



Utah Division of Solid and Hazardous Waste Solid Waste Management Program

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ASPHALT DISPOSAL AND RECYCLING GUIDANCE

I. Purpose

The following is to be used as a guide to establish/encourage uniform management of used asphalt throughout the State, and to establish the framework under which asphalt is regulated. This guidance is not a rule. It has been prepared to give the reader information, in plain language, about how the Division of Solid and Hazardous Waste expects to interpret Rule R315-315-9. In the event questions arise regarding the matters discussed in this guidance, the text of the rule will govern.

II. Background

Disposal of asphalt in Utah has been and continues to be of concern to the local health departments, the State, and the asphalt paving industry. Limited testing of waste asphalt in Utah has not revealed the material to be hazardous waste. Asphalt, however, is not an inert waste and cannot be used as inert fill.

III. Definition

Solid waste is defined in Utah Code Annotated (UCA) 19-6-102(19), which reads as follows:

(19) (a) "Solid waste" means any garbage, refuse, sludge, including sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality Act, or under the Water Pollution Control Act, 33 U.S.C., Section 1251, et seq.

(b) "Solid waste" does not include any of the following wastes unless the waste causes a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:

- (i) certain large volume wastes, such as inert construction debris used as fill material;
- (ii) drilling muds, produced waters, and other wastes associated with the exploration, development, or production of oil, gas, or geothermal energy;
- (iii) fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
- (iv) solid wastes from the extraction, beneficiation, and processing of ores and minerals; or
- (v) cement kiln dust.

Asphalt is not inert and therefore does not fall under the exclusions found in UCA 19-6-102(17)(b)(i) and must be treated as a solid waste.

Asphalt has been included in the list of wastes that make up construction and demolition waste. The definition of construction and demolition waste found in UAC R315-301-2(17) reads as follows:

"Construction/demolition waste" means solid waste from building materials, packaging, and rubble resulting from construction, remodeling, repair, abatement, rehabilitation, renovation, and demolition operations on pavements, houses, commercial buildings, and other structures, including waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Section R315-2-5, that may be generated by these operations.

- (a) Such waste may include:
 - (i) concrete, bricks, and other masonry materials;
 - (ii) soil and rock;
 - (iii) waste asphalt;
 - (iv) rebar contained in concrete; and
 - (v) untreated wood, and tree stumps.
- (b) Construction/demolition waste does not include:
 - (i) friable asbestos;
 - (ii) treated wood; or
 - (iii) contaminated soils or tanks resulting from remediation or clean-up at any release or spill.

IV. Disposal

Disposal of nonhazardous solid waste is regulated under UCA 19-6-105(l)(a), UCA 19-6-108(3) and Utah Administrative Code (UAC) R315-301 through 320. Disposal of solid waste must take place in an approved solid waste facility.

Under the above referenced statute, the Solid and Hazardous Waste Control Board has established the Solid Waste Permitting and Management Rules UAC R315-301 through 320. Under these rules, facilities accepting for disposal solid waste, including asphalt, are required to have a permit from the Director of the Division of Solid and Hazardous Waste.

Permitted Class I, II, III, IV, V, and VI landfills may receive asphalt when not restricted by specific conditions of the permit. In addition to the disposal restrictions set by the rules and permit conditions, each landfill may set its own waste acceptance policy and may reject wastes that do not fall within the policy.

V. Recycling

Recycling is not disposal and no permit is required from the Division of Solid and Hazardous Waste. However, facilities conducting recycling activities may need to submit a plan of operation to the Division Director. Where plans of operation are required, they must be determined complete by the Director prior to operation of the recycling facility.

Recycling of asphalt occurs when it is used as a feedstock in the manufacture of new hot or cold mix, when used as underlayment or subgrade in road construction (provided the asphalt is not in contact with surface water or ground water), or when it is used under parking lots or structures (provided the asphalt is not in contact with water). Use of waste asphalt as road shoulder is also recycling when the use meets engineering requirements.

Use of asphalt as a fill material in road construction, when it is in contact with surface or ground water or as fill for any other purpose constitutes disposal and is subject to the solid waste disposal regulations.