

**The New Jersey Department of Environmental Protection
Environmental Regulation Program**

**Guidance for Characterization of Concrete and
Clean Material Certification for Recycling**

(Updated February 18, 2009)

I. Overview:

The New Jersey Department of Environmental Protection (Department or NJDEP) is requiring the characterization, preferably by in situ predemolition sampling, or post-demolition sampling, through the laboratory analysis of concrete, post-demolition concrete-processing fines and brick and block (referred to herein as concrete) at all New Jersey demolition and construction sites that have the Department's Site Remediation and Waste Management Program's (SRWMP) oversight when the concrete is designated for: 1) recycling pursuant to N.J.A.C. 7:26A *et seq.*; or, 2) beneficial use pursuant to N.J.A.C. 7:26-1.7(g), rather than disposal as solid waste. This characterization requirement applies to demolished buildings, concrete roadways and related structures such as, but not limited to, sidewalks and curbing. The Department is taking this step to ensure that the concrete entering the State's concrete recycling system is clean and will not contaminate otherwise clean sites. The Department is also outlining in the, "Guidance for Characterization of Concrete and Clean Material Certification for Recycling" (Guidance), how site owners can self-certify building materials as clean prior to demolition without sampling and analysis. See Section VI for information on clean building certification compliance procedures.

The Sampling and Analysis Protocol outlined below is for certain contaminants that the Department recognizes may be found in concrete from contaminated sites (see section V for additional information). Only uncontaminated concrete will normally qualify for unrestricted recycling, while some minimally contaminated concrete or concrete fines may qualify for beneficial uses but only with Department approval.

For example, asphalt-contaminated concrete or concrete mixed with soils may meet beneficial use requirements for certain conditional uses at roadways. No sampling of the asphalt-contaminated concrete from a site is required under this guidance if the property owner chooses to dispose of all of the material as solid waste. Note that Department approval pursuant to N.J.A.C. 7:26-1.7(g)8 is required for the beneficial use of materials out of state, which may require sampling and analysis of the material to meet the receiving State's requirements.

II. Concrete Materials Characterization:

Through either in situ, which is the preferred approach, or post demolition sampling, the site owner is responsible for characterizing the concrete in the structures the owner is demolishing. In situ sampling and analysis is defined as sampling prior to demolition at targeted areas of the structure, which are known and suspected areas of contamination, in order to determine contamination levels. More detailed information concerning in situ sampling requirements is described in Section V below.

Alternatively, the owner may elect to conduct post-demolition sampling and analysis of the concrete from a structure or consolidation of concrete from roadway and related structures. The concrete material must be stockpiled on the property where it is generated if it is to be considered for either recycling or beneficial use. The material should be staged in Sampling Areas of segregated material based on any knowledge of contamination and sampled according to the Sampling and Analysis Protocol below in Section V. Otherwise the concrete must be managed as solid waste per the solid waste regulatory requirements at N.J.A.C. 7:26 *et seq.* All sampling must take place where the material is generated in accordance with the Department's Technical Requirements for Site Remediation at N.J.A.C. 7:26E, including the Field Sampling Procedures Manual.

III. Criteria for Materials Disposition:

The disposition of all concrete material from contaminated sites with the Department's SRWMP's oversight at contaminated sites shall be determined by characterization of the material using the results of sampling and analysis conducted according to this guidance. The analytical results shall be compared to the Department's most recent Soil Cleanup Criteria (SCC), which are publicly available at the following website: <http://www.state.nj.us/dep/srp/regs/scc/index.html> . Data averaging is not permitted in order to achieve compliance with the criteria.

For material that is intended to be used on the site of generation sampling and management of material must be conducted in compliance with the requirements of the Department's case manager.

Concrete materials containing contamination entirely below the Department's Residential Direct Contact Soil Cleanup Criteria (RDCSCC) shall be considered eligible for transfer: 1) to a Class B Recycling Center holding a General or Limited Approval for recycling, 2) for recycling per the recycling site approval exemption requirements at N.J.A.C. 7:26A-1.4(a)2, 7, or 20, or 3) for direct unrestricted use on or off site without specific Department approval but in compliance with all other requirements that may apply such as local use codes and ordinances. Compliance with any Federal, State, and local requirements is still required for all uses of concrete materials.

Materials containing any contaminant above the Department's RDCSCC are considered solid wastes and must be managed in accordance with all statutory and Department regulatory requirements including, but not limited to, the full requirements for solid waste pursuant to the Solid Waste Regulations at N.J.A.C. 7:26 *et seq.* including classification as hazardous waste as necessary, or at specific Class B recycling centers authorized to accept the material, or beneficial use in accordance with Department requirements. Department guidance for conducting Beneficial Use Projects and a project application form are available at <http://www.state.nj.us/dep/dshw/rtrp/bud.htm> . Materials exceeding the Department's RDCSCC do not qualify for the following: 1) recycling at the State's Class B, or other, Recycling Centers holding a General Approval or at Class B Limited Recycling Centers approved in accordance with the requirements at N.J.A.C. 7:26A-3.7 unless the facilities are specifically authorized to accept the material; 2) recycling at sites operating per the recycling approval exemption requirements at N.J.A.C. 7:26A-1.4(a)2, 7, or 20;

and, 3) for direct reuse or recycling on or off of the site of generation without Department approval.

IV. Separation of Distinct Demolition Areas and Materials:

The sampling and analysis protocol specified in Section V is based on defining distinct areas of the structure for initial in situ sampling or demolition based on known and suspected areas of contamination within or on a structure, roadway or pad or any other “area of concern”. Demolition shall be planned to prevent the mixing of contaminated with uncontaminated areas in the form of a demolition workplan. The site owner is obligated to develop and implement a plan to segregate contaminated materials from uncontaminated materials. Demolition practices should separate out materials that may be contaminated prior to and/or concurrent with demolition, for proper manifesting and/or disposal as solid waste.

V. Sampling and Analysis:

1. What Demolition Materials to Sample: Source Separated Concrete, Block, Brick and Concrete Fines (processed concrete fines or concrete mixed with soil, sand, stone, etc.) at all New Jersey demolition and construction sites that have the Department’s SRWMP’s oversight at a contaminated site.

2. How to Sample:

- a. **Biased Sampling:** All sampling, including in situ sampling, shall be biased toward visible staining or other indication of potential contamination: such as the source of the material, coloration or odor.
- b. **Sampling Methods:** the Department is specifying approved sampling methods as either chip or core samples. Core samples shall be no deeper than 1 inch unless staining or discoloration indicates that contamination is below that depth. Sampling logs shall record the depth of core samples. This would further support the Self Certification Process discussed in section VI below. Confirmatory sampling is required of material intended for recycling if suspected contaminated sections of material are removed.
- c. **Sampling Areas:** Sampling areas shall be determined based on each distinct area of demolition such as separate properties, separate structures on the same property, known or suspected areas of contamination within a structure or roadway, or designated Areas of Concern (AOC). The Department case manager may be consulted as an option for advice, or a determination, of which structures to sample.

Sampling Frequency: In situ sampling frequency is dependent on the number of areas of biased sampling and whether contamination is found at sampling locations. Material used for samples shall not exceed 1 (one) inch maximum in depth. If additional material is needed for a sample additional sample(s) should

be colocated at the sampling point. In situ samples shall always be discrete samples and not composited.

Each post-demolition Sampling Area, such as accumulated concrete material in individual staged stockpiles, shall be sampled at the following rate. Material used for individual samples shall not exceed 1 (one) inch maximum in size, and depth. If additional material is needed for a sample additional sample(s) should be colocated at the sampling point.

(Each composite sample must include 1 sample for each 20 yds³.)

<u>Quantity</u>	<u>Number of Composite Samples</u>
Less than 400 yds ³ -	1/100 total yds ³
400 yds ³ – 2000 yds ³ -	1/200 total yds ³ + 2
Over 2000 yds ³ -	1/500 total yds ³ + 8
(Ex. 1: 310 total yds ³ project requires:	(310/100) = 4 samples.)
(Ex. 2: 735 total yds ³ project requires:	(735/200) + 2 = 6 samples.)
(Ex. 3: 1,750 total yds ³ project requires:	(1750/200) + 2 = 11 samples.)
(Ex. 4: 5,000 total yds ³ project requires:	(5000/500) + 8 = 18 samples.)
(Note: for any amount over a volume increment round up to the next highest number of samples as in ex. 1 and 2.)	

3. What Contaminants to Analyze: (Analysis Profile)

All sampling and sample analyses shall be conducted in accordance with the criteria and methods specified in the Technical Requirements for Site Remediation at N.J.A.C. 7:26E *et seq.* The Department sanctions composite sampling for the purposes of post-demolition materials characterized for management per this guidance. In situ samples shall always be discrete samples and not composited.

For all sites:

a. **PCBs & PAHs: :**

Sample and analyze in all concrete and concrete fine materials. If the recycled concrete is going to be used as road base, the requirement to analyze for PAHs may be eliminated by the site case manager.

Based on site-specific factors, or as directed by the Department Case Manager:

b. **TCLP, TAL/TCL+30, TPH:**

If known or suspected at industrial, mining or other sites, or as directed by the Department’s Case Manager for the site, analyze for VOCs, SVOCs, TCLP Pesticides, Herbicides; TAL/TCL+30, TPH, and as required on a case-specific basis RCRA TCLP including TCLP metals.

c. **Dioxins/Furans:**

If known or suspected at industrial, mining or other sites, or as directed by the Department’s Case Manager for the site, use USEPA Method 1613B, 1ppt detection limit, 17-congener profile, or the latest Department-approved method. Consult the Department for a case-specific determination for use of materials containing elevated levels of dioxins/furans above a screening level of 50 parts per trillion (ppt) total 17-congener Toxicity Equivalents (TEQ) off site.

d. **Radionuclides as Naturally Occurring Radioactive Material (NORM):**

If suspected at industrial, mining or other sites, analyze by gamma spectroscopy for the natural series of radionuclides. The representative samples should be dried, sealed and counted after 21 days. The minimum detectable concentration requirement for Ra-226 and Th-232 daughter nuclides should be 0.5 picoCuries per gram (pCi/g) on dried material. Provide laboratory documentation of analysis and methodology. The laboratories must be certified by the Department's Office of Quality Assurance (OQA) for radionuclides in soil analysis DOE 4.5.2.3. Contact Mr. Vas Komanduri of OQA at (609)984-0855 for a current list of certified laboratories.

The following industries are recognized by the Department's Bureau of Environmental Radiation as having the potential to have technologically enhanced Naturally Occurring Radioactive Material (NORM) contamination potential: Paper and pulp facilities; Ceramics manufacturing; Paint and pigment manufacturing; Metal foundry facilities; Optical glass; Fertilizer plants; Aircraft manufacture; Munitions and armament manufacture; Scrap metal recycling; Zirconium manufacturing; Oil and gas production, refining, and storage; Electricity generation; Cement and concrete product manufacture; Radiopharmaceutical manufacturing; Geothermal energy production.

If material is from a radioactive materials licensee or former licensee, or is a radioactively contaminated site, contact the Bureau of Environmental Radiation of the Site Remediation case manager for guidance.

VI. Clean Building Self Certification Compliance:

This section discusses the procedures for the owner of a structure self certifying that the structure is clean. The Department will allow the owner of a site that is a demolition and construction site with the Department's SRWMP's oversight that is required to comply with this Guidance, to self certify the site, or a portion or portions of the site's structures, as clean either based on the results of in situ or post-demolition sampling and analysis prior to concrete material disposition per this guidance document or by reviewing the historical uses and construction features of the site. Note that each individual building or structure at the site from which concrete will be generated for recycling or use as outlined above must undergo either sampling and analysis per the guidance in sections I through V of the "Guidance for Characterization of Concrete and Clean Material Certification for Recycling," or one of the two self-certification procedures described in this section.

The person completing the certification must be a principal executive officer, general partner or proprietor of the company or a high level official of a government-owned site. The site owner has the option of providing a delegation of authority, which assigns responsibility for signing the Certification Statement from the officer or high ranking official to the local site manager, to the Department with the Certification Statement.

1. Self Certification with Sampling/Analysis:

The self Certification process with sampling specifies that all of the concrete and concrete materials contain contamination of PCBs and PAHs, and other contaminants based on site-specific factors or as directed by the Department's Case Manager, below the Department's Soil Cleanup Criteria. The site owner shall base the self Certification on analytical data from the testing of the concrete in accordance with this guidance and certify that the concrete was fully characterized and also managed according to the requirements of this guidance. The owner of the site is responsible for compliance with this guidance, maintaining all documentation related to the demolition and material characterization process including demolition and sampling plans, analytical testing documentation and material disposition after self Certification and filing self Certification documents with the Department.

The owner of the property where the concrete sampling was conducted shall complete the Certification in Addendum 2 of this Guidance, which the owner shall have notarized. The current owner and any future owner of the site shall retain the Certification with the characterization documentation on site for a minimum of five years. The owner of the property is responsible for submitting a copy of the executed Certification to the Department's SRWMP Case Manager for the site.

2. Self Certification without Sampling/Analysis using the "Clean Building Checklist":

The self Certification process without sampling specifies that all of the concrete and concrete materials contain contamination of PCBs and PAHs, and other contaminants based on site specific factors or as directed by the Department's Case Manager, below the Department's Soil Cleanup Criteria based on an assessment of the historical uses of the site and building construction materials. The site owner shall base the self Certification on the results of the "Clean Building Checklist" in accordance with this guidance and certify that the concrete is clean based on the assessment of the building and also managed according to the requirements of this guidance. The owner of the site is responsible for compliance with this guidance, maintaining all documentation related to the demolition and assessment process including demolition and sampling plans, analytical testing documentation and material disposition after self Certification and filing self Certification documents with the Department.

The owner of the property for which the, "Clean Building Checklist for Recycling" was used to assess the status of material contamination in the building shall complete the Certification in Addendum 2 of this Guidance, noting that the "Clean Building Checklist" was used to determine the building's concrete and related materials are clean. The owner shall have the Certification notarized and retain with the other related facility documentation. The owner of the property is responsible for submitting a copy of the executed Certification to the Department's SRWMP Case Manager for the site.

Note: this is the recommended Guidance at this time only for determining that concrete and related materials are suitable for recycling in the State's recycling system.

ADDENDUM 1
The New Jersey Department of Environmental Protection
Environmental Regulation Program
CLEAN BUILDING CHECKLIST for RECYCLING

Activity	Yes	No	* If “Yes”, Include Detailed Comments
1. Was the building constructed or concrete poured in the year 2000 or later?			
2. Was the building constructed or the concrete poured between 1990 and 1999?			
<u>3. The following questions apply to the current and historic use of the building (including prior owners and operators):</u>			
a. Did the building contain liquid filled transformers?			
b. Did the building contain liquid filled PCB equipment?			
c. Did the building contain oil filled equipment?			
d. Did the building contain chemicals?			
e. Did the building contain heat transfer equipment?			
f. Was the building utilized for an industrial process where chemicals may have been manufactured or used?			
4. Does the building have doorways that are caulked?			
5. Does the building have windows that are caulked?			
6. Does the building have exterior panels with joints that are caulked?			
7. Does the building have floor concrete expansion joints that are caulked?			
8. Are there any sumps, floor drains or pits in a chemical room or process area <u>(include current and historic operations)</u> ?			
9. Did the building have chemical waste collection areas <u>(current and historic operations)</u> ?			
10. Did the building have storage areas for raw materials or finished products that contained liquids <u>(include current and historic operations)</u> ?			

(March 2007)

Sampling and Analysis Summary: (Detailed direction for sampling and analysis of is described in the Guidance.)

- No sampling or analysis is required by the Guidance for any buildings or concrete poured 2000 or later
- Buildings constructed between 1990 and 1999; sampling is only required in areas with an affirmative response as required in the, “Clean Building Checklist for Recycling”
- Buildings containing caulking, expansion joints and constructed between 1990 and 1999, sampling for PCBs is required
- Nonbuilding structures (i.e., sidewalks, curbs, driveways, etc.) constructed between 1990 and 1999, analysis of PCBs & PAHs is required
- * Include or attach appropriate documentation to support claims.

ADDENDUM 1 (cont.)

CLEAN BUILDING CHECKLIST for RECYCLING - INSTRUCTIONS

Clean Building Checklist Determination:

To certify that a nonindustrial-use building (i.e., cafeterias, offices hotels, etc.) or structure (i.e., sidewalks, etc.) are free of contamination (a.k.a., clean) because of the building's historical uses and operations, the owner of the facility should, at a minimum, conduct the following:

For nonindustrial-use buildings or structures constructed in the year 1990 or later, complete the Department's "Clean Building Checklist", a series of questions related to the historical use(s) of such structures and buildings, the age, etc. If, after completing the checklist, the owner determines that no evidence of industrial use has occurred, the building or structure is considered clean and no sampling will be required. If the building or structure can not be documented as clean, then targeted sampling is required using the protocol below. Follow the Certification process in the Guidance.

Building Self Certification Process Summary:

For nonindustrial-use buildings and structures constructed prior to 1990 or if the completion of the "Clean Building Checklist" revealed possible industrial uses, targeted sampling shall be performed of the caulking from windows, doorways, expansion joints in floors and external panels, spacers from other structures, transformers and electrical supply areas and other known or suspected contaminated building components;

Targeted sampling shall be completed as follows: the caulking from one outer doorway will be sampled for PCBs and PAHs. If it can be documented that all the doorways were installed at the same time and no physical alterations were made since installation, then the one sample shall be representative. Otherwise, samples will be taken from multiple outer doorways and composited into one sample. At a minimum, at least one 5-sample composite from different doorways shall be analyzed from each building's doorway caulking for PCBs. The same sampling protocol shall be followed for windows, expansion joints in floors and external panels, spacers from other structures, transformers and electrical supply areas or other known or suspected contaminated building components;

A copy of the results shall be retained for five years and shall be certified by the site operations manager or the ranking corporate officer at the site according to the procedure in the Department's "Guidance for Characterization of Concrete and Clean Material Certification for Recycling" available at:

<http://www.state.nj.us/dep/dshw/resource/techman.htm#concrete> .

Note: this is the recommended Guidance at this time only for determining that concrete and related materials are suitable for recycling in the State's recycling system.

ADDENDUM 2:
The New Jersey Department of Environmental Protection
Environmental Regulation Program

CERTIFICATION STATEMENT FOR CONCRETE DESIGNATED
FOR RECYCLING

"I certify under penalty of law that I have personally examined and am familiar with the information related to this material characterization documentation concerning the self Certification of the site named herein and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, complete and meets the requirements of the latest, **“Guidance for Characterization of Concrete and Clean Material Certification for Recycling”** issued by the New Jersey Department of Environmental Protection that all of the concrete and concrete materials contain contamination of PCBs and PAHs, and other contaminants as directed by the Department’s Case Manager, below the Department’s current Soil Cleanup Criteria. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil administrative penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for denial, revocation or termination of any solid waste facility permit, vehicle registration or other Department authorization for which I may be seeking approval or now hold."

Note below whether Sampling was conducted and/or the “Clean Building Checklist” was completed:

Sampling Conducted: Complete **“Clean Building Checklist:**

NAME OF SITE

ADDRESS

CITY, STATE & ZIP CODE

NAME OF CERTIFYING PERSON (must be a corporate officer) **TITLE**

SIGNATURE OF CERTIFYING PERSON (must be a corporate officer) **DATE**

TELEPHONE **FAX**

INTERNET WEBSITE ADDRESS **EMAIL**

IMPORTANT

Pursuant to N.J.S.A. 47:1A-1 et seq. the information provided in this form and its attachments shall be available to the public for review unless a specific claim of confidentiality is submitted pursuant to the procedures set forth in N.J.A.C. 7:26-17 et seq. and is approved by the Department. For assistance regarding confidentiality claims, please contact the Solid and Hazardous Waste Program at (609) 984-6985.

SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Certification of Concrete Sampling as of the date first written above.

[If Owner is an individual]

WITNESS:

[Signature]

[Print name below signature]

[If Owner is a corporation]

ATTEST:

[Name of corporation]

By _____

[Print name and title]

[Signature]

[If Owner is a general or limited partnership]

WITNESS:

[Name of partnership]

[Signature]

By _____, General
[Print name] Partner

[If Owner is an individual]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person [or if more than one person, each person]

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed.

_____, Notary Public
[Print Name and Title]

[If Owner is a corporation]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the [secretary/assistant secretary] of [Owner], the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the [president/vice president] of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print name and title of attesting witness]

Signed and sworn before me on _____, 20__

_____, Notary Public

[Print name and title]

[If Owner is a partnership]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person:

(a) is a general partner of [Owner], the partnership named in this document;

(b) signed, sealed and delivered this document as his or her act and deed in his capacity as a general partner of [owner]; and

(c) this document was signed and delivered by such partnership as its voluntary act, duly authorized.

[Signature]

_____, General Partner

[Print Name]

_____, Notary Public

[Print name and title]