

Bureau of Landfill and Hazardous Waste Permitting
Solid & Hazardous Waste Management Program
P.O. Box 414 401 East State Street
Trenton, New Jersey 08625-0414
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<http://www.state.nj.us/dep/dshw/>

Part I: Instructions for Completing the Certificate of Authority to Operate (CAO) a Beneficial Use Project Application Form

Revision Date: 06/26/09

The following information including any required application fees should be submitted to obtain a Certificate of Authority to Operate a Beneficial Use Project. Answer all questions. Should you have any questions in completing this form, do not hesitate to call the Bureau at (609) 984-6985 between the hours of 9:00 a.m. and 4:00 p.m. Information about Beneficial Use is also available at our web site located at the following address:

<http://www.nj.gov/dep/dshw/rrtp/bud.htm>. Submitting insufficient information and/or data may cause processing delays with your application.

In order for a material to qualify for an exemption in accordance with the Beneficial Use regulations found at N.J.A.C. 7:26-1.1 et seq., specifically N.J.A.C. 7:26-1.7(g) under the regulations, the generator must certify the material proposed for beneficial use was analyzed or does not meet any other criteria or characteristic and be free of any other contaminant, including radiological properties, or waste that would: 1) cause the material to be classified as a hazardous waste in New Jersey; 2) make the material subject to Land Disposal Restrictions Phase IV at 40 C.F.R.268; 3) otherwise make the material ineligible for consideration for regulation pursuant to N.J.A.C. 7:26-1.7(g); or 4) prevent the material from providing a beneficial use either as a raw material or directly as a product in the uses to which it is applied. The Beneficial Use regulations at N.J.A.C. 7:26-1.7(g) require that materials must be able to be shown to meet the same general physical character and chemical composition that is consistently equivalent to or exceeds the character and composition of the intentionally-manufactured product that it is replacing and the material does not present a greater risk to human health or the environment than the use of the product or raw material it is replacing. The Department also must issue certificates of authority for beneficial use projects in accord with, but not limited to, the Solid Waste Management Act, the Water Pollution Control Act and the Air Pollution Control Act.

For **out-of-state** beneficial use for material that was generated within New Jersey, only the following applicable questions of the application must be completed: Questions 1 through 4, 5(a), (b), and (c) 6(a), (b), (c), (e) and (f), and 10 through 14. Note that for out-of-State and in-State uses, the Department will share all information, such as material history, enforcement issues, analytical data and related information concerning the material with the receiving facility, related parties of interest and relevant State regulatory agencies during the application review and confirmation process.

Submit one original signed copy of this form and all attachments necessary to accurately answer all questions. (Include any other related and applicable information as attachments.)

Question 1: Owner Identification

Enter the name, address, block(s), lot(s), and telephone number of the facility of the generator/owner who originally produced the material and who is seeking to operate the proposed beneficial use project.

Question 2: Destination Site Identification

Enter the name, address and telephone number of the owner/operator of the destination site that will be utilizing the material from the proposed beneficial use project.

Note that for out-of-State and in-State uses, the Department will share all information, such as material history, enforcement issues, analytical data and related information concerning the material with the receiving facility, related parties of interest and relevant State regulatory agencies during the application review and confirmation process.

Question 3: Project Contact Person

Enter the name, title, company affiliation, and address of the person who will be dealing with the Department with respect to the proposed beneficial use project.

Question 4: Name of Material

Self-explanatory

Question 5: Material Qualifications

In order for a material to qualify for an exemption under the Beneficial Use regulations, the generator must certify the material proposed for beneficial use was analyzed or does not meet any other criteria or characteristic and be free of any other contaminant or waste that would:

- (a) Cause the material to be classified as a hazardous waste in New Jersey;
- (b) Make the material subject to Land Disposal Restrictions Phase IV at 40 C.F.R. 268;
- (c) Otherwise make the material ineligible for consideration for regulation pursuant to N.J.A.C. 7:26-1.7(g).

Question 6: Beneficial Use Project Description

- (a) Enter the description of the specific location of the site of origin, including a description of the location of the material onsite.
- (b) Provide a description of both the current and historic land use of the site from which the material was generated, information regarding aquifer classifications (if required), the date(s) the material was generated, reasons for the generation of the material and/ or the process by which the material was generated.
- (c) Describe any activities (i.e., regulatory, enforcement, or inspections) conducted by the Department or any other agency at the material's site of origin. This is only requested for in-state use of the material.
- (d) Describe any activities (i.e., regulatory, enforcement, or inspections) conducted by the Department or any other agency at the material's destination site. This is only requested for in-state use of the material.
- (e) Self-explanatory
- (f) Self-explanatory
- (g) Provide a site map of the location where the material is to be used, plotted on a USGS topographic map (contours at two-foot intervals). This is only requested for in-state use of the material.
- (h) Provide a project site map, drawn to scale not larger than 1 inch equal to 100 feet, of the location where the material is to be used indicating, at a minimum, wetlands, tidal water limits and depth to mean seasonal high water table across the site with contours at two-foot intervals. This is only requested for in-state use of the material.
- (i) Provide a site map of the location of the site of origin where the material was generated, plotted on a USGS topographic map (contours at two-foot intervals). This is only requested for in-state use of the material.

Question 7: Material Description

- (a) Provide a narrative description of the material's characteristics. Include any studies or analytical characterization, Material Safety Data Sheet, EHIS, or Natural Resource and/or contaminant risk assessment, etc. The narrative should provide evidence to the Department that the material provides a beneficial use either as a raw material or directly as a product in the uses to which it is applied.
- (b) Self-explanatory

- (c) Self-explanatory
- (d) Provide a sampling plan for all samples that will be obtained from the proposed material, including a scaled site map depicting all sample locations, sampling frequency and compositing frequency. This is only requested for in-state use of the material.
- (e) Provide documentation of contaminant profiles including test results compared to the current Target Analyte List (TAL)/ Target Compound List (TCL) and Priority Pollutants + 40 scans. The list of TAL inorganic compounds/elements and TCL organic compounds designated for analysis are those contained in the version of the USEPA Contract Laboratory Program Statement of Work for Inorganics and Organic Analysis, Multi-Media, Multi-Concentration in effect as of the date on which the laboratory is performing the analysis or the project's specific contaminant testing results. Radionuclide analysis is required for manufacturing wastes and other wastes where radionuclides are suspect. The samples should be analyzed by gamma spectroscopy for the natural series of radionuclides. The representative samples should be dried, sealed and counted after 21 days. The minimum detectable concentration requirement for Ra-226 and Th-232 daughter nuclides should be 0.5 picoCuries per gram (pCi/g) on dried material. Provide laboratory documentation of analysis and methodology. The laboratories must be certified by the Department's Office of Quality Assurance (OQA) for radionuclides in soil analysis (SHW09.60130). Contact Mr. Vas Komanduri of OQA at (609) 984-0855 for a current list of certified laboratories.

This is only requested for in-state use of the material.

- (f) Indicate whether Dioxin/Furan analysis per USEPA Method 1613B or the latest Department-approved method was conducted on the material. If not, explain the reason for not conducting the tests.
- (g) Indicate the concentration limits for contaminants in the material during the proposed use and the rationale for those limits. This is only requested for in-state use of the material.
- (h) Provide a description of the quality assurance procedures that will be used to monitor the on-going process which generates the material proposed for use. This is only requested for in-state use of the material.

Question 8: Analytical Package for Contaminant Profile Testing

Provide a copy of the analytical package for all sampling results submitted to the Department. The package should include the chain of custody, sampling methods,

QA/QC data, etc. The package should also include documentation that the laboratory used for the testing is a New Jersey certified laboratory. This is only requested for in-state use of the material.

Question 9: Treatment Performed on the Material Prior to Reuse

Self-explanatory (This is only requested for in-state use of the material.)

Questions 10 through 13:

Self-explanatory

Question 14: Fees

All beneficial use review fees are required on receipt of the application form. The fee schedule is listed in the application form. A check or money order made payable to "Treasurer, State of New Jersey" in accordance with N.J.A.C. 7:26-4.3(i)1.

Certification Statement

The application form shall be signed by the generator/owner (principal executive officer, general partner or proprietor, ranking elected official) of the company/organization that originally produced the material. The application form should be notarized.

NOTE: The Department may request additional information or an amended application at any time due to modified application requirements, project-specific requirements, or other reasons. Filing an application for a CAO for a beneficial use project does not convey any authority for any person to transport, move or use any material unless a CAO is issued in writing from the Department for the specific material and use.

Send this completed form, all attachments and appropriate fees to:

**Chief, Bureau of Landfill and Hazardous Waste Permitting
Solid and Hazardous Waste Management Program
P.O. Box 414
Trenton, NJ 08625-0414**

Should you encounter any problem in completing this form, we recommend that you discuss the matter with a representative from the Bureau at (609) 984-6985 between the hours of 9:00 a.m. and 4:00 p.m. Information on Beneficial Use and this form are available at the following web address: <http://www.state.nj.us/dep/dshw/rrtp/bud.htm>. Submitting incorrect or insufficient data may cause processing delays.

Your comments and suggestions regarding this application and the information on the web site are always welcomed. Please send comments to the attention of Mr. Robert M. Confer, at the above address.

Part II: APPLICATION FORM FOR A CERTIFICATE OF AUTHORITY TO OPERATE (CAO) A BENEFICIAL USE PROJECT

PLEASE TYPE OR PRINT

(enclose additional pages and other documentation as necessary)

Date _____

1. GENERATOR AND/OR OWNER IDENTIFICATION:

Name: _____ Telephone Number: _____

Street Address: _____

City or Town: _____ State: _____ Zip Code: _____

Block(s): _____ Lot(s): _____

Municipality: _____ County: _____

2. DESTINATION SITE IDENTIFICATION:

Name: _____ Telephone Number: _____

Street Address: _____

City or Town: _____ State: _____ Zip Code: _____

Municipality: _____ County: _____

NOTE: For out-of-State and in-State uses, the Department will share all information, such as material history, enforcement issues, analytical data and related information concerning the material with the receiving facility, related parties of interest and relevant State regulatory agencies during the application review and confirmation process.

3. PROJECT CONTACT PERSON:

Name: _____ Telephone Number: _____

Title: _____ Company Name: _____

Street Address: _____

City or Town: _____ State: _____ Zip Code: _____

4. **NAME OF MATERIAL:** _____

5. **MATERIAL QUALIFICATIONS:**

- (a) Is the proposed material classified as a hazardous waste in New Jersey?
Yes ____ No ____
- (b) Is the proposed material subject to Land Disposal Restrictions Phase IV at 40 C.F.R. 268? Yes ____ No ____
- (c) Is the proposed material ineligible for consideration pursuant to N.J.A.C. 7:26-1.7(g)? Yes ____ No ____

Note: If you answered Yes to any one of the three qualifying questions above, the material does not qualify for an exemption under the Beneficial Use regulations and must continue to be managed as a solid or hazardous waste.

Provide a detailed narrative on how the proposed material was determined to qualify for beneficial use in view of the qualifying criteria in Section 3.

6. **BENEFICIAL USE PROJECT DESCRIPTION:**

- (a) Description of Location of Site of Material Origin: _____

- (b) Provide a General Description of the Site of Origin: _____

- (c) Description of any Regulatory Activity Conducted at the Site of Origin (in-state use only):

(d) Description of any Regulatory Activity Conducted at the Site of Destination (in-state use only):

(e) Provide a detailed description of the Beneficial Use Project, including details about the generation of the material and specific information that details the implementation of the project at the destination site:_____

(f) Quantity of Material for the Project (tons/year):_____

(g) Project Site Location Map (in-state use only) Included

(h) Project Site Plan Map (in-state use only) Included

(i) Material Origin Site Location Map (in-state use only) Included

7. MATERIAL DESCRIPTION:

(a) Describe the Proposed Material's Characteristics:_____

(b) Has the material been previously classified as a solid waste pursuant to N.J.A.C. 7:26G-5? Yes ____ No ____ If yes, provide a copy of the waste classification documentation letter or other documentation.

(c) Describe the material's known or suspected naturally-occurring radionuclide material (NORM); any other radiological characteristics resulting in the material having radioactivity above any background level or which could pose a health or environmental concern under any circumstance; and/or which would cause the

material to be regulated in any manner for a radioactive characteristic by any State or Federal agency: _____

Is the material regulated pursuant to the Atomic Energy Act or any regulations for radioactive materials administered by the Nuclear Regulatory Commission ("NRC") or other agencies, is classified as technologically enhanced naturally-occurring radionuclide material (TENORM) which is ID 27 Dry Industrial Solid Waste in New Jersey, or contains any radionuclide over the levels established in the "Soil Remediation Standards for Radioactive Materials" at N.J.A.C. 7:28-12, describe:

- (d) Provide a Sampling Plan for the Proposed Material (in-state use only).
Is a Sampling Location Map Included? Yes ____ No ____
- (e) Provide Material Testing Documentation (include TAL/TCL and Priority Pollutant + 40 scans unless approved by the Department in advance) (in-state use only, unless required by out-of-state user or regulatory agency). Radionuclide analysis is required for manufacturing wastes and other wastes where radionuclides are suspect. The samples should be analyzed by gamma spectroscopy for the natural series of radionuclides. The representative samples should be dried, sealed and counted after 21 days. The minimum detectable concentration requirement for Ra-226 and Th-232 daughter nuclides should be 0.5 picoCuries per gram (pCi/g) on dried material. Provide laboratory documentation of analysis and methodology. The laboratories must be certified by the Department's Office of Quality Assurance (OQA) for radionuclides in soil analysis (SHW09.60130). Contact Mr. Vas Komanduri of OQA at (609) 984-0855 for a current list of certified laboratories.
- (f) Is Dioxin/Furan Analysis per USEPA Method 1613B or the latest Department-approved method included?
Yes__ No__ If No, explain: _____

(g) What are the Monitoring Levels for Proposed Use, if any? (in-state use only)

(h) Provide the Monitoring QA/QC Procedures (in-state use only):

8. ANALYTICAL PACKAGE FOR CONTAMINANT PROFILE TESTING.

Included Yes ____ No ____ If No, Why not? (in-state use only)

Explain: _____

9. DESCRIBE ANY TREATMENT PERFORMED ON THE MATERIAL PRIOR TO THE REUSE OF THE MATERIAL (in-state use only).

10. DESCRIBE THE OPERATIONAL CONTROLS TO BE TAKEN DURING THE HANDLING AND TRANSPORTATION OF THE MATERIAL TO MINIMIZE ENVIRONMENTAL AND HUMAN IMPACTS.

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11. **PROVIDE A DETAILED PROJECT SCHEDULE FOR THE INITIATION AND COMPLETION OF THE BENEFICIAL USE PROJECT.**
 12. **INCLUDE A LETTER TO THE SOLID AND HAZARDOUS WASTE MANAGEMENT PROGRAM FROM THE RECEIVING FACILITY STATING THE FACILITY'S AGREEMENT TO ACCEPT THE SPECIFIED AMOUNT OF MATERIAL AND SPECIFYING THE INTENT TO BENEFICIALLY USE IT.**
 13. **FOR OUT-OF-STATE USE SHIPMENTS, INCLUDE A LETTER FROM THE APPROPRIATE REGULATORY AGENCY OF THE STATE WHERE THE REUSE FACILITY IS LOCATED, OR A COPY OF THE CURRENT FACILITY PERMIT THAT VERIFIES THE MATERIAL CAN BE ACCEPTED IN ACCORDANCE WITH THE FACILITY'S OPERATING PERMIT.**
 14. **FEES:**

(a) Submit the following appropriate beneficial use review fees as required by N.J.A.C. 7:26-4.3(i)1.

(1)	In-State Use (no sampling)	\$534.00	___	Included
(2)	In-State Use (sampling result)	\$962.00	___	Included
(3)	Out-of-State Use (no sampling)	\$321.00	___	Included
(4)	Out-of-State Use (sampling results)	\$962.00	___	Included

(b) Be advised that when the Department's work effort exceeds the normal work hours included in the base fees at N.J.A.C. 7:4.3(i) then fees on a time/material basis will also be assessed for work conducted by the Department for CAO-related work per N.J.A.C. 7:26-4.3(i)2. Fees per N.J.A.C. 7:26(i)2 will be assessed both for applications for which CAOs are issued and for applications that are ultimately rejected by the Department or withdrawn by the applicant.

The filing of this application form including the certification below is statement of the applicants agreement to pay the fees associated with the Department's work effort during the project including all reasonable fees per 14.b above.

Note: The Department may request additional information or an amended application at any time due to modified application requirements, project-specific requirements, or other reasons. Filing an application for a CAO a beneficial use project does not convey any

authority for any person to transport, move or use any material unless a CAO is issued in writing from the Department for the specific material and use.

CERTIFICATION STATEMENT

(Required: principal executive officer, general partner or proprietor, ranking elected official)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment. I understand this form to be an unmodified version of the application and that, in addition to criminal penalties, I may be liable for a civil administrative penalty pursuant to N.J.A.C. 7:26 and that submitting false, inaccurate or incomplete information may be grounds for denial, revocation or termination of any solid waste facility permit, license or other operating authority for which I may be seeking approval or now hold.

I am aware that for out-of-State and in-State uses, the Department will share all information, such as material history, enforcement issues, analytical data and related information concerning the material with the receiving facility, related parties of interest and relevant State regulatory agencies during the application review and confirmation process.

Type/Print Name: _____ Title: _____

Company: _____

Address/City/State/Zip Code: _____

Signature: _____ Date: _____

Sworn to and Subscribed Before Me

on this _____ day of _____ 20____

Notary