

NON-RESTRICTED SOIL AND FILL RECYCLABLE MATERIALS
CERTIFICATION

I _____ CERTIFY that I _____
(person's name) [insert either: "hold position as a responsible corporate official" or
_____ for _____, located at
"am a sole proprietor and responsible"] (business name)
_____ and that I am authorized to make this binding
(business address)

Certification for the purpose of excluding _____
[insert name of company, or if a sole proprietorship, insert "me"]
("Company") from the requirements of P.L. 2019, c.397, and I **FURTHER CERTIFY AS FOLLOWS:**

I. I have read 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 soils and fill recyclable materials;

(b) "Non-restricted Soil and Fill Recyclable Material" means non-putrescible, non-water-soluble, non-decomposable, inert aggregate substitute, including rock, soil, broken or crushed brick, block, concrete, glass and/or clay or ceramic products, or any combination thereof, generated from land clearing, excavation, demolition, or redevelopment activities that are excluded from the definition of solid waste under the Solid Waste rules at N.J.A.C. 7:26-1.6(a)6;

(c) Soil and fill recyclable materials containing debris (wood, metals, plastics, wire, wallboard, roofing materials, insulation, carpets or padding, trash, 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, is 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; and

(h) Placement of Non-restricted Soil and Fill Materials (not containing debris and not contaminated above established standards) 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;

II. I further certify that soil and fill material generated from land clearing, excavation, demolition, or redevelopment activities that _____ collect(s), transport(s),
[insert Company name or "I"]
process(es), broker(s), store(s), purchase(s), or sell(s) consists of only non-putrescible, non-water-soluble, non-decomposable, inert aggregate substitute, including rock, soil, broken or crushed brick, block, concrete, glass and/or clay or ceramic products, or any combination thereof, does not contain concentrations of one or more contaminants in excess of the residential soil remediation standards for the soil ingestion-dermal and soil inhalation exposure pathways or non-residential soil remediation standards for the soil ingestion-dermal and soil inhalation exposure pathways, whichever are more stringent, as set forth in the Remediation Standards, N.J.A.C. 7:26D, and that the material therefore qualifies as Non-restricted Soil and Fill Recyclable Material under I.(b) above;

III. I further certify that _____ does/do not provide soil and fill recycling services,
[insert Company name or "I"]
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 materials, including Non-restricted Soil and Fill Recyclable Materials, outlined in I.(c) through I.(h) above;

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

V. I further certify that _____ will maintain all records, including without
[insert Company name or "I"]

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 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 burden of proving (by way of sampling or other methodology acceptable to the Department) that any soil or fill material qualifies as Non-restricted Soil and Fill Recyclable Material is on _____;
[insert Company name or "me"]

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 _____
[insert Company name or "I"]
does not qualify as Non-restricted Soil and Fill Recyclable Material _____
[insert Company name or "I"]
will remove and properly dispose of the unqualified material. I further agree that

_____ will provide reasonable access to the Department to confirm that
[insert Company name or "I"]
_____ has/have removed and properly disposed of the unqualified material;
[insert Company name or "I"]

VIII. I understand that this Certification must be filed with the Department no later than July 14, 2022, and that the exclusion from the requirements of P.L. 2019, c. 397 will be effective upon the Department receiving this form. I further understand that _____
[insert Company name or "I"]
must refile this Certification annually on or before July 14 for the exclusion from the requirements of P.L. 2019, c. 397 to remain in effect. Should _____
[insert Company name or "I"]
fail to timely refile the Certification, _____ may be in violation of
[insert Company name or "I"]
P.L. 2019, c. 397;

IX. I further certify that the Company 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

X. 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 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.

03/16/2022

PLEASE PRINT THE FOLLOWING INFORMATION:

Name: _____

Title: _____

Company: _____

Business Phone: _____

Street Address: _____

Mailing Address: _____

Email Address: _____

Cellphone Number of Certifier: _____

SIGNATURE: _____

DATE: _____

Please send completed form to: NJ 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: Business concerns filing this certification are advised to keep a copy of the signed document, as the Department will not issue the document or a copy thereof.

Pursuant to N.J.S.A. 13:1E-135.5(g), any person who engages in soil and fill recycling services without a registration issued pursuant to section 1 of P.L.2019, c.397 (C.13:1E-127.1), or a soil and fill recycling license issued pursuant to section 8 of P.L.1983, c.392 (C.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.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.2C:43-2.