

COMPLIANCE ADVISORY



NJDEP

Enforcement ALERT

Making You Aware of Anticipated Enforcement Activities

Compliance & Enforcement

Issued: April 2003

#2003-02

DEP Steps Up Enforcement of Small Solid Waste Transporters

Who is affected by this initiative?

Almost anyone transporting waste in NJ. The only way you are **not** affected is if:

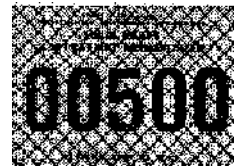
1. you are hauling waste that you generated at your own home, and
2. the waste is being hauled in passenger type vehicles with a gross vehicle weight of less than 9000 lbs.

For example: a do-it-yourself homeowner working on a home remodeling project and transporting the construction debris in his pickup truck for disposal is not affected.

In all other cases **vehicles used to transport waste must be registered with DEP.**
Further, businesses in certain other cases must be licensed with DEP

Registration is required by anyone transporting Solid Waste generated by themselves at a work site that is not their home. These might include:

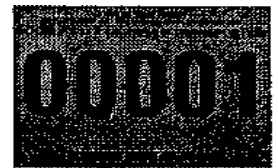
- contractors }
- roofers } (all hauling waste they created themselves)
- landscapers }
- etc. }



Because these people do not haul waste as primary function of their operation they are "exempt" from filing Disclosure Statements (known as A901) and therefore, they are subject to lower regulatory standards and DO NOT receive a license. These registrations are considered "A-901 Exempt" but still must display the double cross-hatched/striped A-901 EXEMPT Solid Waste Decal on each vehicle that transports waste.

Licensing is required for anyone transporting Solid Waste generated by someone else and might include:

- large commercial haulers
- contractors hauling waste for others
- mattress/bedding removal
- commercial basement cleanouts or estate buyouts
- furniture dealers doing removal/disposal



Because these people haul waste they did not generate they must file their Disclosure Statements, meet the Solid Waste Licensing requirements, and pass an Integrity Review by the New Jersey State Police and Attorney General's Office. These haulers must have solid colored A901 LICENSED Solid Waste Decals displayed.

Why is DEP Enforcement targeting small solid waste transporters?

The DEP, in conjunction with County Health Departments, has undertaken a small hauler initiative to ensure that solid waste is transported in an environmentally sound manner only be appropriatelaely

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registered, licensed, and placarded (decaled) vehicles. Licensed haulers have complained that they are put at a competitive disadvantage by unregistered haulers or haulers that are registered as "exempt" or self-disposers. Many haulers transporting waste in unregistered vehicles, although not needing to become a commercially licensed entity, still must register their vehicle(s) with DEP as "exempt" haulers and obtain DEP Solid Waste vehicle decals.

What is DEP doing?

Since November 2002, the DEP and the counties have been intensively monitoring vehicles utilizing disposal facilities and investigating haulers who claim to be transporting only their own generated waste but who in fact may be hauling waste generated by others. The DEP is also looking at haulers who may be operating without any registration at all, when in fact they need to be registered and decaled as "exempt" haulers. The initial results indicate that unregistered or under registered haulers are a pervasive problem with over 80 violations issued since the start of this program in November. Therefore, the DEP, along with the counties, will further expand this initiative to include additional facility inspections and roadside stops. The DEP through this initiative is attempting to place everyone who hauls solid waste in New Jersey on notice and to ensure that only legitimate, licensed, and registered transporters conduct solid waste collection and transportation activities in New Jersey. Those that seek to circumvent the state's regulations by hauling waste in unregistered vehicles or by unlicensed companies will be vigorously pursued and enforced against, including penalties and loss of license.

What should I do?

If you are hauling solid waste of any kind in New Jersey and you meet the criteria, you must be licensed and/or registered before hauling any more waste! Do not put this off! If the DEP observes you hauling waste in an unregistered vehicle, it may be too late to avoid a court hearing and penalty assessment.

Who should I contact with questions or to register?

**Division of Solid and Hazardous Waste
Licensing & Registration Unit**

609-292-7081

Division of Law Environmental Enforcement A901 Unit

609-292-6018

Where can I get more information?

The following web sites can be accessed for additional information:

Solid & Hazardous Waste	http://www.ste.nj.us/dep/dshw/
A-901 Forms Online	http://www.state.nj.us/dep/dshw/a901/a901frms.htm
Enforcement	http://www.state.nj.us/dep/enforcement/advisories
DEP news release	http://www.state.nj.us/dep/newsrel/
NJ Solid & Hazardous Transporters' Quick Access Guide Book 2009-2011	http://www.state.nj.us/dep/dshw/resource/shwtqagb.pdf

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 number listed above.

6. **A-901 Exempt waste Transporters with "passenger plates"** N.J.A.C. 7:26-3.2(a)6; N.J.S.A.39:3.8.1 and 39:3-20

The above-referenced solid waste regulations and New Jersey Statute state that in addition to the Department of Environmental Protection's solid waste regulations, a waste transporter shall comply with all rules and regulations from the New Jersey Motor Vehicle Commission. Therefore, the following information will apply:

Regulatory Summary

A-901 Exempt waste Transporters who have "passenger plates" on the vehicle because they state that the vehicle will only be operated for "personal use"...

- **may not use their "Non-commercial trucks" with "passenger plates" for any type of "commercial" transportation of waste**
- **may not bear any company names, lettering, nor advertising on the vehicle**
- **will not be registered to receive A-901 Exempt transporter decals from the Bureau of Solid Waste Compliance & Enforcement's Licensing and Registration Unit unless they can show proof of a state "commercial" motor vehicle registration**

Purpose

To ensure that owners/operators of "non-commercial" trucks who are engaging in "commercial" activities such as, the transportation of waste will be licensed at the same gross weight fees that are set forth for "commercial" trucks.

Penalties

Any A-901 Exempt waste Transporter can be fined by the New Jersey State Police if they are using a "non-commercial" truck with "passenger plates" while engaging in "commercial" activities such as, the transportation of waste.

Where can I get more information?

The following Motor Vehicle Commission website can be accessed for additional information:

<http://www.state.nj.us/mvc/Commercial/index.htm>

This information is also on our website at: <http://www.nj.gov/dep/enforcement/shwr.html> click on "NOTICE NJ Transporters of Non-Commercial Trucks".

