



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF SOLID AND HAZARDOUS WASTE



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**Guidance Document for the Management of
Street Sweepings and Other Road Cleanup Materials**
(Updated 10/16/2013)

This document presents guidance for the handling, characterization and management of street sweepings and other road cleanup materials (road cleanup materials) to provide options for the use and management of the material without direct oversight of the New Jersey Department of Environmental Protection (Department or DEP). These materials would otherwise be waste, and may include but be limited to street sweepings, storm sewer clean out materials, retention basin clean out materials and other similar road wastes. Wastes removed from municipal sanitary sewer systems (a.k.a. municipal wastewater systems) are not included in these types of wastes.

Road cleanup materials may be considered as one of two categories as a function of the type and amount of contaminants present. These are as follows: 1) Road cleanup material that contain hazardous waste, and 2) Road cleanup material classified as waste type ID 10 municipal solid waste (i.e., materials that may contain contaminants above or below regulatory concern).

This guidance must be consulted in conjunction with the solid waste regulations at N.J.A.C. 7:26 et seq. For the reader's convenience, an unofficial version of N.J.A.C. 7:26 et seq. can be found using the "NJ Regulations" selection on the Department's Solid and Hazardous Waste Management Program web page at <https://www.state.nj.us/dep/dshw> or directly by using the Web link <https://www.state.nj.us/dep/dshw/resource/rules.htm>. These are courtesy copies of the adoption. The official versions of these rules were published in the New Jersey Register. Should there be any discrepancies between this text and the official version of the adoption, the official version will govern. For more information, see the New Jersey Office of Administrative Law's Rules page. To obtain official copies of these regulations consult the NJDEP Office of Legal Affairs' How to Get Copies of Departmental Rules page at https://www.state.nj.us/dep/legal/get_rule.htm.

I. INTRODUCTION & BACKGROUND:

The DEP is very interested in supporting the beneficial use of solid wastes such as road cleanup material whenever feasible. To assure that these uses are protective of human health and the environment, uses of road cleanup material should be approved by DEP for consistency with Department policies, guidance (e.g., this document) and Departmental regulations. In many instances, road cleanup materials are known to contain elevated concentrations of contaminants such as lead and organic compounds associated with petroleum products, which above certain levels are known to be hazardous to human health. Therefore, uses of road cleanup material should be managed in order to manage the risks posed to human health and the environment.

Many beneficial uses of road cleanup material involve some form of land application, some of which may require the Department's authorization. When solid wastes like road cleanup material are used beneficially in land application they are exempted from regulation as solid waste and thus, will herein be referred to as "materials". The process of using road cleanup material either with or without case-by-case Departmental review for land application and other uses is outlined below.

When collected in the course of cleaning the state's streets, storm basins and storm sewers, road cleanup materials are classified as waste type ID 10 municipal solid waste as defined and regulated at N.J.A.C. 7:26-1.1 et seq. Normally, road cleanup material classified as ID 10, as well as other types of solid wastes, must be directed to a solid waste facility permitted to receive such waste for disposal. However, an exemption to solid waste regulation at N.J.A.C. 7:26-1.1(a)1 is allowed for solid waste, separated at the point of generation, that is sent to an approved facility for use or reuse as raw materials or directly as products. It is this exemption process and the associated beneficial use regulations found at N.J.A.C. 7:26-1.7(g) that allows road cleanup material to be authorized for beneficial uses exempt from waste flow and solid waste disposal regulations. Also exempted from solid waste regulations is waste managed and manifested as hazardous waste in accordance with the rules and regulations as set forth at N.J.A.C. 7:26G-1.1 et seq., and transported directly to a hazardous waste facility from the point of generation.

II. CONTAMINANT STANDARDS:

This section describes the basis for DEP's application of contaminant standards to road cleanup material. The DEP has adopted site cleanup standards that form the basis for developing more specific regulations for the use or reuse of materials contaminated with hazardous substances. For further guidance in this area, these standards are specified and referenced at N.J.A.C. 7:26D, the Remediation Standards adopted June 2, 2008.. A copy of the latest Site Remediation Standards (SRS) is available at the Department's web site at <https://www.nj.gov/dep/srp/regs/rs/>.

In view of the health-based criteria set forth in the SRS for contaminated sites and the available analytical data for typical road cleanup materials, the contaminants in road cleanup material are not consistently at sufficiently low levels to allow uncontrolled use. The DEP is concerned about spikes of high concentrations of petroleum hydrocarbons such as gasoline, oils, the organic compounds found in asphalt, or other contaminants such as lead that typically occur in road cleanup materials. Road cleanup material should also be classified to determine whether the waste is hazardous waste required to be regulated as hazardous waste per N.J.A.C. 7:26G. Road wastes are normally not sufficiently contaminated to prevent their use under controlled circumstances per this guidance. Therefore, given the limited contaminant characterization data available, approvals for use of road cleanup material containing aggregate contaminants at a level exceeding the most stringent latest available SRS for guidance are reviewed on a case-by-case basis by the Bureau of Landfill and Hazardous Waste Permitting (BLHWP).

Blanket approvals are available at this time for certain uses as outlined herein. For the class of road cleanup material contaminated below the department's most stringent SRS, a one-time site-specific use is allowed as described below in Sections VI and VII of this Appendix. Applications of any such road cleanup material to a site more than once require written authorization of the BLHWP in order to prevent potential environmental degradation (refer to section V.2.b.). This process ensures that use of all road cleanup material will be consistent with the most recent health-based guidance when road cleanup materials are proposed for use in situations where human or environmental exposure to contaminants is possible.

III. GENERAL HANDLING REQUIREMENTS:

This section describes the general requirements applicable to handling road cleanup materials.

1. Litter - Road cleanup materials are generally contaminated with oversized "litter" such as plastics and paper items, road matter, vehicle parts and other miscellaneous wastes. Before road cleanup material may be sampled for analysis, this litter must be removed and disposed of as ID 10 municipal solid waste or preferably, be recycled. Small screening operations may not require separate approvals, however processing road cleanup material in large quantities, or near sensitive receptors may warrant separate authorization by the Department. Contact the Solid and Hazardous Waste Management Program at 609-292-9880 for information concerning permitting of screening operations. Bulky materials, such as significant amounts of chunks of concrete or asphalt, should be taken to DEP approved recycling centers, or asphalt manufacturers, for proper recycling. Road cleanup material normally does not require this cleaning step if disposed of unless required by the disposal facility.

2. De-icing Salts - In some cases, road cleanup material may contain concentrations of road de-icing salts. Standards for applications of de-icing salts are not established as it is common practice to dispense large quantities of salts on roads for deicing during winter months. With normal precipitation levels, significant amounts of these salts with typically high water solubility should not be present in road cleanup materials. Use of road cleanup material containing road de-icing salts or other compounds, however, must be consistent with all State, Federal and local requirements and the user should also be aware of the phytotoxic effects of salts particularly during the growing season.

3. Transport - Disposal of road cleanup material as solid waste in accordance with N.J.A.C. 7:26 requires transport only by licensed solid waste transporters in registered solid waste vehicles. Transport of road cleanup material destined for recycling centers (refer to section V.2. below), or beneficial uses authorized by the department pursuant to N.J.A.C. 7:26-1.7(g), is not subject to the solid waste transporter licensing requirements, therefore, use of licensed solid waste transporters and registered solid waste vehicles is not required in these instances.

IV. CHARACTERIZATION:

This section describes the requirements for sampling and analysis of all road cleanup material, except those being disposed of as ID 10 solid waste which do not require testing except as required by the disposal facility.

All road cleanup material must be sampled and analyzed in accordance with standard DEP quality assurance standards and practices to fully characterize the SRS contaminants, regardless of the intended future disposition of the road cleanup materials except for disposal as solid waste. Detailed sampling guidance may also be obtained from BLHWP at (609) 984-6985.

The generator of road cleanup material must determine if the road cleanup material constitute hazardous waste in accordance with requirements at N.J.A.C. 7:26G-1.1 et seq. A hazardous waste classification may be required if elevated levels of contaminants are detected, at the discretion of the department. For uses of road cleanup material requiring DEP authorization as described herein (refer to section V.), all analytical data must be submitted to BLHWP for review on a case-by-case basis.

Road cleanup material proposed for most beneficial use projects must also be analyzed for any and all contaminants found on the USEPA's current Target Analyte List (TAL)/Target Compound List (TCL) and Priority Pollutants + 40 scans. The list of TAL inorganic compounds/elements and TCL organic compounds designated for analysis are those contained in the version of the USEPA Contract Laboratory Program Statement of Work for Inorganics and Organic Analysis, Multi-Media, Multi-Concentration in effect as of the date on which the laboratory is performing the analysis or the project's specific contaminant testing results.

Additional sampling may be required based on the results of the initial data collected if further contaminant delineation is necessary. A higher frequency of sampling, screening and analysis may be required to characterize the road cleanup

material when "hotspots" of contamination are known or suspected to exist in a pile. For very large quantities of road cleanup material a lower frequency of sampling may be appropriate, subject to departmental authorization, based on site-specific data. It is recommended that the DEP review sampling plans that vary from the sampling methods outlined in Appendix G prior to sampling.

While typical road cleanup material would not be expected to exhibit excessive amounts of radioactivity, it cannot contain material regulated pursuant to the Atomic Energy Act or any regulations for radioactive materials administered by the Nuclear Regulatory Commission ("NRC") or other agencies, be classified as technologically enhanced naturally-occurring radionuclide material (TENORM) which is ID 27 Dry Industrial Solid Waste in New Jersey, or contain any radionuclide over the levels established in the "Soil Remediation Standards for Radioactive Materials" at N.J.A.C. 7:28-12.

V. MANAGEMENT OPTIONS:

This section describes various management options for the following categories of road cleanup material: 1) Road cleanup material that contain hazardous waste, and 2) Road cleanup material classified as waste type ID 10 municipal solid waste (i.e., materials that may contain contaminants above or below regulatory concern). It also describes the process of obtaining department authorization for use of road wastes. Whenever any road cleanup materials are used for any purpose other than disposal in accordance with N.J.A.C. 7:26-1.1 et seq., the following conditions must be met:

1. Hazardous Waste - Road cleanup material that contain a hazardous waste must be managed as hazardous wastes when contamination is above the non-hazardous waste limits or the road cleanup materials are otherwise classified a hazardous waste. The road cleanup material must always be managed as a hazardous waste in accordance with N.J.A.C. 7:26G-1.1 et seq. and the USEPA Code of Federal Regulations Title 40, Parts 260-299. The only management option for road cleanup material containing a hazardous waste is management as a hazardous waste.

Handling - All road cleanup material designated as hazardous waste per N.J.A.C. 7:26G-5 and 40 CFR 261 must be properly staged and removed within 90 days. Hazardous waste piles are prohibited. When road cleanup material are determined to contain a hazardous waste they must be staged during the remaining 90-day period in accordance with N.J.A.C. 7:26G-6 and 40 CFR 262 (i.e. either sealed roll-off container or sealed drums).

2. Non-hazardous ID 10 Municipal Solid Waste - Road cleanup material contaminated at levels above the regulatory concern limit (see section V.3. below), and which are not classified as hazardous waste, are considered to be non-hazardous solid waste. Road cleanup materials are classified as ID 10 municipal solid waste if treatment, storage or disposal at an authorized solid waste facility is a short or long-term management option. If ID 10 road cleanup material are used beneficially with DEP authorization in accordance with section V.2.b. below, the road cleanup materials are then considered beneficially useable materials exempt from solid waste regulation, not ID 10 solid waste.

a. Handling - Contaminated road cleanup material designated as non-hazardous solid waste may not be stockpiled for more than six months pursuant to the solid waste regulations, N.J.A.C. 7:26-1.1;1.4. Security and public access must be considered when selecting a location for stockpiling of any potentially contaminated road cleanup materials. Staging of any potentially contaminated road cleanup material must be performed using methods that minimize the disturbance of the road cleanup material and minimize on-site handling and storage. At a minimum, all potentially contaminated road cleanup material must be staged on an impervious surface and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting). The containment must be maintained for the duration of the staging period to prevent contaminant volatilization, runoff, leaching, or fugitive dust emissions.

b. Beneficial Use Authorization Process - For use of contaminated materials such as road cleanup material contaminated above the latest most stringent SRS, a written application by the generator and a written determination from the DEP must be made for the non-applicability of the solid waste regulations set forth in N.J.A.C. 7:26-1.1 et seq. This is required for any in-state or out-of-state use for road cleanup material with any contaminant level exceeding the latest most stringent SRS and is also required for second or additional applications of any road cleanup material in New Jersey at the same site. The following are the standard requirements for a Certificate of Authority to Operate beneficial use project. Additional requirements are specified at N.J.A.C. 7:26-1.7(g) that also apply to application for the use of road cleanup material, and are detailed in the main body of this Technical Manual.

c. General Requirements for Use - In all cases, any use of road cleanup material must be protective of ground water and surface water bodies and subsurface structures, such as basements and other indoor areas, as well as all other potential human and other ecological receptors. In addition, all other requirements for any prospective use of road cleanup material must be met. These requirements include, but are not limited to: any limitations imposed by wetlands restrictions; stream encroachment regulations; limitations on use of materials contaminated at any level where the contaminants could pose a risk to surface or ground water; hazardous waste recycling regulations; and any other requirements, in addition to i-iv. below:

i. Pinelands Area - Road cleanup material generated outside or within the Pinelands Area that contain contaminants at or below the most stringent cleanup levels established by the DEP shall not be moved from the site of generation into or within the Pinelands Protection Area unless the road cleanup materials are at or below the receiving site's contaminant background levels. Road cleanup material generated in the Pinelands Area that exceed background levels may not remain in the Pinelands Area but may be used elsewhere with written permission of the DEP in accordance with the requirements set forth in this document. Written approval from the New Jersey Pinelands Commission, New Lisbon, NJ 08064, must be obtained before any disturbance or moving of road cleanup material at any level of contamination within the Pinelands Area.

ii. Objectionable Odors or Appearance - Road cleanup material having objectionable odors, including petroleum or synthetic chemical odors, shall not be used in residential areas or other locations where the public would be exposed or where such odors or appearance would render a site or its improvements unusable for their reasonably intended

purpose. Specifically, the road cleanup material to be used must not violate the air pollution rules, N.J.A.C. 7:28-1.1 et seq. or local nuisance codes.

iii. **Regulatory Compliance** - The road cleanup material must be used in accordance with all applicable federal, state and local requirements.

iv. **Allowable Storage Time - Non-hazardous road cleanup material contaminated at levels above the most stringent SRS must not be stockpiled at the site of generation, or elsewhere, for more than six months from the date of collection until disposition pursuant to the solid waste regulations, N.J.A.C. 7:26-1.1; 1.4. Therefore, road cleanup material use considerations and subsequent actions should be acted on as soon as anticipated.**

3. Contaminated Below Regulatory Concern - Road cleanup material with contaminant levels consistently below the latest most stringent site-specific SRS standards are generally suitable for use without prior approval on a one-time site-specific basis, or if the road cleanup materials are recycled at an approved recycling center. Only road cleanup material that contain contaminants at levels below the most stringent SRS established by the DEP for a specific site, are not of regulatory concern with the exception of sites in the Pinelands Area which may require separate authorization from the Pinelands Commission - see Section V.2.c.i. In addition, the minimum criteria for all use applications, as noted in section V.2.c. above, also apply to road cleanup material below regulatory concern.

VI. EXAMPLES OF USES:

This section outlines the department's guidance for a number of different potential uses for road cleanup materials. All uses described below require written BLHWP authorization as outlined in section V. of this document, unless explicitly stated otherwise in each section. The general handling requirements outlined in section III., and all other requirements, are also applicable to all potential uses listed below except as noted below. All references to use criteria in this document shall be taken to mean the latest available criteria from the department.

1. Fill for potholes - Road cleanup materials, with analytical values at levels below the latest non-residential SRS criteria, are normally suitable for direct use as fill for potholes, whether the road cleanup materials are incorporated into an asphalt binder or are used directly as sub-fill for larger holes. If the road cleanup materials are used as sub-fill for larger holes, they must be capped with normal road surfacing material, such as concrete or asphalt. Department approval is not required for this use.

2. Embankment for emergency road repairs - Road cleanup material with analytical values at levels below the most stringent SRS criteria are usable for embankment material without prior Department approval. Embankment material is needed by DOT for emergency road repairs when road surfaces and base materials are eroded or removed due to washout or other circumstances.

3. Containment/absorption medium for hazardous materials spill response - Road cleanup materials, unless determined to be hazardous wastes, are suitable for use as absorptive material to contain or to absorb hazardous materials in emergency situations. Following such use, the road cleanup material must be immediately handled in accordance with all requirements for hazardous materials. The road cleanup material cannot be permitted to wash into surface waters. If road cleanup materials are used in the form of embankments to contain larger spills, the road cleanup material must be stabilized to prevent surface waste contamination, and be collected and managed appropriately as a contaminated material.

4. Sub-base fill - Road cleanup material contaminated at levels below the latest non-residential SRS may be used for sub-base fill.

5. Soil mix additive for pavement materials - Road cleanup material may be used directly as replacement for raw material in concrete or asphalt for paving or other uses, without prior approval, if not contaminated above the latest non-residential SRS limits, and all other requirements for manufacture and use of the product are met.

6. Deicing/Antiskid Material - Road cleanup material may be used as deicing or antiskid material if contaminated below the residential SRS without prior Department approval.

7. Landfill cover - Under most circumstances, unless road cleanup material have been analyzed and determined to be hazardous wastes, road cleanup materials are suitable for landfill cover from the standpoint of pollutant contamination levels. Use of road cleanup material for landfill cover, especially road cleanup material with higher levels of contamination, isolates these contaminants from further contact with the environment and provides a favored option for road cleanup material use. It is, of course, the prerogative of individual landfill operators to require analyses of materials they are using for cover and under those circumstances, individual facilities may set certain limits or other criteria for contaminant levels in the materials. The generator of the road cleanup material should contact the landfill operator.

8. Recycling Centers - For recycling at approved Class B and Class C recycling centers in New Jersey: contact the authorized recycling center directly or Bureau of Transfer Stations and Recycling Facilities (BTSRF) at 609-292-9880. The Recycling Center must be authorized to accept road cleanup material specifically in its General Approval, or otherwise in writing by the Solid and Hazardous Waste Management Program road cleanup material accepted at an approved DEP recycling center do not require a waste flow exemption or a prior site-specific use approval as outlined below.

9. Other Uses Land Application - Other one-time land application uses of road cleanup material without prior approval are feasible in line with the above guidance if all contamination levels are below the latest most stringent site-specific SRS. Direct land application of road cleanup material contaminated at any level above the most stringent SRS and second or additional applications of road cleanup material contaminated below regulatory concern at the same site require DEP authorization on a case-by-case basis. Application for such uses must be made to BLHWP for a Certificate of Authority to Operate (CAO) a Beneficial Use Project pursuant to N.J.A.C. 7:26-1.7(g). This type of authorization is

technically rigorous, will require a detailed site description and may require at least six to eight weeks for review. Contact BLHWP for details. Actual standards applied at a particular site are determined by the DEP on a case-by-case basis and may differ from site to site. This variation is due to many factors, including site-specific human health and environmental exposure pathways, the presence and combinations of synergistic or additive site contaminants, and site-specific physical characteristics, however it is not the Department's intention to introduce contaminated materials into areas with lower levels of contamination.

Asphalt Incorporation - Road cleanup materials may be used directly at asphalt manufacturing plants as an ingredient in asphalt (bituminous concrete) production as exempt from solid waste regulations pursuant to N.J.A.C. 7:26-1.1(a)1 and N.J.A.C. 7:26A-1.4(a)1i.

Product Incorporation - Additionally, road cleanup materials, even those contaminated at higher levels of contamination, may be incorporated into structural products where the road cleanup materials are physically bound, or permanently entrained, such as into asphalt, concrete, structural building materials (such as block and brick) or other similar structural products. All requirements for the product's manufacture and use must be met. Case-by-case Departmental authorization is required for these uses only at a contamination level above non-residential SRS limits, except as outlined above for asphalt production.

10. Disposal: For information on disposal in accordance with N.J.A.C. 7:26 at a designated solid waste facility, contact the appropriate county solid waste management official for the designated solid waste district facility, to determine if the district has such a facility for ID 10 waste. A list of county solid waste officials is available at the department's web site.

VII. RESPONSIBILITY & DISCLAIMER:

It is the responsibility of the generator of the road cleanup material to properly manage and characterize/classify the road cleanup material and to determine if road cleanup materials are contaminated.

Disclaimer: This guidance is offered without prejudice and shall not affect any ongoing or future enforcement actions that the Department or any other agency may take against any person for past or future activities. This guidance shall not relieve any person from obtaining any and all permits and authorizations required from any Federal, State, county or local agency and complying with all regulations and other requirements. The DEP reserves the right to require or conduct testing. Should road cleanup material be considered unsuitable by the DEP after the road cleanup material have been used/reused, the generator of the road cleanup material is responsible for their proper remediation, as well as for the remediation of all other media affected. Specifically, the DEP may take action if a more stringent SRS is adopted, the SRS's were improperly applied to a use application or other relevant requirements or criteria are developed. Use of road cleanup material 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.

The BLHWP, at (609) 984-6985 may be contacted for assistance and to obtain or confirm the latest available update of this guidance, which is also available at the department's web site <https://www.state.nj.us/dep/dshw/rrtp/bud.htm>.

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