



State of Ohio Environmental Protection Agency

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DSIWM Guidance 0609

Evaluating Exempt Waste Uses at Solid Waste Facilities

May 31, 2004

APPLICABLE STATUTES

ORC 6111 Water Pollution Control
ORC 3734 Solid and Hazardous Waste

Cross-References:

#0529 *Management Directive: Division of Labor Regarding Traditional Waste Management Practices and Alternative Waste Disposal Practices*

#0532 *What is the Authorized Maximum Daily Waste Receipt Limit?*

#0654 *Approval and Use of Alternative Materials for and/or Alternative Thickness of Daily Cover*

PURPOSE

The purpose of this document is to provide guidance on the use of exempt wastes at solid waste facilities.

This document does not address the use of construction and demolition debris at solid waste facilities. For more information on this topic, see #0560 *Disposal & Beneficial Use of Construction and Demolition Debris*.

APPLICABILITY

This document is applicable to owners and operators of municipal, industrial and residual solid waste landfill facilities and to generators of exempt waste.

BACKGROUND

"Exempt waste" is the term used for those wastes specifically excluded from the definition of solid waste in Ohio Revised Code (ORC) § 3734.01(E). The term "exempt waste" is not specifically defined in either the statute or the regulations.

The exclusions are as follows: "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, *excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health*, and includes, but is not limited to, garbage, scrap tires, yard waste, combustible and non-combustible material, street dirt, and debris. "Solid wastes" do not include any material that is an infectious waste or a hazardous waste. Construction and demolition debris is exempt from the solid waste regulations, but is regulated under ORC Chapter 3714.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

The Division of Solid and Infectious Waste Management (DSIWM) and the Division of Surface Water (DSW) have worked together to create the integrated alternative waste management program (IAWMP) to address requests to 'beneficially use' nonhazardous wastes.

Although exempt wastes are regulated by DSW using ORC Chapter 6111, according to the *Management Directive: Division of Labor Regarding Traditional Waste Management Practices and Alternative Waste Disposal Practices* (doc. #0529), DSIWM will review requests to use exempt waste at solid waste landfills.

Exempt waste has been approved at solid waste facilities for:

- C Daily or intermediate cover - It must meet all the requirements for daily or intermediate cover. For more information see DSIWM guidance #0654 *Approval and Use of Alternative Materials for and/or Alternative Thickness of Daily Cover*.
- C Cap Protection Layer - It must meet all the requirements of the cap protection or vegetative layer.
- C Structural fill - It has been used in engineered applications, for example, as a building or equipment supportive base or foundation or in embankment/berm construction. This does not include filling open pits or borrow areas, or filling low areas of land (e.g. flood control, speculative development, aesthetics).
- C Pipe bedding/drainage layer - It has been used as pipe bedding, for uses other than transport of potable water. It has been used as leachate collection system and cap drainage layer. As a drainage layer, the material must meet the requirements in the solid waste landfill rules.
- C Roads/parking lots - It has been used as a construction material (sub-base or final cover) for roads or parking lots. Plans were sealed by a professional engineer.

Exempt waste may also be used at solid waste facilities in the following manner which does not require authorization pursuant to ORC 3734.

- C Product - Exempt waste used to manufacture a product is not considered to be 'disposal.' Examples are use in grout, cement, flowable fill, lightweight aggregate, concrete block, bricks and asphalt. A landfill can use these products with exempt waste ingredients without authorization through IAWMP.
- C Stabilization/Solidification authorized pursuant to ORC 6111 - Exempt waste, singly or in combination with other additives or agents, has been mixed with semi-solid and liquid wastes to make them acceptable for disposal in the landfill. The stabilized/solidified material is regulated as a solid waste.

PROCEDURE

DSIWM will review the project request to ensure the use of exempt waste at a solid waste facility will not create a nuisance or cause an adverse impact on human health and the environment. The use must also comply with other applicable laws and the authorizations in existence at the solid waste facility. Additional review considerations are:

- C Proper storage of the material so it does not create a nuisance, and so runoff is eliminated or handled properly,
- C Protection of ground water and surface water,
- C Fugitive dust issues,
- C Whether any reporting and/or notification is appropriate given the specific use.

If the activity is not approved through existing authorizing documents, the owner or operator of the facility will need to obtain approval for an alteration from DSIWM prior to conducting the activity. [Alteration is defined in Ohio Administrative Code (OAC) Rule 3745-27-01.] The owner or operator

may use the Alternative Waste Management Project Request Form (attached) which can be found at D S I W M ' s W e b s i t e : www.epa.state.oh.us/dsiwm/

Solid wastes disposed at a landfill through IAWMP are subject to fees; however, exempt wastes are not. Generally, acceptance of exempt waste does not count towards the facility's authorized maximum daily waste receipt (AMDWR); however, the wording establishing the AMDWR is critical. See #0532 *What is the Authorized Maximum Daily Waste Receipt Limit?* for more information.

Note: Ohio EPA policy DSW 0400.007 *Beneficial Use of Nontoxic Bottom Ash, Fly Ash and Spent Foundry Sand, and Other Exempt Wastes* was rescinded in May 2003.

POINT OF CONTACT

If you have questions regarding this document or would like additional information, please contact:

Central District Office DSIWM Supervisor
(614) 728-3778

Northeast District Office DSIWM Supervisor
(330) 963-1200

Northwest District Office DSIWM Supervisor
(419) 352-8461

Southeast District Office DSIWM Supervisor
(740) 385-8501

Southwest District Office DSIWM Supervisor
(937) 285-6357

Central Office Processing and Engineering Unit
(614) 644-2621

DISCLAIMER

This document is intended for guidance purposes only. Completion of the activities and procedures outlined in this document shall not release an owner or operator from any requirement or obligation for complying with Ohio Revised Code (ORC) Chapter 3734, the OAC rules adopted thereunder, or any authorizing documents or orders issued thereunder, nor shall it prevent Ohio EPA from pursuing enforcement actions to require compliance with ORC Chapter 3734, the OAC rules or any authorizing documents or orders issued thereunder.

Alternative Waste Management Project Request

The Integrated Alternative Waste Management Program (IAWMP) is used to approve alternative waste disposal projects pursuant to OAC 3745-27-05(A)(4). Ohio EPA regulates the **disposal** of solid waste. Incorporation of appropriate waste material into the manufacture of a final product is not considered disposal, and therefore not regulated by the agency. Contact your district office for more information.

REQUESTOR INFORMATION

Name: _____ Company (If applicable): _____
Street address: _____ City: _____ State: ____ Zip code: _____
Phone: _____ Email: _____ Alternative contact person: _____

GENERATOR INFORMATION

Name: _____ Company (If applicable): _____
Street address: _____ City: _____ State: ____ Zip code: _____
Phone: _____ Email: _____ Alternative contact person: _____

If the generator is different than the requestor, attach generator's written consent to use the waste in this project. Also attach statement from generator describing efforts to minimize waste generation.

PROPERTY OWNER INFORMATION

Name: _____ Company (If applicable): _____
Street address: _____ City: _____ State: ____ Zip code: _____
Phone: _____ Email: _____ Alternative contact person: _____

If the property owner is different than the requestor, attach written consent of the property owner to dispose of solid waste at this location. List multiple property owners on a separate sheet.

WASTE CHARACTERIZATION

Non-toxic fly ash Non-toxic bottom ash Non-toxic, spent foundry sand Other

Other waste description: _____

Description of physical and chemical characteristics attached:

Material safety data sheets TCLP test results Lab reports Other

The generator shall attach a certification that the analysis is true, accurate and representative of the solid waste.

PROJECT INFORMATION

Project location: _____

Describe proposed use of waste material in this project: _____

Attach contingency plan for disposal of any solid waste brought to project site that cannot be used.

Anticipated start date of construction: _____ Estimated completion date: _____

Describe use of waste in other IAWMP projects (if known): _____

Estimated volume of waste in this project: _____ Rate of disposal: _____

Method(s) of application for land application requests: _____

Attach plan drawing of the proposed limits for solid waste disposal.

CERTIFICATION

I have personally examined all information and attachments in this project request and all of the information submitted is true and accurate to the best of my knowledge.

Name: _____ Date: _____

Upon review of this request the Ohio EPA district office may require additional narratives, plan drawings, and/or detailed engineering plans. Examples include, but may not be limited to, the following information:

- A flow diagram and narrative describing the process producing the waste
- Location and limits of project site and all waste storage areas
(If this project is at a solid waste facility this could include plan view drawings identifying footprint of existing waste, proposed locations of waste placement in this project, and all waste storage areas)
- Hydrogeologic characterization
- Location and limits of regulatory floodplain
- Existing topography showing adjacent lakes, streams, wetlands, springs, or other surface waters
- Depth to the upper-most aquifer and lowest elevation of waste placement
- Aquifer boundaries declared by the U.S. government under the Safe Drinking Water Act to be a sole source aquifer
- Limits of any unconsolidated aquifer systems delineated on the Ohio Department of Natural Resources (ODNR) ground water resource maps as yielding at least 100 gallons per minute
- Ohio EPA endorsed wellhead protection area or any public or private water supply well
- Stormwater run-on/run-off control measures
- Total acreage of project site and boring logs for large volume land application projects
- A list of the permits, licenses, plan approvals, authorizations or other approvals that have been applied for and the local, state, or federal office where application has been made
- Location and boundaries of any natural areas listed below:
 - National parks or national recreation areas and state parks or state recreation areas;
 - Areas listed by ODNR as a state nature preserve, state wildlife area, or state scenic river;
 - Areas designated, owned, and managed by the Ohio Historical Society as a nature preserve;
 - Areas designated by the U.S. Department of Interior as a national wildlife refuge or national scenic river;
 - Areas designated by the U.S. Forest Service as a special interest area or a natural research area in the Wayne National Forest;
 - Stream segments designated by the Ohio EPA as a state resource water a coldwater habitat, or an exceptional warmwater habitat.

OHIO EPA DISTRICT OFFICES

Central District Office 3232 Alum Creek Drive Columbus, OH 43207 (614) 728-3778	Northeast District Office 2110 E. Aurora Rd. Twinsburg, OH 44087 (330) 963-1200	Northwest District Office 347 North Dunbridge Rd. Bowling Green, OH 43402 (419) 352-8461	Southeast District Office 2195 Front Street Logan, OH 43138 (740) 385-8501	Southwest District Office 401 East Fifth Street Dayton, OH 45402 (937) 285-6357
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MORE INFORMATION ABOUT IAWMP

- www.epa.state.oh.us
- Document No. 0529 - Division of Solid and Infectious Waste Management - IAWMP - Division of Labor
- Document No. 0609 - Evaluating Exempt Waste Uses at Solid Waste Facilities
- Document No. 0630 - Issuing Exemptions from Collecting and Remitting the State Disposal Fee and SWMD Surcharges...

FOR OHIO EPA USE ONLY					
Please route the IAWMP Project Request to the following Divisions. Each Division should note whether there are comments on the request, or if additional information is required (attach information requirements). The individual providing the lead review should be noted and all correspondence returned to that individual.					
Lead reviewer:			Division:		
DSIWM		No comment		Comments attached	
DSW		No comment		Comments attached	
DDAGW		No comment		Comments attached	