

WAC 173-306-490 Ash utilization standards. (1) Applicability.

(a) These standards apply to persons who utilize special incinerator ash including:

- (i) Generators of special incinerator ash;
- (ii) Owners and operators of disposal facilities; and
- (iii) Persons who neither generate nor dispose of special incinerator ash but are involved in the reuse or utilization of special incinerator ash.

(b) These standards do not apply to the following wastes and waste processes:

- (i) Ferrous metal separation from ash;
- (ii) Special incinerator ash that is reinjected into the incinerator or energy-recovery facility from which it was produced;
- (iii) Reclamation of nonferrous metals.

(2) Standards.

(a) Accumulation before reuse or utilization.

(i) All ash for utilization must be stored in totally enclosed buildings.

(ii) Floor or surface drains serving storage areas may not be connected to uncontaminated stormwater run-off drains. Contaminated water must be processed according to WAC 173-306-200 (3)(c)(ii).

(iii) All ash not utilized within one calendar year of generation is subject to:

(A) The management plan requirements of WAC 173-306-200 if a generator is accumulating the ash; or

(B) The permitting and facility standard requirements of WAC 173-306-300 and 173-306-400, if a disposal facility is accumulating the ash.

(b) Use constituting disposal. Use constituting disposal is applying ash to the land or placing ash on the land in a manner constituting disposal, or applying ash contained in a product to the land or placing ash products on the land in a manner constituting disposal. Placement on the land includes placement in water (such as in reef construction).

(i) Persons wishing to reuse or utilize ash in a manner constituting disposal shall apply for a permit under WAC 173-306-310.

(ii) Persons reusing or utilizing ash in a manner constituting disposal are subject to the following sections of the general facility standards:

(A) WAC 173-306-405(2);

(B) WAC 173-306-405 (3)(b);

(C) WAC 173-306-405 (5)(a), (b), (c), and (f); and

(D) WAC 173-306-405(7).

(iii) The department will base its decision on whether to issue a permit upon the following factors:

(A) The effectiveness of the utilized ash or ash product for the claimed use;

(B) The degree to which the utilized ash is like an analogous product;

(C) The extent to which the utilized ash or ash product minimizes loss or escapes to the environment;

(D) The extent to which the utilized ash or ash product impacts public health, the environment, and employee health given a reasonable worst case exposure, risk assessment analyses and compliance with the performance standards of WAC 173-306-440(2);

(E) The extent to which an end market for the utilized ash and ash product is guaranteed;

(F) The time period between generating the ash and utilization;

(G) The degree to which the end uses (and users) can be tracked and recorded; and

(H) Other factors as appropriate.

(iv) The department may require that applicants apply for a demonstration permit or class use permit under WAC 173-306-320, if available information exists to satisfy the informational requirements of (b)(ii) and (iii) of this subsection.

(c) Utilization as ingredients in industrial products, or as effective substitutes. The utilization of ash in industrial products or as effective substitutes for commercial products are activities that ordinarily are not considered to be waste management because they are like normal production processes and/or the products are used like commercial products. (E.g., ash as a substitute in cement construction blocks is an example.)

(i) The department may grant requests for classifying that type of reuse or utilization for solely commercial purposes, if:

(A) The applicant shows that the ash or ash products are recycled in a manner so that they closely resemble products or raw materials rather than waste; and

(B) The applicant addresses the factors of (b)(iii) of this subsection (except for (2)(b)(iii)(G)).

(ii) Public review of the decision to grant or deny such a request must be conducted according to WAC 173-306-900 (4), (5), and (6).

[Statutory Authority: Chapter 70.138 RCW. WSR 00-19-018 (Order 00-17), § 173-306-490, filed 9/8/00, effective 10/9/00; WSR 90-10-047, § 173-306-490, filed 4/30/90, effective 5/31/90.]