

Beneficial Use Determinations in New Jersey

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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
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