



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Division of Solid and Hazardous Waste
PO Box 414
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Robert C. Shinn, Jr.
Commissioner

May 11, 1998

James Ott
Dept. of The Army
Headquarters, U.S. Army Garrison Fort Monmouth
Fort Monmouth, NJ 07703

Dear Sir or Madam:

This is in response to your letter regarding the reuse of petroleum hydrocarbon contaminated soil. Soils containing non-hazardous petroleum hydrocarbons, provided they do not contain other hazardous wastes sufficient to classify them as a hazardous waste, are usually classified as ID 27, Dry Industrial waste. The solid waste regulations as specified at N.J.A.C. 7:26-1.1(a)1, allow for solid waste that is separated at the point of generation and sent to an approved facility for reuse to be exempted from regulations on solid waste. Such exemptions are valid only as long as the conditions under which exemption authorization is granted by the Department are complied with in full. Failure to abide by and with said conditions will result in the nullification of exempt status of the material, and the material will revert to its original classification as solid waste. Also, exempted is waste that is handled as hazardous waste, manifested in accordance with the rules and regulations as set forth at N.J.A.C. 7:26G-7, and transported directly to a hazardous waste facility from the point of generation.

In order to send ID 27 petroleum hydrocarbon contaminated soil out of state pursuant to N.J.A.C. 7:26-1.1(a)1, our office requires each of the following:

1. A letter sent to the Division of Solid and Hazardous Waste (Division) from the generator, certifying that the soil in question has been analyzed or is known, in accordance with N.J.A.C. 7:26G-5, to contain non-hazardous petroleum hydrocarbons, or other contaminants which would not cause the soil to be classified as a hazardous waste.
2. A letter sent to the Division of Solid and Hazardous Waste from the receiving facility stating that they agree to accept the specified amount of soil and indicated their intention to beneficially use or reuse the soil and the time frame for such activity from date of receipt at the facility. In addition, we request that you send this information directly to the solid waste coordinator of the county of the soil's origin.
3. A letter from the appropriate regulatory agency of the state where the reuse facility is located or a copy of the current facility permit, verifying that the facility is operating in accordance with applicable rules and regulations and can accept the soils specified above for the declared use/reuse purpose.

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4. A check or money order made out to the "Treasurer, State of New Jersey" for the payment of the applicable recycling exemption authorization review fee.
5. Once the soil is delivered to the reuse facility identified above, a letter from the facility or a copy of the bill of lading stating the identification number S98-422, date and amount of soil received for use/reuse, sent to this office and the solid waste coordinator of the county of the soil's origin.

Currently, our office is in possession of the fee payment, items 1, 2 and 3 above, and, as a result, our office has no objection to your proposal to send approximately 250 cubic yards of soil from U.S. Army, Fort Monmouth, Building 173, Fort Monmouth, NJ, Monmouth County to Clean Earth of New Castle, Inc., New Castle, Delaware provided no hazardous wastes are present and the material is reused in accordance with Delaware regulations. However you are still required to provide item number 4 once the soil has been delivered.

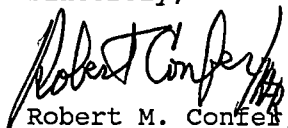
While our office has no objections in this instance, it is our policy to review these proposals on a case-by-case basis. Also, should the soil generator desire to pursue contaminated soil reuse options in the future for soil generated in New Jersey, please contact this office beforehand for guidance.

This authorization of conditional exemption from regulation as a solid waste pursuant to N.J.A.C. 7:26-1.1(a)1 shall remain in effect with the provision that the subject material is managed in strict accordance with the conditions and procedures outlined herein. Any material not managed in conformance with the provisions of this authorization will be considered a solid waste, and will be subject in full to the requirements of N.J.S.A. 13:1E-1 et seq. known as the Solid Waste Management Act, which includes the assessment of penalties for violations thereof.

Management and use of the soil referenced in this letter shall not relieve any person from obtaining any and all permits required from any Federal, State, county or local agency. This document does not grant permission to fill or alter floodplain areas, riparian lands, freshwater wetlands or surface water runoff conditions without the appropriate approvals.

Should you have any further questions or comments, please call this office at (609) 984-6620.

Sincerely,



Robert M. Confer, Chief
Bureau of Resource Recovery
& Technical Programs

S98-14
RMC/lfm

S98-422

cc: Lawrence J. Zaayenga, Monmouth County
Mr. Lester W. Jargowsky, Health Officer, Monmouth County
Paul Lane, CENC