



Office of Waste Management and Radiological Protection

Beneficial Use 2 Conditions

- Section 11502(4) – “Beneficial use 2” means use as any of the following:
 - (a) Construction fill at nonresidential property that meets all of the following requirements:
 - (i) Is placed at least 4 feet above the seasonal groundwater table.
 - (ii) Does not come into contact with a surface water body.
 - (iii) Is covered by concrete, asphalt pavement, or other material approved by the department.
 - (iv) Does not exceed 4 feet in thickness, except for areas where exceedances are incidental to variations in the existing topography. This subparagraph does not apply to construction fill placed underneath a building or other structure.
 - (b) Road base or soil stabilizer that does not exceed 4 feet in thickness except for areas where exceedances are incidental to variations in existing topography, is placed at least 4 feet above the seasonal groundwater table, does not come into contact with a surface water body, and is covered by concrete, asphalt pavement, or other material approved by the department.
 - (c) Road shoulder material that does not exceed 4 feet in thickness except for areas where exceedances are incidental to variations in existing topography, is placed at least 4 feet above the seasonal groundwater table, does not come into contact with a surface water body, is sloped, and is covered by asphalt pavement, concrete, 6 inches of gravel, or other material approved by the department.
- Section 11551(1) (a) – The material is not a part 111 hazardous waste or mixed with a hazardous waste.
- Section 11551(1) (b) – The material is not stored at the site of generation or use for more than 3 years, or the amount that is transferred off site for use during a 3-year period equals at least 75% by weight or volume of the amount of that material stored on site for beneficial use at the beginning of the 3-year period.
- Section 11551(1) (c) – The material is stored in a manner that maintains its usefulness, controls wind dispersal, and prevents loss of the material beyond the storage area.
- Section 11551(1) (d) – The material is stored in a manner that does not cause groundwater to no longer be fit for 1 or more protected uses, does not cause a violation of a part 31 surface water quality standard, and otherwise does not violate part 31.
- Section 11551(1) (e) – The material is transported in a manner that prevents accidental leakage, spillage, or wind dispersal.
- Section 11551(1) (f) – The use of the material is for a legitimate beneficial purpose other than a means to discard the material and the material is used according to generally accepted engineering, industrial, or commercial standards for that use.

- Section 11551(1)(g) - For beneficial use 2, the material, if specified below, meets the following environmental standards using, at the option of the generator of the by-product, EPA method 1311, 1312, or ASTM test method 3987:

Constituent - maximum leachate mg/l	Coal ash or wood ash	Pulp and paper mill ash, mixed wood ash	Foundry sand	Cement kiln dust, lime kiln dust	Water softening limes, dewatered grinding sludge	Stamp sand	Spent media from sand blasting
Arsenic - 0.2	X	X	X	X	X		
Boron - 10	X						
Cadmium - 0.1	X	X		X	X		
Chromium - 2.0	X						X
Lead - 0.08	X	X	X	X	X		
Mercury - 0.04	X	X		X	X		
Copper - 20		X			X	X	
Nickel - 2.0		X	X		X		X
Selenium - 1.0	X				X		
Thallium - 0.04	X			X			
Zinc - 48	X	X			X		

- Section 11551(2) – The determination whether a material meets the requirements of subsection (1)(a) shall be based on the analysis of a representative sample of the material by the initial generator. The initial generator shall maintain records of the test results for not less than 10 years after the date the material was sent off site and make the records available to the department upon request. The generator shall resample and analyze the material when raw materials or processes change in a way that could reasonably be expected to materially affect analysis results.
- Section 11551(3) – Except as otherwise provided in this act, storage and use of beneficial use by-products shall comply with all other applicable provisions of this act.
- Section 11551(5) – A person that actively manages and reuses a beneficial use by-product that has already been used in compliance with this part may rely on analytical data from the prior use.
- Section 11551(6) – All of the following apply to beneficial uses 1 and 2 at and along roadways:
 - Routine repair and replacement of roadways constructed using beneficial use materials does not constitute generation of beneficial use by-products triggering the requirements of this section if the beneficial use by-products remain or are reused at the same roadway and are used in a manner that meets the definition of beneficial use 1 or beneficial use 2, as appropriate. If the beneficial use by-products will be reused at some place other than the same roadway, then the requirements applicable to generators of beneficial use by-products must be met, except as follows:

- (i) As set forth in subsection (5).
 - (ii) The requirements of section 11552 apply only if the category of beneficial use will change.
 - (b) For beneficial use 2, the requirement that beneficial use materials be covered by concrete, asphalt, or 6 inches of gravel applies at the time of placement and use. The development of potholes, shoulder erosion, or similar deterioration does not result in a violation of this part.
 - (c) If road materials containing beneficial use by-products are ground, reheated, or melted for reuse, the requirements of part 55 must be met.
 - (d) This part does not prohibit the state transportation department from seeking additional data or information for road building materials or from requiring that road building materials meet state transportation department specifications and standards.
- Section 11551(9) - This part does not authorize open dumping prohibited by the solid waste disposal act, 42 USC 6901 to 6992k.
 - Section 11551 (10) - If an owner of property has knowledge that a material has been used on the property for beneficial use 2, before transferring the property, the owner shall provide notice to a prospective transferee that the material was used for beneficial use 2, including the date and location of the use, if known. If a contractor, consultant, or agent of an owner of property uses a material on the property for beneficial use 2, the contractor, consultant, or agent shall provide notice to the owner that the material was used for beneficial use 2, including the date and location of the use.
 - Section 11552(1) - Written notice shall be submitted to the department before a beneficial use by-product is used for beneficial use 2 as construction fill at a particular site for the first time, if the amount used will exceed 5,000 cubic yards. The generator of the beneficial use by-product shall submit the notice unless the generator transfers material to a broker, in which case the broker shall submit the notice.
 - Section 11552(2) - By October 30 of each year, any generator or broker of more than 1,000 cubic yards of material used as beneficial use by-products for beneficial use 2 in the immediately preceding period of October 1 to September 30 shall submit a report to the department containing all of the following information, as applicable:
 - (a) The business name, address, telephone number, and name of a contact person for the generator, broker, or other person.
 - (b) The types and approximate amounts of beneficial use by-products generated, brokered, and stored during that period.
 - (c) The approximate amount of beneficial use by-products shipped off site during that period and the uses and conditions of use.
 - (d) The amount of source separated materials used or reused

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