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## **ENVIRONMENTAL PROTECTION**

### **SITE REMEDIATION AND WASTE MANAGEMENT**

#### **DIVISION OF SOLID AND HAZARDOUS WASTE**

##### **Notice of Administrative Change**

##### **Solid Waste Rules**

##### **Definition of Solid Waste**

##### **N.J.A.C. 7:26-1.6**

Effective Date: July 22, 2021.

**Take notice** that the Department of Environmental Protection (Department) is announcing an administrative change at N.J.A.C. 7:26-1.6(a)6.

N.J.A.C. 7:26-1.6 provides the definition of solid waste, which applies to wastes that are not also hazardous for purposes of the Department's hazardous waste regulations set forth at N.J.A.C. 7:26G.

The reference to "direct contact" soil remediation standards in the existing Solid Waste rules at N.J.A.C. 7:26-1.6(a)6 requires change. The Department amended the Remediation Standards, N.J.A.C. 7:26D, on May 17, 2021, to replace direct contact soil remediation standards with separate soil remediation standards for the inhalation exposure pathway and the ingestion-dermal exposure pathway. The Department no longer refers to "direct contact" soil remediation standards; such standards are now referred to as the soil remediation standards for the soil ingestion-dermal and soil inhalation exposure pathways. See 52 N.J.R.

566(a); 53 N.J.R. 775(b). Accordingly, the Department is replacing “direct contact” in the definition with “soil ingestion-dermal and soil inhalation exposure pathways.”

**Full text** of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 7:26-1.6 Definition of solid waste

(a) A solid waste is any garbage, refuse, sludge, processed or unprocessed mixed construction and demolition debris, including, but not limited to, wallboard, plastic, wood, or metal, or any other waste material, except it shall not include the following:

1. - 5. (No change.)

6. Non-water-soluble, non-decomposable, inert solid, such as rock, soil, gravel, concrete, glass, and/or clay or ceramic products that do not contain concentrations of one or more contaminants that exceed the residential [direct contact] soil remediation standards **for the soil ingestion-dermal and soil inhalation exposure pathways** or non-residential [direct contact] soil remediation standards **for the soil ingestion-dermal and soil inhalation exposure pathways**, whichever is more stringent, as set forth [in] **at** N.J.A.C. 7:26D, Remediation Standards.

(b) - (d) (No change.)