

***UTAH CODE***  
(UNANNOTATED)

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
DIVISION OF SOLID AND HAZARDOUS WASTE

**ENVIRONMENTAL QUALITY CODE - Industrial Byproduct  
Reuse**

(Title 19, Chapter 11, Sections 1101-1104)  
(Enacted 2009)



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**Title 19 Chapter 6**  
**ENVIRONMENTAL QUALITY CODE - HAZARDOUS**  
**SUBSTANCES**

**PART 11**  
**INDUSTRIAL BYPRODUCT REUSE**

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**19-6-1101. Title.**

This part is known as the "Industrial Byproduct Reuse."

**19-6-1102. Definitions.**

As used in this part:

- (1) "Board" means the Solid and Hazardous Waste Control Board created under Section 19-1-106.
- (2) "Executive secretary" means the executive secretary of the board.
- (3) (a) "Industrial byproduct" means an industrial residual, including:
  - (i) inert construction debris;
  - (ii) fly ash;
  - (iii) bottom ash;
  - (iv) slag;
  - (v) flue gas emission control residuals generated primarily from the combustion of coal or other fossil fuel;
  - (vi) residual from the extraction, beneficiation, and processing of an ore or mineral;
  - (vii) cement kiln dust; or
  - (viii) contaminated soil extracted as a result of a corrective action subject to an operation plan under Part 1, Solid and Hazardous Waste Act.
- (b) "Industrial byproduct" does not include material that:
  - (i) causes a public nuisance or public health hazard; or
  - (ii) is a hazardous waste under Part 1, Solid and Hazardous Waste Act.
- (4) "Public project" means a project of the Department of Transportation to construct:
  - (a) a highway or road;
  - (b) a curb;
  - (c) a gutter;
  - (d) a walkway;
  - (e) a parking facility;
  - (f) a public transportation facility; or
  - (g) a facility, infrastructure, or transportation improvement that benefits the public.
- (5) "Reuse" means to use an industrial byproduct in place of a raw material.

(2) The executive secretary shall respond to an application submitted under Subsection (1) within 60 days of the day on which the executive secretary determines the application is complete.

(3) The executive secretary shall approve an application submitted under Subsection (1) if the applicant shows:

- (a) the industrial byproduct meets the applicable health risk standard;
- (b) the industrial byproduct satisfies the applicable toxicity characteristic leaching procedure; and
- (c) the proposed method of installation and type of reuse meet the applicable health risk standard.

**19-6-1103. Rulemaking.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules to implement this part, including:

- (1) a streamlined application procedure designed to encourage and allow reuse of an industrial byproduct in a public project; and
- (2) reasonable, objective standards for demonstrating, without regard to the industrial byproduct's source, the safety of the reuse and future reuse of an industrial byproduct.

**19-6-1104. Applications for industrial byproduct reuse - Approval by the executive secretary.**

(1) A person may submit to the executive secretary an application for reuse of an industrial byproduct from an inactive industrial site, as defined in Section 17C-1-102.