Beneficial Use Determinations in New Jersey

Presented by Zafar Billah, Section Chief
Bureau of Recycling and Hazardous Waste Management
IN NJ USE/REUSE EXEMPT FROM SW REGS.

- Not solid waste
  - N.J.A.C. 7:26-1.1(a)1 Exemptions

- Recycling Center - B,C,D
  - Processed Materials

- Beneficial Use Determination (BUD) 7:26-1.7(g)
  - Contaminated Materials
THE NJ BUD PROGRAM

- NJDEP encourages beneficial use of materials
- NJ SW Rules Exempt Beneficial Use [N.J.A.C. 7:26-1.7(g)]
- BUD Program started in 1992
- Case-by-case determination
- Categorical exemptions
BUD AUTHORIZATION

- BUD Application Form
  - http://www.nj.gov/dep/dshw/rrtp/bud.htm

- N.J.A.C. 7:26-1.7(g)
  - Background, Analyses, Certification, Fee
  - Cert. of Authority to Operate
  - Specific Requirements for Out-of-State BUDs
  - Management Conditions
    - Transport, On-site Management
    - Issued for a specified time (1 – 2 years)
BUD PROGRAM GOALS

- **Safety: Health-based**
- **Timely**
  - Fast Turn around
  - Categorical Exemptions
- **Performance Adequacy**
  - Material Substitution
    - Useful & Safe Product Standard
EVALUATING RISK

- Conservative approach
- Noncontamination
  - No new or higher levels
- Source, pathways, receptors considered
- Lack of resources do not permit elaborate evaluation
EVALUATING RISK (CONT.)

- Health Based
- Soil Remediation Standards (SRS)
- Impact To Ground Water (IGW)
- Radiation Standards  N.J.A.C. 7:28-12
- Air permitting as required
SAMPLING & ANALYTICAL

- Technical Regulations (N.J.A.C. 7:26D&E)
- New Jersey certified labs
- Field Sampling Procedures Manual
- Reduced laboratory deliverables
- SW - 846 (TAL/TCL+30)
SAMPLING & ANALYTICAL

- TCLP, SPLP
- Radiation:
  - N.J.A.C. 7:28-12
- Other relevant tests
- Burden of proof (N.J.A.C. 7:26-1.13)
BUD MATERIALS

- ASH (Coal Combustion By-Products / Sewage / MSW)
- Potable water sludges
- “ID 27 SOILS”
- Street sweepings
- Industrial materials
  - Paper Fiber (Clay / Nonclay)
  - Slags / Foundry Materials
BUD SUCCESS STORY

- 540 projects approved (1992-2015)
- Over 20,000,000 tons of materials approved
  - 10,000,000 tons out of State
  - Fill, Landfill Cover, Product Incorporation
- Also Categorical Exemptions (not included in the above number)

BUD Database:
  - NJDEP database
  - NEWMOA database
NJDEP CONTACT for BUDs

- Guy Watson, Bureau CHIEF
- Zafar Billah, Section Chief

Bureau of Recycling & Hazardous Waste Management
Mail Code 401-02C, P.O. Box 420, 401 East State Street
Trenton, New Jersey 08625
Telephone: 609-984-3438