



**Minnesota
Pollution
Control
Agency**

**Solid Waste
Utilization
Program**

Solid Waste Utilization Program

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Background

In early 2004 Minnesota Pollution Control Agency (MPCA) staff completed amendments to Minn. Rules Ch 7035 pertaining to the beneficial use of solid waste. The rules revisions were conducted to establish a system that will clarify regulatory requirements for solid wastes that are beneficially used.

The solid waste utilization program will achieve this goal by establishing:

- procedures for exploring a potential beneficial use through a demonstration/research project (DRP).
- standing beneficial use determinations (SBUDs). This is a listing of specific solid wastes and associated uses that have been determined by the agency to be beneficial uses of solid wastes. Therefore, they do not need MPCA approval before use of the solid waste in the manner listed.
- procedures for approving uses not listed in the in the “standing” categories. This approval is referred to as a case-specific beneficial use determination (CSBUD) in the rule.
- a regulatory exemption that establishes when a material is no longer regulated as a solid waste.

The solid waste rules that establish standards for beneficial use of solid wastes are contained in the following parts of Chapter 7035:

7035.0450 Demonstration/Research Projects (DRPs)

Minn. Rule part 7035.0450 provides a process of regulatory oversight of DRPs. These are limited-scale projects conducted for the purpose of obtaining information and data on methods of solid-waste management including but not limited to beneficial use of solid wastes. For example, a DRP may be conducted to evaluate new landfill designs or solid-waste-management technologies.

7035.2855 Solid Waste Storage Standards

Solid wastes that are beneficially used are no longer exempt from storage standards. The standards established for solid wastes stored before their beneficial use are detailed in the rule. The standards established allow flexibility in storage design. The goal of the design is to prevent contaminants from migrating into ground or surface waters and prevent nuisance conditions from occurring at the storage facility.



7035.02860 Beneficial Use of Solid Waste

Beneficial Use Standards: To qualify as beneficial, a use must meet the following criteria:

- A. the solid waste must not be stored in anticipation of speculative future markets;
- B. the solid waste must be adequately characterized in accordance with part 7035.2861;
- C. the solid waste must be an effective substitute for an analogous material or a necessary ingredient in a new product;
- D. the use of the solid waste does not adversely impact human health or the environment; and
- E. the solid waste must not be used in quantities that exceed accepted engineering or commercial standards. (Excess use of solid waste is not authorized by this part and is considered disposal.)

Regulatory Exemption: This subpart clarifies when a material is no longer regulated as a solid waste. In most cases, once a solid waste is incorporated into a manufactured product or used as provided in a beneficial use determination, it is no longer regulated as a solid waste.

Standing Beneficial Use Determinations: A standing beneficial use determination (SBUD) means that the generator or end user of a material can do so in accordance with 7035.2860 without contacting the MPCA. Only solid wastes and the uses designated in 7035.2860 have been given SBUDs. Any other uses of solid waste must follow the procedure for obtaining a case-specific beneficial use determination (BUD), outlined in 7035.2860 subp 5.

Case Specific Beneficial Use Determinations (CSBUDs): For uses of solid waste not identified in 7035.2860 subpart 4, the MPCA shall make a

case-by-case determination as to whether the proposed management option for the specific solid waste is a beneficial use. This determination must be based on information submitted in accordance with 7035.2860. In cases where the information required by this subpart is not available, a DRP designed to provide the missing information can be proposed.

7035.2861 Characterizing Solid Waste for Demonstration/Research Projects and for Beneficial Use

Before a solid waste can be beneficially used, its characteristics must be understood. This part of the rule outlines a basic procedure for determining how to go about characterizing a solid waste.

Why should I consider the beneficial use of solid waste?

The beneficial use of solid waste will save landfill capacity for materials that do not have alternative uses and reduce the amount of raw materials used in construction and other industries. By using solid waste, individuals and organizations can reduce disposal costs, or even generate profit through the sale of materials that have a beneficial use.

How do I determine which category my potential use should fall under?

First, review the list of standing beneficial uses in Minn. Rule part 7035.2860 subp 4. If the waste and use you are considering are listed, you may go forward without notifying the MPCA. If the waste and use are not listed as an SBUD, you will have to submit a proposal for a CSBUD or a DRP. When deciding between a CSBUD or a DRP, consider the goals of the project. If a project is being done to gain data or to test a new idea, it should be submitted as a DRP proposal. If a potential use is



designed to be an ongoing activity, it should be proposed as a CSBUD. If MPCA staff decides more information is needed to approve a BUD, staff may recommend the design and completion of a DRP.

What do uncontaminated and unadulterated mean?

Standing beneficial use determinations are provided for specific uses of **uncontaminated** glass, concrete and by-product limes. Standing beneficial use determinations were also given to **unadulterated** wood and newspaper. For the purposes of meeting the standing beneficial use determinations, a material is considered **uncontaminated** if it does not contain, or have on it, any material that may potentially be harmful to human health and the environment. As an example, concrete painted with lead based paint may be considered contaminated, while concrete that has been painted with a non-toxic latex paint would be considered uncontaminated.

Unadulterated wood is defined in the rule as “wood that does not contain contaminants present as a result of manufacturing or use of the wood.” Examples of contaminants include paints, varnishes, stains, glues, resins or chemicals used to prevent rotting. For the purposes of meeting the standing beneficial use determination as **unadulterated**, newspaper must not contain contaminants present as the result of some other use prior to being used beneficially, i.e. used to soak up oil. The MPCA is working on guidance to provide further clarification of these terms for specific materials and uses. Contact agency staff if you have a question regarding your materials status.

How do I submit a proposal for a CSBUD or DRP?

CSBUD or DRP proposals should be submitted, along with a proposal submission form (available at <http://www.pca.state.mn.us/waste/sw-utilization.html>) or by contacting:

Geoff Strack
520 Lafayette Rd. N.
Saint Paul, MN 55155-4194
Phone (651) 296-7716
Fax (651) 297-2343
E-mail geoffrey.strack@state.mn.us

Is the Solid Waste Utilization Program on the Internet?

You can find program information and supporting documents about the Solid Waste Utilization Program at <http://www.pca.state.mn.us/waste/sw-utilization.html>.