




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



March 16, 2000

To: Interested Parties

From:  Philip J. O'Brien, Ph. D., Director
Waste Management Division
Department of Environmental Services

Subject: Certified Waste-Derived Product No. 7, a Virgin Petroleum Contaminated Soil and Asphalt Emulsion Mix, for Distribution and Use as a Cold Mix Asphalt Cement Concrete

Pursuant to Env-Wm 3207.05 and Part Env-Wm 3208 of the New Hampshire Solid Waste Rules, (Rules), the Department of Environmental Services, Waste Management Division (Department) has added a Virgin Petroleum Contaminated Soil (waste) and Asphalt Emulsion Mix, for Distribution and Use as a Cold Mix Asphalt Cement Concrete (product) to the Department's list of Certified Waste-Derived Products. Use of the product must adhere to Env-Wm 3202.04 of the Rules, which are designed to protect public health and the environment. Before using the waste to produce the product, be sure to note all specifications and restrictions that have been placed on the use, storage, handling, and production of the waste and/or product. **Ten (10) specifications and restrictions are attached.**

For any person producing this product at the site of waste generation, the product may be produced without obtaining a solid waste permit, i.e., the activity is permit-exempt per Env-Wm 2208.03. Note that this permit exemption applies only to the generator of the waste.

For all others who wish to produce the product using waste from off-site locations, a standard permit obtained pursuant to Env-Wm 314 is required for each processing location. Please note that facilities processing soils contaminated with petroleum products must have a Groundwater Release Detection Permit pursuant to Env-Ws 410.15.

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

For permitting information and questions, please call the Department's Permitting and Design Review Section at (603) 271-2935 for assistance.

cc: PADRS CWDP File



Certified Waste-Derived Product No. 7
A Virgin Petroleum Contaminated Soil and Asphalt Emulsion Mix,
for Distribution and Use as a Cold Mix Asphalt Cement Concrete
Specifications and Restrictions

- (1) This product shall consist of a mixture of virgin petroleum contaminated soil (VPCS) and a slow setting asphalt emulsion;
- (2) The product shall only be mixed at a duly authorized solid waste facility;
- (3) **VPCS shall be certified as such in accordance with the New Hampshire Code of Administrative Rules Part Env-Ws 412, Reporting and Remediation of Oil Discharges, Section Env-Ws 412.16;**
- (4) VPCS contaminant levels shall not exceed:
 - (a) 5,000 parts per million (ppm), by weight of soil, of virgin gasoline or JP-4, analyzed in accordance with EPA Method 8015;
 - (b) 15,000 ppm, by weight of soil, of virgin JP-8, kerosene, diesel fuel, or #2 fuel oil, analyzed in accordance with EPA Method 8100; or
 - (c) 20,000 ppm, by weight of soil, of virgin #4 or #6 fuel oil, analyzed in accordance with EPA Method 8100;
- (5) Product shall be mixed at a minimum rate of 13 gallons of slow setting asphalt emulsion per ton of VPCS, so as to achieve a minimum asphalt content of 3 percent by weight of product;
- (6) Product shall be mixed in such a manner that all VPCS particles are exposed to the emulsion;
- (7) Product shall be stored on site for a minimum of ten days and a maximum of six months after mixing;
- (8) Product shall only be authorized for use for the paving of parking lots and driveways, for erosion control on road shoulders and washout areas, and for road subbase, base, and asphalt base courses. The product **shall not be used as fill**;
- (9) The product shall be actively managed, and its use, storage, and handling shall be in accordance with best management practices as published by nationally recognized organizations such as the Asphalt Institute, Lexington, Kentucky and the National Asphalt Pavement Association (NAPA) Education Foundation, Lanham, Maryland; and
- (10) Facilities producing this product shall maintain records to identify the locations to which or persons to whom the product is transferred.



**RECORD OF CERTIFICATION
OF WASTE-DERIVED PRODUCT FOR DISTRIBUTION & USE**

Pursuant to Section Env-Wm 3200 of the New Hampshire Solid Waste Rules

- I. **PRODUCT / PRODUCT NAME:** Certified Waste-Derived Product No. 7, a Virgin Petroleum Contaminated Soil and Asphalt Emulsion Mix, for Distribution and Use as a Cold Mix Asphalt Cement Concrete
- II. **WASTE TYPE:** Virgin Petroleum Contaminated Soil (VPCS)
- III. **TRADE NAME:** Cold Mix Asphalt -Emulsion
&/OR PROPRIETORS NAME:
- IV. **AUTHORIZED USE:** The paving of parking lots and driveways, erosion control on road shoulders and washout areas, and road subbase, base, and asphalt base courses.
- V. **SPECIFICATIONS AND/OR RESTRICTIONS:**
10 Specifications and Restrictions are attached
- VI. **APPLICATION LOG NUMBER:** WMD Log No. 199800497
APPLICANT: MTS Environmental Inc., P.O. Box 359, Epsom, NH
- VII. **DATE APPROVED:** March 16, 2000
- VIII. **COMMENTS:** none
- IX. **REVIEWED BY:** MWJ

Note: This form is filled out when a waste derived product becomes certified, it is a record of that particular certification, and also provides the necessary input data for the data base on Waste Derived Products Certified for Distribution and Use.