



Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

Issued: September 2010

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DEP Steps Up Enforcement of Certificate of Public Convenience and Necessity Requirement for Solid Waste Collectors

Who is affected by this initiative?

Persons and companies commonly referred to as “brokers” that are engaged in the collection and/or disposal of solid waste and are required to hold a Certificate of Public Convenience and Necessity (CPCN) are affected.

What is Occurring?

The Department of Environmental Protection (Department) is aware of a number of entities who received an A-901 license to engage in the solid waste industry pursuant to N.J.S.A. 13:1E-126 et seq. who consider themselves to be brokers, yet have not applied for a CPCN to provide solid waste collection and/or disposal services in New Jersey. The Department believes these solid waste entities have an unfair competitive advantage over other solid waste entities since they do not file annual reports or pay annual fee assessments. If a solid waste entity is receiving payments for the collection or disposal of solid waste in New Jersey, the Department requires that entity to hold a CPCN in addition to the A-901 license.

What is DEP doing?

The Department’s Economic Regulation Unit has begun a thorough review of all entities holding an A-901 license that do not have a CPCN. This is part of the Department’s overall efforts to monitor effective solid waste competition of solid waste collectors that hold or are required to hold a CPCN. The Department will be sending entities identified through this process a letter and CPCN application.

If through this initiative the Department finds a solid waste entity with violations that have affected solid waste competition or other violations, the Department will take appropriate enforcement measures to address this. To avoid interrupting the collection or disposal of solid waste, the Department will not direct such persons or companies to stop operating unless there are extenuating circumstances that warrant immediate cessation.

COMPLIANCE ADVISORY

What should I do?

If you receive a letter from the Department regarding the possible need to complete a CPCN application, please submit the completed application in accordance with the instructions in the letter and return it to the Department within the specified time frame. If you believe you are exempt from the need to obtain a CPCN, please contact the Department's Economic Regulation Unit immediately at (609) 984-2080 to verify this.

Any other person who is unsure whether he or she is required to hold a CPCN should also notify the Department's Economic Regulation Unit to determine if he/she is subject to the CPCN requirements and to receive a CPCN application if needed.

Who should I contact with questions?

Please contact Department's Office of Local Environmental Management at (609) 984-2080 or at the following address:

NJ Department of Environmental Protection
County Environmental & Waste Enforcement
Office of Local Environmental Management
Mail Code 09-01A
P.O. Box 420
Trenton, New Jersey 08625-0420

Where can I get more information?

Visit the following Web sites for additional information regarding this advisory:

Solid Waste Utility Regulations: http://www.nj.gov/dep/rules/rules/njac7_26h.pdf

Solid Waste Regulation Unit: <http://www.nj.gov/dep/dshw/swr/>

Visit the following Web site for general information:

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

To comment on this advisory:

<http://www.nj.gov/dep/enforcement/survey.html>

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.