



## Office of Waste Management and Radiological Protection

### Beneficial Use 4 Conditions

- Section 11502(6) - “Beneficial use 4” means any of the following uses:
  - (a) To stabilize, neutralize, solidify, or otherwise treat waste for ultimate disposal at a facility licensed under this part or part 111.
  - (b) To treat wastewater, wastewater treatment sludge, or wastewater sludge in compliance with part 31 or the federal water pollution control act, 33 USC 1251 to 1387 at a private or publicly owned wastewater treatment plant.
  - (c) To stabilize, neutralize, solidify, cap, or otherwise remediate hazardous substances or contaminants as part of a response activity in compliance with part 201, part 213, or the comprehensive environmental response, compensation and liability act of 1980, 42 USC 9601 to 9657, or a corrective action in compliance with part 111 or the solid waste disposal act, 42 USC 6901 to 6992k.
  - (d) As construction material at a landfill licensed under this part.
- 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(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(9) - This part does not authorize open dumping prohibited by the solid waste disposal act, 42 USC 6901 to 6992k.
- 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 1, 2, or 4 in the immediately preceding period of October 1 to September 30 or any person that uses or reuses more than 1,000 cubic yards of a source separated material in that period 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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