



State of Oregon  
Department of  
Environmental  
Quality

## Beneficial Use of Solid Waste

### Background

Beneficial use of solid waste is a sustainability practice that may involve using an industrial waste in a manufacturing process to make another product or using a waste as a substitute for construction materials.

The environmental benefits of substituting industrial waste materials for virgin materials includes conserving energy, reducing the need to extract natural resources and reducing demand for disposal facilities.

In 2010, the Oregon Department of Environmental Quality adopted rules regarding the beneficial use of solid waste. These rules establish standing beneficial uses and a process for DEQ review of case-specific beneficial use proposals. Under the rules, DEQ may issue a beneficial use determination as an alternative to a disposal permit for proposals that meet the criteria of the rules. If approved, DEQ no longer regulates the waste as a solid waste as long as the waste is used in accordance with the beneficial use determination.

### Who might be able to use these rules?

Beneficial use rules primarily address proposed uses of industrial wastes that would otherwise require a disposal permit. They do not impose additional requirements on solid waste uses that are already exempt from solid waste permit requirements, are managed at permitted solid waste facilities or are addressed under other rules. Some examples where the beneficial use rules do not apply are management of “clean fill” or the solid waste exemption for agricultural uses.

### What are the criteria?

Beneficial use is defined as “the productive use of solid waste in a manner that will not create an adverse impact to public health, safety, welfare, or the environment.”

The beneficial use rules (Oregon Administrative Rules 340-0260 through -0290) include performance criteria which must be met in order to demonstrate that a proposed use is productive and will not cause an adverse impact.

### Examples

The rules include standing pre-approved beneficial uses which meet certain conditions. Some standing beneficial uses have a requirement to report the use to DEQ. The standing beneficial uses listed in the rules include:

- Asphalt grindings or scrap asphalt roofing shingles used as aggregate in new asphalt pavement
- Use of dredged sediments, lightly contaminated soil, or foundry sand from the steel industry for construction fill on commercial or industrial property
- Use of spent foundry sand, slag from the steel industry, or wood-derived boiler ash as aggregate in asphalt or concrete
- Re-use of street sweepings from winter road sanding

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*DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.*

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## **Process to apply for a case-specific beneficial use determination**

A company or person may apply for a case-specific beneficial use determination (Tier One, Two or Three) if the proposed use doesn't fit under one of the standing uses. The generator of the waste may complete an application, pay a fee, and submit the application to DEQ for review. If the use is productive and meets the performance standards, DEQ may approve the use. Specific conditions may be added to approved uses, on a case-by-case basis.

## **For more information**

DEQ maintains a website for the beneficial use of solid waste at: <http://www.deq.state.or.us/lq/sw/disposal/beneficialuse.htm>. The website includes:

- Forms – an application for case-specific beneficial use determinations
- Beneficial use determinations - a table of standing beneficial use determinations and a list of approved case-specific beneficial use determinations
- The Oregon Administrative Rules for beneficial use of solid waste
- A link to be notified of future beneficial use actions. Sign up to receive updates about the beneficial use of solid wastes.

## **Alternative formats**

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696 for assistance.