

# Proposed Rulemaking Announcement

## Beneficial Use of Solid Waste

### Background

The Oregon Department of Environmental Quality is proposing rules for the beneficial use of solid waste. The new rules will establish a process for DEQ review of proposals to use wastes beneficially as an alternative to disposal, and will authorize DEQ to issue beneficial use determinations rather than permits for appropriate uses.

Beneficial use often involves either using an industrial waste in a manufacturing process to make a product or using the waste as fill material. Examples are:

- Spent foundry sand from the steel industry used as a substitute for virgin sand in making concrete
- Scrap asphalt roofing shingles used as a component of asphalt pavement
- Upland placement of dredged sediments for construction fill

Substituting industrial waste materials for virgin materials conserves energy, reduces the need to extract resources, reduces demand for disposal facilities and promotes sustainability.

### Why are the rule changes needed?

In Oregon and elsewhere, as awareness of potential opportunities to convert wastes to resources increases, so do the requests for approval of beneficial uses. The state does not have an appropriate process or funding mechanism for responding to and authorizing these requests.

### What is the objective of this rulemaking?

The objective of the rulemaking is to provide a more predictable, reliable and efficient DEQ review process for beneficial use proposals. A better defined and more streamlined process will save resources for DEQ as well as applicants, and make it easier for applicants to understand and obtain the necessary approvals for beneficial use of waste. Additionally, this rulemaking would support DEQ's goals of reducing wastes and promoting sustainability. If these rules are adopted and implemented, DEQ will seek input from beneficial use applicants to determine whether the rules are accomplishing these objectives.

### Who may be affected?

Beneficial use rules would primarily address proposed uses of industrial wastes that would

otherwise require a disposal permit under current rules. The rules would not address or impose additional requirements on solid waste uses that are already exempt from solid waste permit requirements or addressed under other rules, such as the common recycling of glass, paper or metals; composting; or clean fill disposal sites.

### How was this proposal developed?

DEQ maintains a Beneficial Use of Solid Waste website, where documents used to prepare this rulemaking can be found: [www.deq.state.or.us/lq/sw/disposal/beneficialuse.htm](http://www.deq.state.or.us/lq/sw/disposal/beneficialuse.htm)

These documents can also be reviewed at DEQ's headquarters office at 811 S.W. Sixth Ave., Portland, OR. Please contact Christie Nuttall, 503-229-6832, for times when the documents are available for review.

DEQ did not convene a formal advisory committee for this rulemaking, but did meet with stakeholders four times and separately with individual industries that provided comments on the draft rules.

### Additional materials available

- Proposed rule revisions
- Notice of Proposed Rulemaking, Hearings
- Statement of Need and Fiscal Impact
- Relationship to Federal Requirements Land Use Evaluation Statement

The above documents provide additional information related to this proposed rulemaking and can be viewed at "Proposed Rule Revisions" [www.deq.state.or.us/regulations/rulesandlaws.htm](http://www.deq.state.or.us/regulations/rulesandlaws.htm)

### How to comment

Comments on the proposed rulemaking may be submitted in writing via mail, fax or e-mail at any time prior to the comment deadline of Tuesday, Nov. 24, 2009. Written and oral comments can be submitted during any of the public hearings specified below. It is not necessary to attend a hearing in order to comment. Written comments received prior to the deadline are treated equally with oral comments.

Written comments may be mailed to Tom Roick, Oregon DEQ, Land Quality Division, 811 SW Sixth Ave., Portland, OR 97204, 503-229-5502, or toll-free in Oregon at 1-800-452-4011.



State of Oregon  
Department of  
Environmental  
Quality

### Land Quality Division

811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: (503) 229-5502  
(800) 452-4011  
Fax: (503) 229-6977  
Contact: Tom Roick  
BUSW.info@deq.state.or.us

The Department and the EQC have the statutory authority to address this issue under ORS 459.045. These rules implement ORS 459.



Comments may be faxed to Tom Roick at 503-229-6977, or e-mailed to: [BUSW.info@deq.state.or.us](mailto:BUSW.info@deq.state.or.us)

(E-mail comments will be acknowledged immediately. Comments and attachments are limited to 10 MB. If you do not receive an automatic response, or your comments and attachments will exceed this limit, please contact the DEQ staff listed above.)

If there is a delay between servers, e-mails may not be received before the deadline.

### **Public hearings**

Public hearings will be held at three locations throughout the state in November. Each hearing will begin with a brief overview of the proposed rule changes, followed by the opportunity for members of the public to provide oral and written comment. All comments will be recorded and reviewed by DEQ.

- Portland, 6 p.m., Tuesday, Nov. 17, 2009; 811 SW Sixth Ave.; Presiding Officer: Tom Roick
- Eugene, 6 p.m., Tuesday, Nov. 17, 2009; 165 E. 7<sup>th</sup> Ave., Willamette meeting room; Presiding Officer: Bob Barrows
- Bend, 6 p.m., Tuesday, Nov. 17, 2009; 475 NE Bellevue Dr. (corner of Highway 20 and Dalton Rd.), Main Conference Room; Presiding Officer: Bruce Lumper

### **Comment deadline is Nov. 24, 2009**

All comments are due to DEQ by 5 p.m. Tuesday, Nov. 24th, 2009. DEQ cannot consider comments from any party **received** after the deadline for public comment.

### **How will rules be adopted?**

DEQ will prepare a response to all comments received during the public hearing and comment period and may modify the proposed rules. DEQ plans to recommend that the Oregon Environmental Quality Commission adopt the rules at the February 2010 EQC meeting. DEQ will notify persons of the time and place for final EQC action if they submit comments during the hearing or comment period or request to be placed on DEQ's mailing list for this rulemaking.

### **Alternative formats/accommodations**

Please notify DEQ of any special physical or language accommodations needed for the hearings as far in advance as possible.

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at 503-229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696.