



What are the options for soil disposal during the construction of the next property?

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During the construction of your next property you will most likely need to manage soils excavated for foundations. In New York State soil must be managed under the New York State Department of Environmental Conservation (NYSDEC) Petroleum-Contaminated Soil Guidance Policy. Any soil removed from a property should be tested to determine if enacting this guidance is required. Contaminated soil in the form of urban fill material can be present on your property even if the property does not have a NYSDEC Spill Number. The Guidance indicates different methods for handling the excavated soils such as reuse under specific beneficial use determinations including reuse at approved asphalt processing facilities, disposal at an authorized landfill, or even treatment on site.

To determine if the Petroleum Contaminated Soil Guidance applies to your project, soil should be tested for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, pesticides and PCBs. This testing can be done during a subsurface investigation or a Phase II Environmental Site Assessment (ESA). If soil testing has not been conducted previously, then soil samples can easily be collected with a Geoprobe prior to excavation. If levels of contamination exceed the NYSDEC guidance then the Petroleum-Contaminated Soil Guidance Policy must be implemented. It is important to note that even if the soil does not look or smell contaminated it may still contain elevated levels of VOCs, SVOCs, metals, PCBs or pesticides. Therefore, it is always important to test soil prior to disposal.

Soil disposal arrangements should be made prior to excavating soil. Soil disposal options in New York State include specific beneficial reuse, processing, or disposal in a landfill. New York State, unlike New Jersey, does not currently offer the reuse of soil on site as fill material. In New Jersey some soils that contain only urban fill material can qualify for New Jersey's beneficial reuse program. This program offers many cost-efficient benefits that can save time, money and resources.

Additionally, many of these sites are easily accessible located directly over the Hudson River. When arranging for soil disposal additional "waste characterization" analytical sampling may be required. This sampling can also be conducted with a geoprobe prior to soil excavation.

Remember, that each property has its own unique site specific soil profile. Therefore, it is important to tests soil early and arrange for soil disposal prior to excavation. This will allow enough time to comply with all NYSDEC regulations and find the most cost efficient home for your soil.

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