

**STATE DEFINITIONS OF BENEFICIAL USE**

The below table contains definitions of beneficial use that the following States provided with their 2006 survey responses to Question 2: CT, FL, IA, KY, ME, MA, MN, MS, NJ, NY, NC, PA, RI, TX, VA, WA, WY

(Note: Due to their length, the KY and NC definitions follow this table).

STATE	DEFINITION
CT	Beneficial Use means using a solid waste in a manufacturing process to make a product or as an effective substitute for materials used in a commercial product.
FL	<p>Florida's definition of "industrial byproducts":</p> <p><u>Florida Statute:</u>                      403.7045 Application of act and integration with other acts.—                      (1) The following wastes or activities shall not be regulated pursuant to this act:                      (f) Industrial byproducts, if:                          1. A majority of the industrial byproducts are demonstrated to be sold, used, or reused within 1 year.                          2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed upon any land or water so that such industrial byproducts, or any constituent thereof, may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment such that a threat of contamination in excess of applicable department standards and criteria is caused.                          3. The industrial byproducts are not hazardous wastes as defined under s. 403.703 and rules adopted under this section.</p> <p><u>Rule 62-701.220(2), Florida Administrative Code:</u>                      (2) This chapter applies to all solid waste and each solid waste management facility in this state, with the following exceptions:                      (d) Industrial byproducts, if                          1. A majority of the industrial byproducts are demonstrated to be sold, used, or reused within one year;                          2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water so that such industrial byproducts or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground water, or otherwise enter the environment such that a threat of contamination in excess of water quality standards and criteria or air quality standards is caused; and                          3. The industrial byproducts are not hazardous wastes;</p>

STATE	DEFINITION
IA	<p><i>“Beneficial use”</i> means a specific utilization of a solid by-product as a resource, that constitutes reuse rather than disposal, does not adversely affect human health or the environment, and is approved by the department.</p> <p><i>“Beneficial use determination”</i> means a written formal decision or rule issued by the department as approval for a solid by-product to be utilized in a specific manner as a beneficial use.</p>
ME	<p>“Beneficial use” means to use or reuse a solid waste or waste derived product:</p> <ul style="list-style-type: none"> <li>(1) As a raw material substitute in manufacturing,</li> <li>(2) As construction material or construction fill,</li> <li>(3) As fuel, or</li> <li>(4) In agronomic utilization.</li> </ul>
MA	<p>Beneficial Use means the use of a material as an effective substitute for a commercial product or commodity.</p>
MN	<p>Subp. 2. Beneficial use standards. To constitute a beneficial use under this part, the following standards must be met:</p> <ul style="list-style-type: none"> <li>A. the solid waste must not be stored in anticipation of speculative future markets;</li> <li>B. the solid waste must be adequately characterized in accordance with part <a href="#">7035.2861</a>;</li> <li>C. the solid waste must be an effective substitute for an analogous material or a necessary ingredient in a new product;</li> <li>D. the use of the solid waste does not adversely impact human health or the environment; and</li> <li>E. the solid waste must not be used in quantities that exceed accepted engineering or commercial standards.</li> </ul> <p>Excess use of solid waste is not authorized by this part and is considered disposal.</p>
MS	<p>See Beneficial Use Regulations; web site for the regulations:  <a href="http://www.deq.state.ms.us/MDEQ.nsf/pdf/SW_BeneficialUseRegulations/\$File/Beneficial%20Use%20Regs%20Final.pdf?OpenElement">http://www.deq.state.ms.us/MDEQ.nsf/pdf/SW_BeneficialUseRegulations/\$File/Beneficial%20Use%20Regs%20Final.pdf?OpenElement</a></p>

STATE	DEFINITION
NJ	<p>"Beneficial use" means the use or reuse of a material, which would otherwise become solid waste, as landfill cover, aggregate substitute, fuel substitute or fill material or the use or reuse in a manufacturing process to make a product or as an effective substitute for a commercial product. Beneficial use of a material shall not constitute recycling or disposal.</p>
NY	<p>Definition of beneficial use:</p> <p>The department will determine in writing, on a case-by-case basis, whether the proposal constitutes a beneficial use based on a showing that all of the following criteria have been met:</p> <ul style="list-style-type: none"> <li>(i) the essential nature of the proposed use of the material constitutes a reuse rather than disposal;</li> <li>(ii) the proposal is consistent with the solid waste management policy contained in section 27-0106 of the ECL;</li> <li>(iii) the material under review must be intended to function or serve as an effective substitute for an analogous raw material or fuel. When used as a fuel, the material must meet the requirements of paragraph 360-3.1(c)(4) of this Part and the facility combusting the material must comply with the registration requirements in subdivision 360-3.1(c) of this Part, if appropriate;</li> <li>(iv) for a material which is proposed for incorporation into a manufacturing process, the material must not be required to be decontaminated or otherwise specially handled or processed before such incorporation, in order to minimize loss of material or to provide adequate protection, as needed, of public health, safety or welfare, the environment or natural resources;</li> <li>(v) whether a market is existing or is reasonably certain to be developed for the proposed use of the material under review or the product into which the solid waste under review is proposed to be incorporated; and</li> <li>(vi) other criteria as the department shall determine in its discretion to be appropriate.</li> </ul>
PA	<p><i>Beneficial use</i> - Use or reuse of residual waste or residual material derived from residual waste for commercial, industrial or governmental purposes, if the use does not harm or threaten public health, safety, welfare or the environment, or the use or reuse of processed municipal waste for any purpose, if the use does not harm or threaten public health, safety, welfare or the environment.</p>

STATE	DEFINITION
RI	<p>“Beneficial reuse material” means a processed, nonhazardous, solid waste not already defined as recyclable material by this chapter and by regulations of the Rhode Island Department of Environmental Management that the Director has determined can be reused in an environmentally beneficial manner without creating potential threats to public health, safety, welfare or the environment or creating potential nuisance conditions.</p> <p>“Beneficial use determination” (BUD) means the case-by-case process by which the Director evaluates a proposal to use a specific solid waste as a beneficial reuse material for a specific purpose at a specific location within the host municipality.</p>
TX	<p>Definitions from State solid waste rules:</p> <p>(122) Recyclable material--A material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material.</p> <p>(4) Processed for recycling or processing for beneficial use--Material has been or is processed for recycling, or undergoes processing for beneficial reuse, if it has been subjected to activities including extraction or separation of component materials (such as the separation of commingled recyclable materials), cleaning, grinding, or other preparation at a recycling facility to make it amenable for subsequent recycling or beneficial reuse.</p> <p>(8) Beneficial reuse--Any agricultural, horticultural, reclamation, or similar use of compost as a soil amendment, mulch, or component of a medium for plant growth, when used in accordance with generally accepted practice and where applicable is in compliance with the final product standards established by this chapter. Simply offering a product for use does not constitute beneficial reuse. Beneficial reuse does not include placement in a disposal facility, use as daily cover in a disposal facility, or utilization for energy recovery.</p> <p>(48) Recyclable material--For purposes of this chapter, a recyclable material is a material that has been recovered or diverted from the solid waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products which may otherwise be produced from raw or virgin materials. Recyclable material is not solid waste unless the material is deemed to be hazardous solid waste by the administrator of the United States Environmental Protection Agency, whereupon it shall be regulated accordingly unless it is otherwise exempted in whole or in part from regulation under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Protection Act. If, however, recyclable materials may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material.</p>

STATE	DEFINITION
VA	"Beneficial use" means a use which is of benefit as a substitute for natural or commercial products and does not contribute to adverse effects on health or environment.
WA	"Beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use. (Chapter 173-350-100, Washington Administrative Code)
WY	<p>Exemptions: The administrator may exempt the following from a permit or any requirement to obtain a waste management authorization under these regulations, provided that persons engaged in activities which are otherwise exempted may be required to supply information to the administrator which demonstrates that the act, practice, or facility is exempt, and shall allow entry of department inspectors for purposes of verification of such information:</p> <p>The reuse of wastes in a manner which is both beneficial and protective of human health and the environment, as approved by the administrator.</p>

## KENTUCKY Beneficial Reuse Definitions

### Solid Waste:

#### **Law:**

KRS 224.01-010 Definitions:

(31) "Waste" means:

(a) "Solid waste" means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse, and overburden), agricultural operations, and from community activities, **but does not include those materials including**, but not limited to, sand, soil, rock, gravel, or bridge debris extracted as part of a public road construction project funded wholly or in part with state funds, **recovered material**, special wastes as designated by KRS 224.50-760, solid or dissolved material in domestic sewage, manure, crops, crop residue, or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923):

1. "Household solid waste" means solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks, and campgrounds;
2. "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other service and nonmanufacturing activities, excluding household and industrial solid waste;
3. "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760, including, but not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment; and
4. "Municipal solid waste" means household solid waste and commercial solid waste;...

224.01-010 (Continued):

(20) "Recovered material" means those materials, including but not limited to compost, which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing, but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the municipal solid waste received on a daily basis at the processing facility and processed into RDF; but not to exceed fifteen percent (15%) of the total amount of the municipal solid waste received at the processing facility on a daily basis;

(21) "Recovered material processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered material, but does not mean a solid waste management facility if solid waste generated by a recovered material processing facility is managed pursuant to this chapter and administrative regulations adopted by the cabinet;

(22) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in