

72-6-106.5 Reuse of industrial byproducts.

- (1) As used in this section:
 - (a) "Director" is as defined in Section 19-6-1102.
 - (b) "Industrial byproduct" has the same meaning as defined in Section 19-6-1102.
 - (c) "Public project" has the same meaning as defined in Section 19-6-1102.
 - (d) "Reuse" has the same meaning as defined in Section 19-6-1102.
- (2) Consistent with the protection of public health and the environment and generally accepted engineering practices, the department shall, to the maximum extent possible considering budgetary factors:
 - (a) allow and encourage the reuse of an industrial byproduct in:
 - (i) a plan, specification, and estimate for a public project; and
 - (ii) advertising for a bid for a public project;
 - (b) allow for the reuse of an industrial byproduct in, among other uses:
 - (i) landscaping;
 - (ii) a general geotechnical fill;
 - (iii) a structural fill;
 - (iv) concrete or asphalt;
 - (v) a base or subbase; and
 - (vi) geotechnical drainage materials; and
 - (c) promulgate and apply public project specifications that allow reuse of an industrial byproduct based upon:
 - (i) cost;
 - (ii) performance; and
 - (iii) engineered equivalency in lifespan, durability, and maintenance.
- (3) After the director issues an approval under Section 19-6-1104 and the department uses the industrial byproduct in compliance with the director's approval:
 - (a) the department is not responsible for further management of the industrial byproduct; and
 - (b) the generator or originator of the industrial byproduct is not responsible for the industrial byproduct under Title 19, Environmental Quality Code.

Amended by Chapter 360, 2012 General Session