



## State of New Jersey

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### **Advisory Regarding Gas Well Drill Cuttings – October 2019**

The New Jersey Department of Environmental Protection (DEP) is advising all New Jersey solid and hazardous waste management facilities, and all other New Jersey sites that may accept and/or use well cuttings, that well cuttings produced during the drilling of wells in the Marcellus Shale and other deep shale formations may already or will soon be entering New Jersey for transfer, management, storage and/or disposal. Well cuttings consist of the soil, rock particles, other soil like solids and drilling fluid residues generated from the drilling of wells. Based on preliminary data relating to the nature of cuttings from wells drilled to tap the Marcellus Shale, these materials may contain petroleum hydrocarbons from drilling fluids and elevated concentrations of heavy metals and radionuclides that are associated with the Marcellus Shale and other bedrock formations. The possible contaminants, and their concentration levels, may vary significantly from well-site to well-site.

All New Jersey facilities and/or sites (including, without limitation, landfills, landfill closure projects, transfer stations, recycling facilities, brownfields redevelopment sites, etc.) that propose to accept this material shall ensure that the acceptance and use of this material is consistent with all relevant New Jersey statutes, regulations, permits, approvals and standards (including the Fill Guidance for Site Remediation Program Sites where brownfields redevelopment sites and other sites undergoing remediation are the intended disposal location). Use or disposal of well cuttings from the drilling of wells into the Marcellus Shale or other deep shale formations without the appropriate DEP permits/approvals, or in a manner inconsistent with relevant New Jersey statutes, regulations, permits, approvals or standards, could result in inspections, enforcement action and the assessment of significant penalties.

All facilities seeking to accept cuttings derived from the drilling of wells in the Marcellus Shale and other deep shale formations shall properly characterize each source of this material prior to its receipt. To ensure proper characterization, DEP is providing the attached interim testing protocol (which contains a parameter list and monitoring frequency requirements), consistent with its powers under N.J.S.A. 13:1D-9, N.J.S.A. 13:1E-1 et seq., N.J.S.A. 58:10A-1 et seq., N.J.S.A. 26:2D-1 et seq. and N.J.S.A. 58:10-23.11. All facilities holding an existing DEP approved permit, approval and/or materials acceptance plan and sampling protocol (MAP) should compare the attached testing protocol to their existing DEP approved protocols. Test results shall be provided to DEP pursuant to existing DEP approved permits, approvals, and/or materials acceptance plans and protocols, or upon request by DEP. If the well cuttings cannot be accepted pursuant to a facility's existing DEP approved permit, approval and/or MAP, or acceptance would be inconsistent with applicable New Jersey statutes,

regulations, permits, approvals or standards, then the facility must not accept, use or dispose of these materials unless it first applies for and receives DEP authorization.

Any facility planning to accept materials that are the subject of this Advisory should also inform the source(s) of such materials that radioisotope analyses will be required prior to acceptance of the materials and that any materials delivered without the required analytical results may be rejected.

This Advisory does not apply to hydraulic fracturing fluids or other liquid wastes generated from the hydraulic fracturing of wells. Such materials are subject to the requirements of N.J.S.A. 58:10A, 11 – 11B, 14, and 13 – 16, and the regulations promulgated thereunder.