

# Beneficial Use Discussion

January 16, 2013

Ohio EPA



# Disclaimer

*The purpose of this meeting is to explore concepts with stakeholders for future program development. The concepts have not been thoroughly reviewed by Ohio EPA and are subject to change. The discussion is not intended to be a description of any existing regulations or represent any final position of Ohio EPA.*



ORC 3734 Solid Waste		ORC 6111
Unwanted Materials	Wanted Materials (no longer a solid waste)	Requirements Related to management of wastes (Solid Wastes, Industrial Waste or Other Wastes)
<div data-bbox="260 539 637 863" style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;">           Materials destined for recycling or reuse         </div>	<div data-bbox="730 686 1130 853" style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <ul style="list-style-type: none"> <li>Use meets legitimacy criteria.</li> <li>Not used on the land or burned.</li> </ul> </div>	<div data-bbox="1246 651 1620 853" style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;">           The process of recycling or reuse may involve activities subject to applicable ORC 6111 requirements.         </div>

*Not disposal when*

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# Legitimacy Criteria



# Purpose: Legitimacy Criteria

- o The criteria are mechanisms to ensure proper recycling
- o Distinguishes manufacturing-like processing from waste management practices
- o Identifies meaningful recycling from “sham” recycling

# Legitimacy Criteria

- o Secondary material provides useful contribution to process or product
- o The product produced is valuable
- o Secondary material is stored and managed as a valuable commodity
- o Product does not contain significant concentrations of contaminants not found in analogous products

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<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;">           Materials destined to be burned or used on the land         </div>	<ul style="list-style-type: none"> <li>• Use meets legitimacy criteria.</li> <li>• Material is handled according to Beneficial Use Program and permit.</li> <li>• If burned as fuel, use is consistent with 40 CFR 241.</li> </ul>	<ul style="list-style-type: none"> <li>• A Beneficial Use approval will fulfill some applicable ORC 6111 requirements.</li> <li>• Case specific circumstances or discharges to waters of the state may need additional ORC 6111 authorization.</li> </ul>

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<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Materials that are speculatively accumulated</p> <p>↓</p> <p>Always</p> <p>↓</p> <div style="border: 1px solid black; padding: 5px; display: inline-block;">Open dumping</div> </div>		<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Storage may involve activities subject to applicable ORC 6111 requirements.</p> </div>

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# Speculative Accumulation

- o Occurs when insufficient amounts of secondary material are recycled, used or beneficially used as compared to the amounts of secondary material accepted for processing
  
- o A possible indicator of “sham” recycling

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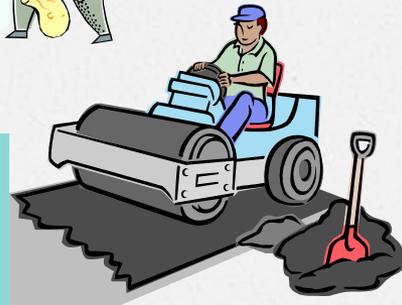
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# Types of authorizations: Pre-approved

## Industrial byproduct use examples:

- o Asphalt concrete
- o Asphalt
- o Cement
- o Cement concrete
- o Chip and seal pavement
- o Drywall/Gypsum
- o Flowable fill
- o Glass
- o Grout



# Types of authorizations:

## General Permit

### Requires:

- o Voluntary compliance with terms and conditions of general permit
- o Materials characterization plan
- o Analytical results

### Examples:

- o Soil blending of sewage sludge incinerator ash
- o Land application or geotechnical fill of FGD
- o Fly ash as cold weather road abrasive
- o Soil blending of foundry sand



# Ideas from other states



- Wisconsin
- Iowa
- Pennsylvania
- Virginia
- Texas

[www.astswmo.org/Files/Policies\\_and\\_Publications/Solid\\_Waste/2007BUSurveyReport11-30-07.pdf](http://www.astswmo.org/Files/Policies_and_Publications/Solid_Waste/2007BUSurveyReport11-30-07.pdf)

# Questions?

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