COLORADO
Hazardous Materials
& Waste Management Division
Department of Public Health & Environment

Application for a solid waste beneficial use determination

This form should be used to request a Beneficial Use Determination (BUD) in compliance with Section 8.6 of the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2. Please consult with the division at (303) 692-3320 prior to beginning the beneficial use process outlined below.

A. Applicant information

Applicant name: _____

Business name (if different than applicant name): _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

Billing address: _____

City: _____ State: _____ Zip code: _____

Consultant name (if applicable): _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

B. Type of beneficial use requested

Application type: New ☐ Re-characterization ☐ Modify existing determination ☐

Does the beneficial use proposal involve the land application of any material? Yes ☐ No ☐

Application category: Category 1 ☐ Category 2 ☐ Category 3 ☐ Case-by-case ☐

Category 1: Wastes that have been characterized according to the methods established in Section 8.6.5 and test results indicate the material contains the constituents in Tables 1A and 1B at or below the specified standards or at or below the levels contained in the raw materials being replaced. Category 1 beneficial use materials may be used for those uses identified under Waste Category column 1 on Table 2.

Category 2: Wastes that have been characterized according to the methods established in Section 8.6.5 and test results indicate the material or *final product containing the material* contains the constituents in Table 1B at or below the specified standards or at or below the levels contained in the raw materials being replaced. Category 2 beneficial use materials may be used for those uses identified under Waste Category column 2 on Table 2.

Category 3: Wastes that have been determined to not be a hazardous waste may be used in solid and hazardous waste disposal areas that are approved to accept the beneficial use material for those uses identified under Waste Category 3 on Table 2.

Case-by-Case determinations apply to those solid wastes to be beneficially used, but not identified at the top of Tables 1 and 2.

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C. Signature

This document must be signed by the applicant or a legally authorized representative of the applicant.

I certify under penalty of law that this document and all attachments contained in this application are true and correct to the best of my knowledge and belief.

Signature:_____ Printed name: _____ Date: _____

D. Required attachments to the application

For an application to be complete, you must provide the required information for each listed item as it applies to the application category.

- ☐ A description of the material and the generation process, including initial characterization or re-characterization test results, if applicable.
- ☐ A description of the proposed beneficial use and methods for storing the materials.
- ☐ A comparison of the chemical and physical characteristics of the material proposed for beneficial use and the material it will replace.
- ☐ An estimate of the quantity of material to be beneficially used.
- ☐ Documentation that the proposed use is acceptable by the local governing authority, if applicable.
- ☐ Any other information that may be required to evaluate the proposal.

E. Performance criteria

For all categories - an application for beneficial use determination must demonstrate satisfactory compliance with the following performance criteria.

The use is beneficial, including:

- There is an identified or reasonably likely use for the material that is not speculative;
- The use is a valuable part of a manufacturing process, an effective substitute for a valuable raw material or commercial product, or it is authorized by the Department and does not constitute disposal;
- The use is in accordance with applicable engineering standards, commercial standards, and agricultural or horticultural practices.

The use will not create an adverse impact on public health and the environment, including:

- The material is not hazardous waste under the rules developed by the Solid and Hazardous Waste Commission in compliance with § 25-15-302 C.R.S.;
- The material will be managed to prevent nuisance odors or ground water contamination;
- Contaminants in the material do not exceed the unrestricted use levels, naturally occurring background concentrations, acceptable risk levels, or those levels present in a comparable raw material or commercial product.

The use shall comply with all applicable federal, state and local regulations.

F. Fees

Fees will be invoiced the calendar quarter following the issuance of the beneficial use determination.

A review fee of $125 per hour will be assessed to beneficial use applicants regardless of the approval status. The fee covers professional staff time spent reviewing, evaluating and responding to documents submitted. Complete and well-organized attachments to this application can help minimize your costs.

Instructions

Complete all sections of the form, make a copy for your files and send the completed form and all attachments to:

cdphe.hmrecycling@state.co.us or

Colorado Department of Public Health and Environment
c/o Beneficial Use Determination
HMWMD-SW-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

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