii. In-State (sampling results)	\$ 962.00
iii. Out-of-State (no sampling results)	\$ 321.00
iv. Out-of-State (sampling results)	\$ 962.00

2. For additional activities such as pre-application meetings and site visits or any other activity which the Department determines, in its discretion, is required to fully evaluate and process the applicant's submission, the Department shall charge the fee for performing the additional services. An estimated fee calculated pursuant to this paragraph is not binding on the Department. The final fee to be charged by the Department shall be based on actual hours worked multiplied by an hourly rate for solid waste regulation services for State fiscal year 2006 of \$ 115.00. For each State fiscal year after State fiscal year 2006, the hourly rate shall be annually adjusted pursuant to *N.J.A.C. 7:26-4.5*.

7:26-4.4 Fee schedule for transporters

(a) For solid waste transporters, excluding those solely transporting hazardous waste, a biennial registration and inspection fee shall be paid. Annual registration shall continue through the registration period of calendar year 2002. In accordance with (b) below, the odd numbered year for biennial registration shall begin calendar year 2003. The five-year registration period for public entities shall begin calendar year 2001. The registration of a solid waste transporter is non-transferable and fees are non-refundable.

(b) The registration period shall be biennial, except that it will be five years for public entities, unless otherwise established by the Department, and shall extend from July 1 through June 1 of each odd numbered year, except that it will extend from July 1 through June 1 of every fifth year after 2001 for public entities. Fees shall be payable prior to May 1 of each registration period.

(c) All transporters shall pay a biennial fee of \$ 40.00 (\$ 20.00 for calendar year 2002) for each solid waste cab.

(d) All transporters shall pay a biennial fee of \$ 60.00 (\$ 30.00 for calendar year 2002) for each solid waste trailer.

(e) All transporters shall pay a biennial fee of \$ 60.00 (\$ 30.00 for calendar year 2002) except that public entities shall pay a registration period fee of \$ 22.00 (fee set as of March 1999) for each solid waste container.

(f) All transporters shall pay a biennial fee of \$ 100.00 (\$ 50.00 for calendar year 2002) for each solid waste single vehicle.

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(g) All transporters shall pay a biennial fee of \$ 60.00 (\$ 30.00 for calendar year 2002) for the registration of containers meeting the requirements at *N.J.A.C. 7:26-3.5(f)*.

(h) The registration of a solid waste vehicle is non-transferable.

(i) Fees will be prorated as follows:

1. Solid waste vehicles registered after May 1 of the second year of the registration period shall be assessed half the fee listed above for said solid waste vehicle.

2. Public entities registering after May 1 of the second year shall be prorated year for year except that containers shall not be prorated.

(j) All transporters shall pay a fee of \$ 10.00 as a replacement fee for lost, stolen, or plate changes of registration cards.

7:26-4.5 Solid waste facility fee hourly rate calculation

(a) The Department shall compute the solid waste fee hourly rate in accordance with (b) below and it shall be used in calculating solid waste facility fees in accordance with *N.J.A.C. 7:26-4.6* and compliance monitoring fees in accordance with *N.J.A.C. 7:26-4.7*.

(b) The Department shall calculate the solid waste facility fee hourly rate for the upcoming State Fiscal Year (SFY) as of the December 1 that precedes the upcoming SFY as follows:

$$\text{Hourly Rate} = \frac{(\text{AS} + \text{FB} + \text{IC} + \text{OE} + \text{LS})}{\text{BH}}$$

Where:

AS = The average annual salary of the Direct Program staff assigned to the activity, plus a component that reflects the salaries for Direct Support and Division Overhead staff who perform functions related to the fee activity. To calculate AS, the Department divides the applicable number of Direct Support staff and Division Overhead staff salaries by the number of Direct Program staff and adds this figure to the average salary of the Direct Program staff.

FB = The average fringe benefits for an employee calculated as a percentage of the average salary. The New Jersey Department of Treasury sets the percentage based on costs associated with pensions, health benefits, workers compensation, disability benefits, unused sick leave and the employer's share of the Federal Income Compensation Act (FICA) contribution. The percentage is annually set by the New Jersey Department of Treasury.

IC = The indirect costs, which are calculated at a rate negotiated annually between the Department and the United States Environmental Protection Agency. Indirect costs are those costs incurred for a common or joint purpose, benefiting more than one objective and not readily assignable to the cost objective specifically benefited without effort disproportionate to the result achieved. Indirect costs consist of Department management salaries and operating expenses, divisional indirect salaries and related expenses (personnel, fiscal and general support staff), building rent and the Department allocation of indirect costs listed in the Statewide Allocation Plan prepared annually by the State Department of the Treasury. Indirect costs do not include the salaries for Division Overhead staff and Direct Support personnel. To calculate the IC, the current negotiated rate is multiplied by the sum of AS and FB.

OE = The average operational expenses attributable to an employee. Operating expenses include costs incurred in connection with the program for such items as postage, telephone, training, travel, supplies, equipment maintenance, vehicle maintenance and data system management (internal systems such as the New Jersey Environmental Management System (NJEMS) and external mainframe applications through the Office of Information Technology).

LS = The budgeted annual costs of legal services performed in connection with each of the types of activities for which fees are assessed divided by the total number of Direct Program staff funded through the various fee programs.

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BH = 1,428. The billable hours, which is the average number of hours each Direct Program Staff position spends annually performing activities for which fees are assessed, is determined by starting with the total number of days in the calendar year, 365. Then weekends and holidays are subtracted. This figure is further reduced by subtracting days for an average number of used employee leave time (vacation, sick and administrative leave days). Finally, the figure is adjusted by subtracting days for training and other non-billable staff time (such as medical surveillance, time sheet preparation, staff meetings, and other general functions). This results in 204 working days annually that can be allocated to specific objectives (204 days multiplied by seven hours per workday equals the 1,428 billable hours used for most calculations).

(c) Each year, the Department shall prepare a Solid Waste Facility Fee Hourly Rate Calculation Report detailing the factors used to calculate the hourly rate and the excess hourly rate. During the month of December, the Department shall publish in the New Jersey Register a notice that includes a summary of the report and the hourly rate. The notice shall state that the report is available, and shall direct interested persons to contact the Department for a copy of the report. The Department shall provide a copy of the report to each person requesting a copy and shall post a copy of the report on the Department's website at www.state.nj.us/dep.

7:26-4.6 Solid waste facility fee calculation

(a) The Department shall calculate solid waste facility fees in accordance with (b)1 and 2 below and shall assess these fees in accordance with (d) below.

(b) The Department shall calculate solid waste facility fees for the upcoming State fiscal year, as of the December 1 that precedes the upcoming State Fiscal Year as follows:

1. Calculate task hours by determining the number of hours (determined from time coding or workload analysis) required to perform the specific program function for which the Direct Program staff is being employed (such as Class A landfill renewal, transfer station major modification, thermal destruction facility minor modification, etc.).

2. Multiply the solid waste facility hourly rate derived pursuant to *N.J.A.C. 7:26-4.5* by the task hours for each task calculated in (b)1 above to derive the solid waste facility fee for each task.

(c) Each year, the Department shall prepare an Annual Solid Waste Facility Fee Calculation Report detailing the factors used to calculate each fee. During the month of February, the Department shall publish in the New Jersey Register a notice that includes a summary of the report and the hourly rate and the task hours used to calculate each fee. The notice shall state the report is available, and shall direct interested persons to contact the Department for a copy of the report. The Department shall provide a copy of the report to each person requesting a copy and shall post a copy of the report on the Department's website at www.state.nj.us/dep.

(d) Fees under *N.J.A.C. 7:26* are assessed per occurrence and shall not be prorated or refunded. A bill will be issued to the applicant upon completion of the initial review.

7:26-4.7 Compliance monitoring services fee calculation

(a) This section shall apply to all compliance monitoring services fees calculations for facilities that are required to pay compliance monitoring services fees pursuant to this chapter.

(b) The Department shall calculate compliance monitoring services fees for the upcoming State Fiscal Year as of December 1 that precedes the upcoming State Fiscal Year as follows:

1. Calculate task hours by determining the number of hours (determined from time coding or workload analysis) required to perform the specific program function for which the direct program staff are being employed (such as major landfill inspections, Class B recycling center inspections, hazardous waste non-commercial facility inspections, etc.).

2. Multiply the solid waste facility hourly rate derived pursuant to *N.J.A.C. 7:26-4.5* above by the task hours calculated in (b)1 above to derive the compliance monitoring services fee for each task.

(c) Each year, the Department shall prepare an Annual Compliance Monitoring Fee Calculation Report detailing the factors used to calculate each fee. During the month of February, the Department shall publish in the New Jersey

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Register a notice that includes a summary of the report and the hourly rate and the task hours used to calculate each fee. The notice shall state the report is available, and shall direct interested persons to contact the Department for a copy of the report. The Department shall provide a copy of the report to each person requesting a copy and shall post a copy of the report on the Department's website at www.state.nj.us/dep.

(d) The recipients shall pay said compliance monitoring fee by check or money order, payable to "Treasurer, State of New Jersey" within 30 days of the date on which it is billed. The check or money order shall be submitted in accordance with the remittance information contained on the bill.

7:26-4.8 County enforcement activity fees for solid waste control program

(a) General provisions are as follows:

1. Scope: Unless otherwise provided by state or statute, the following shall constitute the rules of the Department of Environmental Protection concerning fees to be charged for enforcement activities undertaken by county health departments pursuant to the Solid Waste Management Act, *N.J.S.A. 13:1E-1* et seq., and the County Environmental Health Standards of Administrative Procedure and Performance, *N.J.A.C. 7:1H*.

2. Construction: This section shall be liberally construed to permit the Department and its component divisions to effectuate the purposes of the above referenced laws.

3. Purpose: This section is promulgated for the following purposes:

- i. To aid counties in the development and implementation of a solid waste control program; and
- ii. To provide a basis for the Department to review county department fees for enforcement activities related to their solid waste control program based upon the objectives in *N.J.S.A. 13:1E* et seq. and *N.J.A.C. 7:26-1*.

4. Definitions: The following words and terms, when used in this section, shall have the following meanings. Where words and terms are used which are not defined herein, the definitions of those words and terms will be the same as the definitions at *N.J.A.C. 7:26-1.4*.

"County department" means a county department of health established pursuant to P.L. 1975, c.329 (*N.J.S.A. 26:3A2-1* et seq.) as amended and supplemented, with the purpose of providing environmental health programs throughout the county and other local health programs in any municipality which contracts therefor with the county board (*N.J.S.A. 26:3A2-21* et seq.)

"Owner or operator" means and includes, in addition to the usual meanings thereof, every owner of record of any interest in land whereon a sanitary landfill facility is located, and any person or corporation which owns a majority interest in any other corporation which owns a majority interest in any sanitary landfill facility.

"Program" means a solid waste control program prepared by the county department pursuant to this section and the procedures and standards authorized by the County Environmental Health Standards of Administrative Procedure and Performance, *N.J.A.C. 7:1H*, and which has been submitted to the Department for review.

(b) Enforcement activity fee schedule established: In accordance with *N.J.S.A. 13:1E-9*, there is hereby established a fee schedule which shall apply to all sanitary landfill facilities required to be registered with the Department and subject to a county department program.

1. Duties and powers of the county department are as follows:

i. Any county department may charge and collect from the owner or operator of any sanitary landfill facility fees established by ordinance or resolution adopted by the county governing body. Such fees shall be established in accordance with this section for the purpose of enforcing the rules and regulations adopted by the Department related to solid waste collection and disposal, and in conformance with all applicable County Environmental Health Standards of Administrative Procedure and Performance, *N.J.A.C. 7:1H*, adopted pursuant to the County Environmental Health Act, *N.J.S.A. 26:3A2-21* et seq.

ii. Within six months of the effective date of this section and by September 1 of each succeeding year as part of its annual work program, pursuant to the County Environmental Health Act, *N.J.S.A. 26:3A2-21* et seq., a county department shall submit to the Department a Solid Waste Control Program (Program). The Program shall be submitted to each municipality located in the county for review and comment prior to its submittal to the

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Department and shall contain monitoring and enforcement activities at least equivalent to those set forth in *N.J.A.C. 7:1H-3.4(a)* through (u) and shall also include the following:

- (1) Identification and number of operating facilities to be inspected;
- (2) Projection of the number of inspections to be conducted by facility name (minimum twice per month);
- (3) Purpose of inspections;
- (4) A description of the procedures for:
 - (A) Determining inspection frequency;
 - (B) Accounting for activities performed;
 - (C) Actions to be taken after inspections have been performed; and
 - (D) Taking legal action.

(5) In each succeeding year, a report on the previous year's activities, including a detailed financial statement of the previous year's expenditures, actual amount of fees collected and any surplus which can be credited to the next year's costs.

iii. The Program shall include certain county budgetary costs as follows, provided they are both reasonable and necessary. The Department may consider additional costs based upon particular local needs and abilities provided the Department is satisfied that those additional costs are both reasonable and necessary.

(1) Personnel: Identify type, number, and salary required, including benefits therefor;

(2) Local training: In addition to county department training costs, personnel performing solid waste inspections shall also be trained by the Department through the arrangement of joint inspections with departmental inspectors experienced in facility inspections. It shall be the responsibility of the county department to arrange such joint training inspections;

- (3) Protective equipment;
- (4) Vehicles and maintenance;
- (5) Test equipment;
- (6) Laboratory and analysis;
- (7) Office equipment and supplies;
- (8) Secretarial, office and general administrative support; and
- (9) Costs based on (b)1ii(1) through (5) above.

2. Fees for the Program are as follows:

i. After review by the Department of its Program, and pursuant to a resolution or ordinance adopted by the county governing body, any county department may charge and collect fees from the owner or operator of any sanitary landfill facility within its jurisdiction, as follows:

(1) At the maximum rate of \$ 0.01 per cubic yard of solid waste accepted for disposal at a facility;

(2) In the event that any solid waste is measured, upon acceptance for disposal, by other than cubic yards, the fee shall be assessed on the equivalents utilized pursuant to the Sanitary Landfill Closure and Contingency Fund Act, P.L. 1981, c.306, and the Recycling Act, P.L. 1981, c.278;

(3) Fees shall be assessed and collected by a county department each month in the manner provided for in (b)2 of this section;

(4) Except as otherwise provided for herein, the owner or operator of every sanitary landfill facility subject to a county department program shall submit to the appropriate county department, on or before the 20th of each month, a fee equal to \$ 0.01 per cubic yard of solid waste accepted for disposal during the preceding month, together with a completed copy of Department form No. SFA-001 which is submitted for that month to the Department in

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accordance with the escrow account reporting requirements pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act, P.L. 1981, c.306.

ii. Subject to the approval of the Department, a higher fee may be assessed in the event that the county department documents the need for a greater amount in a succeeding year's program.

3. Utilization of fees: Fees provided for in this section shall be utilized exclusively to fund county solid waste monitoring and enforcement activities as identified in the Program.

7:26-4.9 Fee schedule for intermodal container facilities

(a) Each person authorized by the Department pursuant to *N.J.A.C. 7:26-3.6* to operate an intermodal container facility shall:

1. Pay an application fee of \$ 11,206. Such fee shall be submitted with the application required pursuant to *N.J.A.C. 7:26-3.6(b)*;

2. Pay an annual fee of \$ 216.00 on January 1 of each year for the costs of reviewing and maintaining the quarterly reports submitted pursuant to *N.J.A.C. 7:26-3.6(e)*;

3. Pay the compliance monitoring fee set forth at *N.J.A.C. 7:26-4.3(b)*;

4. Pay the costs of any other inspections or activities conducted by the Department as related to the authorization, inspection, and revocation of authorization to operate an intermodal container facility. Such costs shall be in accordance with the fee schedule set forth at *N.J.A.C. 7:26-4.3*; and

5. Pay a fee of \$ 2,586 for an authorization modification issued pursuant to *N.J.A.C. 7:26-3.6(m)*, which shall be paid on issuance of the authorization modification.

7:26-4.10 Confidentiality claims

Any person submitting information to the Department and asserting a confidentiality claim in accordance with the procedures set forth in *N.J.A.C. 7:26-17* shall pay a fee of \$ 350.00.