

April 10, 2019 Emails to WorldSweeper.com from
Bob Gomez, Bureau Chief
State of New Jersey
Department of Environmental Protection
Hazardous Waste Compliance & Transportation Oversight

Ranger,

It was nice speaking with you. The link below will take you to the Department's Street Sweeping Guidance Document, it provides guidance on management options and when sweepings are considered a solid waste or exempt.
<https://www.state.nj.us/dep/dshw/rrtp/sweeping.htm>

As we discussed, your clients should also check with the County Health Departments for the counties they provide service in. About half of the 21 counties in NJ have some type of waste flow. Each county's District Solid Waste Management Plan will identify the solid waste types they regulate and how/where each waste type must be directed to for disposal.

This link <https://www.state.nj.us/dep/dshw/a901/a901frms.htm> will direct you to the A901 licensing page and includes information and application forms. If the companies have additional questions regarding the application forms, they can contact Rich Kennedy (609-376-2768) or Ruth Wells (609-376-2834) at the Office of the Attorney General's A901 Unit. This is not an expensive process, but does take time to get through the review and can typically take anywhere from nine to twelve months (or more for larger more complex corporate structures) once an administratively complete application package is received, reviewed and a recommendation is made to DEP for licensure.

After the A901 license is issued, solid waste transporters are also required to obtain a Certificate of Public Convenience & Necessity (CPCN) because solid waste is regulated as a utility in NJ. Obtaining the CPCN is a much quicker approval process and after the company has the license and certificate they can make application for their solid waste transporter registration, which is quick application process with a short turnaround time.

Also, if the companies wish to perform any type of screening (processing) they should reach out to our permitting section to determine if an exemption or permit is required. The Bureau of Solid Waste Permitting would oversee this and can be contacted at (609) 292-9880. Here is the link to their web page
<https://www.state.nj.us/dep/dshw/>

After receiving the first response, we asked Mr. Gomez the following:

Bob,

I am having some thoughts regarding the info you provided so thought I'd share to see if a solution might emerge...

Situation #1: Let's suppose the large contractors decide to 'take out' the smaller ones by making a formal complaint about them not having an A901. Small contractor is willing to apply and get their A901, but with a year long process to become compliant they're still out of business.

Situation #2: Small NJ contractor reads the article and applies for an A901. Are they now at risk, which it seems they would be, of being cited in the year+ it takes to get their A901 now that your department knows them as a non-compliant company?

Not sure how these scenarios would work out and/or if there's a workaround out there for them.

Response from Bob Gomez:

Ranger,

We do receive complaints from companies that have an A901 about companies performing the same type of work that do not have a license. When we receive complaints like that we do follow up. These complaints are typically restricted to the "Clean out" companies, which is a small niche business, but not always. The company that continues operating without a license, while an applicant for a license is placing themselves and business at risk because it could have a negative impact on determining their fitness to obtain a license. Because our staffing resources are very limited, when a company makes application for a license, we do not ask to be notified by the Attorney General's office to proactively seek out and determine if A901 applicants are engaged in the solid waste industry. However, if we come across them during the course of routine work, we have a regulatory responsibility to deal with them then.

The bottom line is, that companies that are engaged in the solid waste industry that require a license, but do not yet have one should not be engaged until they have a license, CPCN and registration. As you stated, they have limited options, but they should seek them out to remain compliant until those approvals are issued. A few of the options are listed below:

- Hire a licensed company to drop a roll off container somewhere on the site they are contracted to clean; or
- Work to find uses of the street sweepings as a beneficial use material.
 - This can be done through the sweeper making application to the Department for a Beneficial Use Determination (BUD), finding a

landfill that has a categorical BUD for sweepings as road base or alternate daily cover.

Here is a link with information about beneficial use:

<https://www.state.nj.us/dep/dshw/rntp/bud.htm>

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