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 Carol Barrett Bellante
Deputy Director
 Kenneth Armwood
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Freeholders



H. James Polos
*Chairperson, Public Safety
 and Health Committee*

John A. Pulomena
County Administrator

Joseph W. Krisza
Department Head

Mickey Gross
Division Head

**COUNTY OF MIDDLESEX
 DEPARTMENT OF PUBLIC SAFETY AND HEALTH**

Division of Solid Waste Management

Solid Waste Haulers Compliance Package

Pursuant to Middlesex County Solid Waste Plan Amendment 1997-3 (Waste Flow Strategy), the attached package of information and forms has been developed to assist the affected parties in achieving and maintaining compliance with the Plan Amendment mandates. **The Middlesex County Solid Waste Management Service Fee for 2015 is \$9.84/ton for waste disposed of between January 1 and March 31, and \$9.94/ton for waste disposed of after March 31.** If you utilize the Middlesex County Landfill for disposal of all Middlesex County generated waste, you do not need to pay the SWMS fee. The SWMS fee is built into the tip fee at the Middlesex County Landfill.

Please be advised that haulers with Tier 1 or Tier 2 contracts with the Middlesex County Utilities Authority must now file reports every month whether or not you utilize other solid waste facilities. If you have not disposed of waste at a facility other than the Middlesex County Landfill, you should file the report and indicate 00 tons on the report summary.

Reminder: all haulers who fail to report and pay the SWMS fee for waste they dispose of at facilities other than the Middlesex County Landfill are subject to Notices of Violation and Penalty Assessments.

The package of information and forms consists of the following:

- É Notice to Generators, Haulers, Collectors, and/or Transporters of Middlesex County Generated Waste
- É Middlesex County Solid Waste Management Plan Amendment 1997-3 with Attachment
- É Middlesex County Solid Waste Plan Administrative Actions 007-01 (Self Weigh/Self Report Procedure), 007-98 (Commingled Recyclables and Solid Waste Exemption Procedure, 001-99 (Transfer Stations and the SWMS fee)
- É County of Middlesex Solid Waste Transporter Monthly Report Summary (Part 1), and In-State Disposal, Out-of-State Disposal (Part 2) of the Solid Waste Transporter Monthly Disposal Report

Fees for previous years are as follows:

2014	\$9.92	2004	\$5.12
2013	\$9.92	2003	\$5.07
2012	\$9.92	2002	\$5.02
2011	\$8.17	2001	\$4.97
2010	\$7.67	2000	\$4.97
2009	\$5.47	1999	\$4.32
2008	\$5.47	1998	\$4.27
2007	\$5.42	1999	\$4.32
2006	\$5.37	1998	\$4.27
2005	\$5.32		

Middlesex County... "The Greatest County in the Land"

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**NOTICE TO GENERATORS, HAULERS, COLLECTORS
AND/OR TRANSPORTERS OF MIDDLESEX COUNTY
GENERATED SOLID WASTE**

The Middlesex County Board of Chosen Freeholders has approved and the Commissioner of the New Jersey Department of Environmental Protection (DEP) has certified Middlesex County Solid Waste Plan Amendment 1997-3. This Plan Amendment was adopted in response to the decision of The United States Supreme Court of Appeals for the Third Circuit which declared unconstitutional New Jersey's historical system of solid waste control. The impact of the decision is that each solid waste management district, of which Middlesex County is one of the 22 districts, must reevaluate its solid waste disposal strategy and, if necessary, initiate appropriate amendments thereof.

The four major components of the Plan Amendment which deal with Middlesex County generated solid waste are as follows:

1. Middlesex County opts for a Market Participant System.
2. Assessment of Solid Waste Management Service Fees.
3. Mandatory In-District Weighing for six months.
4. Obligations of Solid Waste Generators.

Included herewith is a copy of Plan Amendment 1997-3 as certified on January 21, 1998 by the DEP.

Please note that this Plan Amendment is now in effect and must be complied with. The Solid Waste Management Service Fees (SWMF) payable through haulers to the Middlesex County Utilities Authority for all Middlesex County generated solid waste became effective on January 21, 1998, and is retroactive to January 1, 1998. The SWMF is now due and payable on each ton of Middlesex County solid waste generated since January 1st.

If you have any questions concerning any aspect of this Plan Amendment, please call the Division of Solid Waste Management at (732) 745-4170

**Middlesex County Solid Waste Management
Plan Amendment 1997-3**

As a result of the United States Supreme Court not hearing the State's appeal of the Third Circuit Court of Appeals decision concerning New Jersey's waste flow rules, and in order to ensure that economic and environmentally sound solid waste and recycling programs continue in accordance with NJ DEP revised promulgated regulations, Middlesex County has adopted the following solid waste management and disposal procedures.

1. All solid waste generators within Middlesex County (public and private) must dispose of their waste at any, properly licensed solid waste facility which complies with applicable law. The waste flow rules formerly contained in this section of the Middlesex County Solid Waste Management Plan are no longer applicable. The County opts for a market participant system and solid waste facilities shall rely on voluntary contracts to secure a Middlesex County generated waste stream.
2. The Middlesex County Utilities Authority (MCUA) will continue to operate the Middlesex County Landfill for Middlesex County generated waste only.
3. All solid waste generators in Middlesex County will be charged Solid Waste Management Service Fees, payable through haulers to the MCUA, for county-wide programs undertaken by (1) the County Public Health Department related to enforcement; (2) the County Division of Solid Waste related to planning, public outreach/education and community projects; (3) the Middlesex County Improvement Authority related to recycling and associated activities; and (4) the Middlesex County Utilities Authority related to solid waste tracking/reporting, program activities and recordkeeping. The applicable fees will become effective on solid waste collected and hauled within Middlesex County after January 1, 1998 and will be payable to the MCUA after the date of the NJ DEP Certification of this Amendment (which was January 21, 1998), for all waste generated in Middlesex County. Fees will be assessed on a per ton basis. Waste collected commingled with recyclables will be assessed on a per ton basis for the total weight of the material, before the recyclables are separated out. The solid waste management fees for the year 1998 are set forth on the attachment to the Plan Amendment.
4. All solid waste haulers collecting and transporting Middlesex County waste will be required to continue reporting the origin and tonnage of waste being disposed by each municipality. In-district disposal will be reported at the Middlesex County Facility through the origin and destination forms. Out-of-district disposal will be reported monthly by each hauler. The monthly report must consist of hauler and/or facility summaries based upon certified weights and is to be submitted to the MCUA by the 15th of the month following the reporting month. All solid waste to be disposed Out-of-district must be weighed at the Middlesex County Landfill Scale Facilities. Within six months of January 21, 1998, MCUA shall develop a program for haulers collecting and transporting Middlesex County generated waste to an out-of-district facility to self report waste tonnages and remit the associated solid waste management services fees based on that tonnage, without weighing at the Middlesex County Landfill. If it has been determined that a hauler has falsified information or provided inaccurate or incomplete information on the monthly reporting forms or failed to pay the associated solid waste management services fees, the hauler will be required to resume weighing at the County facility and will be subject to penalties identified in procedure 5 below. The assessment of the Solid Waste Management Services Fees will be based on the above reported tonnages.
5. Any solid waste hauler failing to comply with the recordkeeping, reporting and payment obligations contained in this Plan Amendment will be subject to enforcement sanctions. (Refer to Attachment, No. 2)
6. (a) All solid waste generators must engage the services of a solid waste hauler which is duly licensed by the State of New Jersey for collecting and transporting solid waste to a disposal facility of choice which complies with applicable law.
(b) All contracts between solid waste generators and solid waste haulers must specify that the hauler is required to comply with the County Plan.
7. In the event a municipality that collects and transports solid waste or a municipally contracted hauler who collects and transports solid waste fails to comply with the provisions of this Amendment, certain solid waste services described herein provided by the County and County designated agencies to the municipality may be terminated.

Attachment

1. Solid Waste Management Service Fees

The Solid Waste Management Service Fees for 1998 are as follows:

1.	County Enforcement Program	\$0.77/ton
2.	County Solid Waste Mgmt.	\$1.15/ton
3.	MCIA Programs	\$1.85/ton
4.	MCUA Programs	\$.50/ton
	Total	\$4.27/ton

These rates may be adjusted through the MCUA budget process.

Solid Waste Management Service Fees Explanation

Plan Amendment 1997-3 contains provision for assessing Solid Waste Management Service Fees to haulers who do not utilize the County Landfill facility. Those haulers who continue to utilize the County Landfill will be charged these fees within the tip fee structure. These fees provide for (1) the County Public Health Department related to enforcement; (2) the County Division of Solid Waste related to planning, public outreach/education and community projects; (3) the Middlesex County Improvement Authority related to recycling and associated activities; and (4) the Middlesex County Utilities Authority related to solid waste tracking/reporting, program activities and recordkeeping. Without the collection of these fees from haulers not utilizing the County Landfill, it would be impossible for Middlesex County to meet the requirements of the NJ DEP recently revised solid waste regulations (N.J.A.C. 7:26-1 et. seq.) and offer the same consistency, uniformity and delivery of the environmentally sound programs that currently exist.

2. Middlesex County Public Health Department Enforcement Protocol

Any violation of those rules/regulations governing solid waste in the County of Middlesex, State of New Jersey falling under the authority of the Middlesex County Public Health Department are subject to prosecution in the Superior Court of Middlesex County.

The violator, if found guilty, shall be liable to pay the Court Judgement to the Middlesex County Public Health Department.

In addition, any person(s) found guilty of a solid waste violation shall be liable for all costs incurred by the County of Middlesex including all litigation costs, fees, and expenses. All fees and penalties collected that are related to prosecution shall be deposited in the Environmental Quality and Enforcement Fund (E.Q.E.F.) as established, pursuant to regulation, by the County of Middlesex. Said monies shall be dedicated to the use of the County Department or certified local health agency in carrying out its responsibilities of the County Environmental Health Act.

PENALTIES FOR SOLID WASTE INFRACTIONS:

Non-Submittal and/or falsification of Monthly Tonnage Report; and/or non payment of Solid Waste Management fees:

1st offense	\$ 750.00
2nd offense	\$1,000.00
Each subsequent offense within a 12 month period shall double the penalty, i.e.	
3rd offense	\$2,000.00
4th offense	\$4,000.00
5th offense	\$8,000.00

Late Submittal of monthly Tonnage Report and/or non payment of Solid Waste Management Fees

\$50 per day up to 15 days, after 15 days, offense is considered Non-Submittal.

Administrative Action 007-01

Amend the Middlesex County Solid Waste Management Plan, Chapter 2D to eliminate the requirement to formally apply for approval to self weigh and self report.

Solid waste haulers who are in compliance with the Middlesex County Solid Waste Management Plan shall self weigh at a scale which is certified and registered with Weights and Measures and self report in lieu of in-district weighing for tonnage verification and for the payment of the Middlesex County Solid Waste Management Service Fee.

Any hauler failing to comply with those provisions of the Plan pertaining to recordkeeping, reporting and payment obligations covering all solid waste generated in Middlesex County but not disposed at the Middlesex County Landfill, may be required to weigh at the Middlesex County Landfill prior to out of district disposal. The Middlesex County Health Department shall be responsible for enforcement of this provision. All applicable fees associated with the use of the Landfill scales are the responsibility of the hauler.

The penalties for failure to weigh at the Middlesex County Landfill after being required shall be those contained in Appendix VI - Department of Public Health Enforcement Protocol and Penalties: "Non-submittal and/or falsification of Monthly Tonnage Report; and/or non payment of Solid Waste Management fees".

Administrative Action 007-98

Haulers collecting commingled recyclables and solid waste from Middlesex County generators pursuant to site specific, municipal approvals where the solid waste residual of the mixture does not exceed fifteen percent (15%) by weight of the hauler container load shall be exempt from paying the Middlesex County Solid Waste Management Services Fee on the portion of the separated recyclables successfully marketed. For purposes of determining the amount to be exempted, the percentage separation of recyclables and solid waste determined by certified scales from a non merchant intermediate processing facility(ies) properly licensed by jurisdiction of location may be utilized by the hauler to determine the amount of mixture exemption from payment of the fee provided that such documentation is provided at the time of filing of the required Middlesex County report forms and fee payment.

Administrative Action 001-99

Amend the Middlesex County Solid Waste Management Plan to clarify the assessment of the Solid Waste Management Service (SWMS) Fee to specify that the fee is to be paid by haulers who deliver Middlesex County waste to any facility other than the County Landfill. If that receiving facility, i.e. a transfer station/MRF, brings that waste for final disposal at the County Landfill, the transfer station/MRF may be eligible to receive a rebate of the amount of the SWMS fee per ton of waste brought back for disposal. This rebate program will begin on January 1, 1999.

After the implementation of the SWMS fee/reporting requirements, concerns arose about waste loads which could potentially be double-charged the SWMS fee. This could occur if a hauler takes a load of waste to a transfer station (which requires the payment of the SWMS fee), and then that transfer station brings the waste to the landfill and pays the fee again (the fee is included within the tip fee at the landfill). This Administrative Action establishes a reimbursement protocol whereby the transfer station may apply for a rebate of the SWMS fee that it has paid within the tip fee. The rebate will be on a per ton basis for the amount of tons delivered to the County Landfill for disposal. The MCOA will administer the rebate program.

As a condition of the prospective rebate, the transfer station must provide to the MCOA a copy of the NJ DEP monthly report containing the names of haulers who delivered waste and the amount of that waste to their transfer facility. The rebate will only be issued if the transfer station/MRF is in full compliance with the NJ DEP regulations and the Middlesex County Solid Waste Management Plan, and if it is verified that those haulers did in fact pay the required SWMS fee.

Note: as per Administrative Action 007-98, a hauler must pay on the full load of waste that he brings to the transfer station, not the tonnage after the recyclables are removed. The only exception to this is if the load contains 85% recyclables or higher, in which case the hauler must follow the protocol set in AA 007-98.

Part 1

COUNTY OF MIDDLESEX
SOLID WASTE TRANSPORTER MONTHLY REPORT SUMMARY

For the Period of _____
(Month) (Year)

Hauler _____

Address _____

Telephone _____

Fax _____

DEP Number _____

Gentlemen:

Please find enclosed copies of Part 2 Forms for the above reporting period and a check for the full payment of the Middlesex County Solid Waste Management Service Fee.

Middlesex County Part 2 Forms (attached) for Middlesex County solid waste hauled to in-state transfer station or in-state disposal facilities other than the Middlesex County Landfill, which total (all waste types): _____ tons

NJ DEP Part 2 Forms (attached) for solid waste directly transported out-of-state, which total (all waste types): _____ tons

Subtotal _____ tons

Middlesex County Solid Waste Management Service Fee check one

For waste disposed 1/1/15 ó 3/31/15 the fee is \$9.84/ton

For waste disposed 4/1/15 ó 12/31/15 the fee is \$9.94/ton

Fee Enclosed (multiply SWMS fee times subtotal tons) \$ _____

Please make check payable to ^oMCUAö and enclose with the Part 1 and Part 2 Forms and mail to:

Middlesex County Utilities Authority
Middlesex County Landfill
53 Edgeboro Road
East Brunswick, NJ 08816

DUPLICATE FORM AS NECESSARY

MIDDLESEX COUNTY SOLID WASTE MANAGEMENT SERVICE FEE PROCEDURE

1. For Haulers who plan to utilize the Middlesex County Landfill (MCLF): apply for Middlesex County Landfill Facility Hauler Enrollment; pay fee of \$25.00 per year per hauling company, apply for MCLF facility vehicle decal; pay fee of \$5.00 per vehicle per year. Display decal on vehicle as instructed. Forms to enroll can be obtained by contacting the MCLF at 732-246-4313.
2. Submit monthly reports based upon certified weights for waste disposed at facilities other than MCLF and pay Middlesex County Solid Waste Management Service Fee to MCUA at time of filing (20th day of month after close of previous month).
3. If hauler uses more than one facility, a separate Part 2 form reporting tonnage must be filed for each facility used.

Copies of these forms can be obtained at the following website:

www.co.middlesex.nj.us

