

Part 11 Industrial Byproduct Reuse

19-6-1101 Title.

This part is known as "Industrial Byproduct Reuse."

Enacted by Chapter 340, 2009 General Session

19-6-1102 Definitions.

As used in this part:

- (1) "Board" means the Waste Management and Radiation Control Board created under Section 19-1-106.
- (2) "Director" means the director of the Division of Waste Management and Radiation Control.
- (3) "Division" means the Division of Waste Management and Radiation Control created in Section 19-1-105.
- (4)
 - (a) "Industrial byproduct" means an industrial residual, including:
 - (i) inert construction debris;
 - (ii) fly ash;
 - (iii) bottom ash;
 - (iv) slag;
 - (v) flue gas emission control residuals generated primarily from the combustion of coal or other fossil fuel;
 - (vi) residual from the extraction, beneficiation, and processing of an ore or mineral;
 - (vii) cement kiln dust; or
 - (viii) contaminated soil extracted as a result of a corrective action subject to an operation plan under Part 1, Solid and Hazardous Waste Act.
 - (b) "Industrial byproduct" does not include material that:
 - (i) causes a public nuisance or public health hazard; or
 - (ii) is a hazardous waste under Part 1, Solid and Hazardous Waste Act.
- (5) "Public project" means a project of the Department of Transportation to construct:
 - (a) a highway or road;
 - (b) a curb;
 - (c) a gutter;
 - (d) a walkway;
 - (e) a parking facility;
 - (f) a public transportation facility; or
 - (g) a facility, infrastructure, or transportation improvement that benefits the public.
- (6) "Reuse" means to use an industrial byproduct in place of a raw material.

Amended by Chapter 451, 2015 General Session

19-6-1103 Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules to implement this part, including:

- (1) a streamlined application procedure designed to encourage and allow reuse of an industrial byproduct in a public project; and

- (2) reasonable, objective standards for demonstrating, without regard to the industrial byproduct's source, the safety of the reuse and future reuse of an industrial byproduct.

Enacted by Chapter 340, 2009 General Session

19-6-1104 Applications for industrial byproduct reuse -- Approval by the director.

- (1) A person may submit to the director an application for reuse of an industrial byproduct from an inactive industrial site, as defined in Section 17C-1-102.
- (2) The director shall respond to an application submitted under Subsection (1) within 60 days of the day on which the director determines the application is complete.
- (3) The director shall approve an application submitted under Subsection (1) if the applicant shows:
 - (a) the industrial byproduct meets the applicable health risk standard;
 - (b) the industrial byproduct satisfies the applicable toxicity characteristic leaching procedure; and
 - (c) the proposed method of installation and type of reuse meet the applicable health risk standard.

Amended by Chapter 360, 2012 General Session