The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

July 18, 2007

To: Interested Parties

From: For Michael J. Wimsatt, P.G. Frederick J McCarty
Director, Waste Management Division
Department of Environmental Services

SUBJECT: CERTIFIED WASTE-DERIVED PRODUCT NO. 22, Petroleum Contaminated Soil and Low Asphalt Emulsion (AET-PCS) Product for Alternative Daily Cover for RCRA Subtitle D Lined Landfills

Pursuant to Env-Sw 1507.05 and Env-Sw 1508 of the New Hampshire Solid Waste Rules (Rules), the Department of Environmental Services, Waste Management Division (Department) has added low asphalt emulsion product to the Department's list of certified waste derived products. Use of the product must adhere to Part Env-Sw 1502.04 of the Rules which are designed to protect public health and the environment. Before distributing the product, be sure to note any specifications or restrictions that have been placed on the use, storage, handling, and production of the product.

Product definitions, specifications, and permissible uses are attached.

This certification granted by the Department shall not affect the user's obligation to obtain all requisite federal, state, or local permits, licenses or approvals, and to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the use of the product.

For permitting information and questions, please call the Department's Solid Waste Management Bureau at (603) 271-2936 for assistance.

Certified Waste Derived Product No. 22
LOW ASPHALT EMULSION PRODUCT USED AS
Alternative Daily Cover for RCRA Subtitle D Lined Landfills
Specifications and Restrictions

1. Product Specifications

A. The product will consist of virgin petroleum and waste oil contaminated soil, coal ash, ground asphalt shingles and 1-3% by weight, water based asphalt emulsion,

B. The product will be comprised of at least 50 percent petroleum contaminated soil, with the remainder made up of coal ash and/or ground shingles. There will not be more than 50 percent coal ash or shingles in the mix,

C. The product shall possess the characteristics required to achieve the performance objectives of Env-Sw 806.03 and 40 CFR 258.21,

D. The product shall be mixed only at a duly authorized solid waste facility,

E. Product shall be mixed in such a manner that all particles are exposed to the emulsion,

F. The moisture content of the product shall be sufficient to prevent the product from drying and becoming airborne before and after placement as daily cover.

2. Permissable Uses

A. The product is only authorized for use as alternative daily cover at RCRA Subtitle D lined landfills,

B. Use of the product shall be in accordance with the receiving facility's existing permit conditions,

C. The product shall not be stored outside the footprint of the landfill and all precipitation which contacts the product shall be treated as leachate,

D. If at any time the product fails to meet the performance objectives of Env-Sw-806.03 or 40 CFR 258.21, the product shall be covered with a previously authorized cover material.

3. Quality Assurance/Quality Control

A. Contaminated soils shall be non hazardous and shall comply with the hazardous waste determination in Env-Wm 502 and other testing requirements in Env-Or 600.

B. Asphalt Shingles

(1) One composite sample shall be collected and analyzed for the presence of asbestos fibers for every 25 tons delivered to the facility, using polarized light microscopy testing methods,

(2) Unused asphalt shingles that are considered waste generated by a single manufacturer that provides documentation that asbestos is not used in their manufacturing process are exempt from the sampling and analytical requirements.

C. Coal Ash

(1) The coal ash must be non-hazardous to be used in the product,

(2) One composite sample will be analyzed for every 1,000 tons of coal ash used in the product. The required testing will be for metals (RCRA-8 list) by toxicity characteristic leaching procedure, and poly aromatic hydrocarbons by EPA method 8270.

4. Record Keeping and Reporting

A. Records of the weight and destination of the product shipped, shall be maintained at the facility providing the product,

B. The receiving facility shall maintain records indicating the quantities of product received,

C. Records of testing, pursuant to 3 above, will be produced for inspection by the Department pursuant to Env-Sw 2000.