



New
Jersey
Department of
Environmental
Protection

COMPLIANCE ADVISORY

Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

Issued: April 2007

#2007-05

DEP Steps Up Enforcement of Billing Requirements for Solid Waste Collection Utilities

Who is affected by this initiative?

All solid waste collection utilities. Solid waste collection utilities are persons engaging in the collection of solid waste (including those persons that collect regulated medical waste) who are required to hold a Certificate of Public Convenience and Necessity pursuant to N.J.S.A. 48:13A-6 and 48:13A-9.

Why is DEP Enforcement taking Steps to Enforce that Solid Waste Collection Utilities are properly billing their customers?

Solid waste collection utilities must provide bifurcated billing to customers identifying service charges and disposal charges. Bifurcated bills allow customers to compare the rates and services offered by solid waste collection utilities in their area; they help customers to get the most favorable service to meet their needs at the most reasonable rate. It has come to the Department's attention that several solid waste collection utilities are not providing this detailed billing, yet are required to do so. A large part of the solid waste collection utilities that have not been compliant with the billing to their customers are those that collect regulated medical waste.

What is DEP doing?

When conducting inspections of solid waste collection utilities, including those that collect regulated medical waste, the Department will investigate how the utility is handling its billing or payment for services. Solid waste collection utilities who fail to provide bifurcated bills or otherwise comply with the requirements of N.J.A.C. 7:26H-4.4(b)3 will be issued a Notice of Violation and may be subject to additional enforcement action including assessment of penalties. The Department allows first time violators of this regulatory provision a **30-day** grace period to come into compliance. If compliance is not achieved within 30 days the Department may issue an enforcement action with a civil administrative penalty assessment of \$2,000.

What should I do?

If you are a solid waste collection utility in New Jersey, you must immediately take the appropriate steps to ensure that you are properly itemizing your customer's bills. Pursuant to N.J.A.C. 7:26H-4.4(b)3 - Solid waste collection tariff terms and

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conditions, the following provisions shall apply to all solid waste collection utilities regarding billings and payments for services:

All bills for collection shall include and list separately the following information:

- Date of bill;
- Time period for which the service is rendered;
- Size and number of containers;
- Frequency of service;
- Waste type;
- The disposal facility and tariff rate applied, including:
 - (1) Disposal component (actual weight for roll-off services);
 - (2) The service component; and
 - (3) Special or additions charges, if applicable;
- A separate line item showing the surcharge applied, if any, pursuant to P.L. 1981, c.438, to fund county health department enforcement activities, N.J.S.A. 13:1E-9.1;
- A separate line item showing the Solid Waste Service Tax;
- A separate line item showing the Host Community Benefit surcharge, if any;
- Separate line items showing the Sanitary Landfill Closure and Contingency Fund Tax, N.J.S.A. 13:1E-100 et seq.; and
- Total charge for the service.

Who should I contact with questions?

**County Environmental & Waste Enforcement
Bureau of Solid and Hazardous Waste Regulation**

**609-584-4250
609-984-2080**

Where can I get more information?

The following web sites can be accessed for additional information regarding this advisory:

Solid Waste Utility Regulations
Compliance & Enforcement

<http://www.nj.gov/dep/dshw/resource/rules.html>
<http://www.nj.gov/dep/enforcement/>

Visit the following Web site for general information:

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement numbers listed above.