

**NON-RESTRICTED SOIL AND FILL RECYCLABLE MATERIALS
CERTIFICATION**

I (person) _____ **CERTIFY** that I hold [*position as a responsible corporate official or if a sole proprietor, am responsible for*] for (business) _____, located at _____, and that I am authorized to make this binding Certification for the purpose of excluding the [*insert name of company*] (“Company”) [*or if a sole proprietorship, me*] _____ from the requirements of N.J.S.A. 13:1E-126 through 135.6 (the Act), and I **FURTHER CERTIFY AS FOLLOWS:**

I. I have read (a) - (i) below and understand, for purposes of this certification, that:

(a) "Soil and fill recycling services", as defined at N.J.S.A. 13:1E-127, means the services provided by persons engaging in the business of the collection, transportation, processing, brokering, storage, purchase, sale or disposition, or any combination thereof, of soil and fill recyclable materials;

(b) "Non-restricted Soil and Fill Recyclable Materials" are non-water-soluble, non-putrescible, non-decomposable, inert solid materials that are not mixed with “solid waste” as defined at N.J.A.C. 7:26-1.6 and do not contain concentrations of one or more contaminants that exceed the residential soil remediation standards for the ingestion-dermal pathway or inhalation exposure pathway, whichever are more stringent, as set forth in N.J.A.C. 7:26D, Remediation Standards. Such materials include, but are not limited to, rock, soil, sand, gravel, and source-separated recyclable materials, such as concrete, block, brick, glass and clay/ceramic products, that have been broken, crushed or otherwise processed to be unrecognizable as a discrete manufactured product.

(c) Soil and fill recyclable materials containing debris (wood, metals, plastics, wire, wallboard, roofing materials, insulation, carpets or padding, trash, sewage, etc.), are solid waste and cannot be used as soil or fill aggregate substitute and must be disposed of at an approved solid waste disposal facility;

(d) Soil and fill recyclable materials that do not contain debris, but are determined to contain concentrations of one or more contaminants that exceed the residential soil remediation standards for the soil ingestion-dermal and soil inhalation exposure pathways or nonresidential soil remediation standards for the soil ingestion-dermal and soil inhalation exposure pathways, whichever is more stringent, as set forth at N.J.A.C. 7:26D, Remediation Standards, are solid waste but, under certain conditions, may be used as a “restricted use” soil/fill instead of being disposed of at an approved solid waste disposal facility. With the appropriate Department approvals, restricted-use soil/fill may be used as alternative daily cover material at operating landfills, to close terminated

landfills, to remediate certain contaminated sites, or for other beneficial uses as determined and approved by the Department;

(e) Facilities that accept, store and/or process aggregate substitute (brick, block, concrete, glass and/or clay or ceramic products) for use as a recycled soil or fill require Department approval prior to operating;

(f) Fill activities occurring on or in areas subject to Department land use jurisdiction and authority (wetlands, tidal areas, etc.) require prior Department approval;

(g) Approved dredge materials may be used as soil and fill, provided they comply with Coastal Zone Management Rules (www.nj.gov/dep/rules/rules/njac7_7.pdf), specifically N.J.A.C. 7:7-15.12, Dredged material placement on land;

(h) Placement of Non-restricted Soil and Fill Materials in all areas must be conducted in accordance with the destination site's municipal and county rules, regulations, ordinances, and policies, including compliance with any local soil/fill importation ordinance;

(i) Under N.J.S.A. 13:1E-135.5(g), any person who engages in soil and fill recycling services without a registration issued under the Act, or a soil and fill recycling license issued under N.J.S.A. 13:1E-133, as appropriate, or who knowingly makes any false or misleading statement to the department or the Attorney General in connection with a registration or license, shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N.J.S.A. 2C:43-3, shall be subject to a fine of not more than \$50,000.00 for the first offense and not more than \$100,000.00 for the second and each subsequent offense and restitution, in addition to any other appropriate disposition authorized by subsection b. of N.J.S.A. 2C:43-2.

II. I further certify that soil and fill material generated from land clearing, excavation, demolition, or redevelopment activities that [*the Company or I*] collect(s), transport(s), process(es), broker(s), store(s), purchase(s), or sell(s) consists of only non-putrescible, non-water-soluble, non-decomposable, inert solid materials that are not mixed with "solid waste" as defined at N.J.A.C. 7:26-1.6 and do not contain concentrations of one or more contaminants that exceed the residential soil remediation standards for the ingestion-dermal pathway or inhalation exposure pathway, whichever are more stringent, as set forth in N.J.A.C. 7:26D, Remediation Standards; and that the material therefore qualifies as Non-restricted Soil and Fill Recyclable Materials under I(b) above;

III. I further certify that [*the Company or I*] does not provide Soil and Fill recycling Services, as defined in I(a) above, involving materials other than Non-restricted Soil and Fill Recyclable Material, and that I understand the restrictions on the reuse of Soil and Fill Recyclable material, including Non-restricted Soil and Fill Recyclable Materials, outlined in I(c) through I(h) above;

IV. I further certify that [*the Company or I*] has/have a quality control/quality assurance (“QA/QC”) program in place to ensure that each load of soil and fill material collected, transported, processed, brokered, stored, purchased, or sold by [*the Company or me*] qualifies as Non-restricted Soil and Fill Recyclable Materials;

V. I further certify that [*the Company or I*] will maintain all records, including without limitation, analytical data, contracts, bills of lading, and QA/QC plans, concerning the collection, transportation, processing, brokering, storage, purchase, or sale of soil and fill materials, including Non-restricted Soil and Fill Recyclable Material, generated from land clearing, excavation, demolition, or redevelopment activities, for a period of three (3) years and shall make such records available to the Department or its authorized representatives upon request;

VI. I understand and agree that [*the Company or I*] bear(s) the burden of proving that soil and fill material collected, transported, processed, brokered, stored, purchased, or sold by [*the Company or I*] qualifies as Non-restricted Soil and Fill Recyclable Material, and upon the request of the Department or in an enforcement action, that [*the Company or I*] am obligated to provide appropriate sampling data to the Department evidencing that the soil and fill material is indeed Non-restricted Soil and Fill recyclable material;

VII. I understand and agree that if the Department determines that any soil and fill material collected, transported, processed, brokered, stored, purchased, or sold by [*the Company or I*] does not qualify as Non-restricted Soil and Fill Recyclable Material, [*the Company or I*] will remove and properly dispose of the unqualified material. I further agree that [*the Company or I*] will provide reasonable access to the Department to confirm that the unqualified material has been removed and properly disposed of by [*the Company or I*];

VIII. I understand that this Certification must be filed with the Department annually on or before July 14 for the exclusion from the requirements of the Act to operate. Should [*the Company or I*] fail to timely file the Certification, [*the Company or I*] may be in violation of the Act if [*the Company or I*] provide Soil and Fill Recycling Services in the State without an A-901 license;

IX. I understand that [*the Company or I*] may be subject to the criminal penalties set forth in I(i) above, personal liability, or both, should the Department determine that the materials that are the subject of this certification are not “non-restricted soil and fill recyclable materials;”

X. I further certify that [*the Company or I*] shall inform the Department of any change of, or addition to, the information set forth herein within 30 days of the change or addition; and

XI. I further certify under penalty of law that I have personally examined and am familiar with the information submitted in this Certification and that, based on my inquiry of those

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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 willfully submitting false information, including the possibility of fines and imprisonment.

[PLEASE PRINT THE FOLLOWING INFORMATION:]

Name: _____

Title: _____

Company: _____

Business Phone: _____

Business Street Address: _____

Business Mailing Address: _____

Home Address of Signatory: _____

Mailing Address of Signatory: _____

(if different than Home address)

Business Email Address: _____

Business Phone Number of Signatory: _____

Personal Cellphone Number of Signatory: _____

SIGNATURE: _____

DATE: _____

Please send completed form to:

New Jersey Department of Environmental Protection
Division of Waste and UST Compliance and Enforcement
9 Ewing Street, 3rd Floor
Mail Code 09-03, PO Box 420
Trenton, NJ 08625-0420

NOTE: A Business concern filing this certification is advised to keep a copy of the signed document, as the Department will not issue the document or a copy thereof.