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**STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WASTE MANAGEMENT DIVISION
SOLID WASTE MANAGEMENT PROGRAM**

**PROCEDURE ADDRESSING
ACCEPTABLE USES OF SOLID WASTE**

July 2000

PROCEDURE ADDRESSING ACCEPTABLE USES OF SOLID WASTES

I. INTRODUCTION

Over the last decade, there has been increased interest nationally in using certain types of solid waste instead of disposing or incinerating them. These interests have been driven by efforts to avoid disposal costs, preserve valuable landfill capacity, and increase recycling rates. Many states have adopted beneficial use determination programs to address these interests.

This Procedure incorporates the previously developed policies, procedures and guidelines in order to establish a framework for considering requests for acceptable uses of materials which would otherwise be disposed of as solid waste.

II. APPLICABILITY

- (a) This Procedure applies to any person requesting approval for an acceptable use of a particular solid waste which would otherwise be disposed. Requests must be made in accordance with Section III below.
- (b) This Procedure does not apply to:
 - (1) activities which require solid waste certification under 6-303(a) of the Vermont Solid Waste Management Rules, effective January 15, 1999 (“Rules”), including land application of sludge and septage wastes;
 - (2) disposal activities of limited duration which require an Insignificant Waste Management Event Approval under 6-301(c) of the Rules;
 - (3) materials or activities which are exempt under 6-301(b) of the Rules;
 - (4) composting activities which are exempt under 6-1103 of the Rules;
 - (5) material which is reused, defined in the Rules as the use of a material or product more than once before it is recycled or discarded as solid waste; or
 - (6) solid waste which is recycled, defined in the Rules as the process of utilizing solid waste for the production of raw materials or products, but shall not include processing solid waste to produce energy or fuel products.

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- (c) This Procedure shall not be used to consider acceptable use requests utilizing any solid waste which:
- (1) contains, or will create a hazardous waste, as defined by the Vermont Hazardous Waste Management Regulations, effective September 30, 1998;
 - (2) will result in a threat to human health and safety or to the environment, or will cause a nuisance;
 - (3) contains asbestos;
 - (4) contains infectious waste; or
 - (5) is processed to produce energy or fuel products.

III. SUBMITTAL REQUIREMENTS

- (a) Any person who wishes to receive approval for acceptable use of a solid waste, other than those used in accordance with Section III(b) below, must submit a written request to the Solid Waste Management Program. Depending on the complexity of the request, the request must contain one or more of the following items:
- (1) a description of the proposed solid waste to be used, including identification of the source of the waste, characteristics of the proposed waste (physical, chemical, and biological) and the quantities to be used;
 - (2) a description of the proposed use of the solid waste, including an indication of where the material will be used, duration of use, a description of any manufacturing/processing process by which an end product is produced, and characteristics of the end product (physical, chemical, and biological) if an end product is to be marketed;
 - (3) a demonstration that the proposed use will not adversely affect human health and safety and the environment, or create a nuisance. The demonstration may contain one or more of the following:
 - (A) a characterization plan;
 - (B) historic analytical test data;
 - (C) risk assessment; and/or
 - (D) a risk management plan;

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- (4) a management plan which addresses the management of the solid waste from its source through its reuse, including but not limited to storage of the waste prior to use, quality control/quality assurance, stormwater control, risk management, application rates, monitoring, and a contingency plan; and
 - (5) if required by the Agency, financial assurance adequate to cover the costs associated with implementing the contingency plan.
- (b) For requests involving the following materials, the applicant is not required to submit any of the information required in Section III(a) above, providing that the materials are approved and/or used under the following conditions:
- (1) uncontaminated glass aggregate, if used as a substitute for earthen material in roadway applications (base course, subbase, embankments), utility trench applications (water and sewer pipes, electrical conduit, fiber optic lines), or drainage fill applications (foundation drains, drainage blankets, French drains) in accordance with the July 1996 Agency practice titled Acceptable Uses for Processed Glass Aggregate;
 - (2) shredded tires, if used as a substitute for earthen material in roadway applications (base course, subbase, embankments) or drainage fill applications (foundation drains, drainage blankets, French drains) in accordance with the June 1990 draft Agency practice titled Acceptable Uses of Shredded Tires;
 - (3) petroleum contaminated soil, if approved for use by the Agency in an asphalt batching process in accordance with the August 1996 Agency Guidelines for Petroleum Contaminated Soil and Debris;
 - (4) solid waste which is used as acceptable daily cover at a certified landfill facility, if approved for use by the Agency in accordance with the Agency's February 1999 Procedure for Approval of Acceptable Daily Cover at Solid Waste Landfills;
 - (5) solid waste which is used for purposes other than as acceptable daily cover within a certified landfill facility, if approved by the Agency;
 - (6) wood ash generated by the McNeill Electric Generation Plant, if used in accordance with the May 6, 1998 Practice Concerning Regulation of Wood Ash Generated by the Combustion of Clean, Untreated Wood Chips at the McNeill Electric Generation Plant and Utilized by Shelburne Limestone and by Other Individuals; or
 - (7) any other solid waste which the Agency approves the use of through a procedure or

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guidance document specific to the use of that material subsequent to the adoption of this Procedure.

IV. REVIEW

The Solid Waste Management Program will consider requests for acceptable uses of solid waste on a case-by-case basis. If the request does not contain the necessary information for the Program to make a determination of acceptability, the Program may request additional information from the applicant.

The Solid Waste Management Program will only consider acceptable use requests which are legitimate alternative uses of solid waste, rather than simply a means to disguise the inappropriate disposal of solid waste.

V. TAXATION

Solid wastes approved for use in accordance with this Procedure are not subject to the tax imposed by 32 V.S.A. §5952.

VI. RIGHT TO RESCIND

The Solid Waste Management Program reserves the right to rescind an approval for non-compliance with the requirements of the approval, failure of the applicant to disclose all relevant facts during the review process that were known or should have been known, misrepresentation by the applicant of any relevant fact, or a determination by the Program that only rescinding the approval can alleviate an actual or potential threat to public health or the environment or a nuisance condition.

VII. EFFECTIVE DATE

This Procedure is effective upon date of Signature.

Christopher Recchia, Commissioner
Department of Environmental Conservation

Date