

Wisconsin's Beneficial Use Program NR 538

Industrial byproduct

- Papermill sludge
- Ash from energy recovery including coal ash and slag
- Material captured in flue gas desulfurization systems
- Ferrous and steel foundry excess system sand and slag
- Lime kiln dust
- Non-hazardous solid waste with similar characteristics as determined by the department.

Categories

Five different categories are defined in NR 538. They range from category 1, which meets Wisconsin's groundwater protection standards, surface water criteria, direct contact criteria, and inhalation standards, to category 5 (not a regulated hazardous waste).

Approved uses

The statute lists 13 different uses that the industrial byproducts can be used based on their levels of contaminants. A person may also petition the department to approve wastes and uses not listed in NR 538.

Conditions placed on use

As the levels of contaminants increase more and more restrictions are placed on use of the industrial byproducts that ensure environmental protection. These restrictions include, isolation distances, covers, monitoring, public participation, etc.

Generator liability

The generator of a waste is held liable if their waste causes contamination unless the waste is being used for a public transportation project.

Groundwater arsenic criteria verses category

Industrial Byproduct Category	Standard (micro-grams/liter)
1	5
2	50
3	50
4	250
5	5000

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Table 4

Beneficial Use Methods

	Industrial Byproduct Category				
	5	4	3	2	1
(1) Raw Material for Manufacturing a Product	X	X	X	X	X
(2) Waste Stabilization / Solidification	X	X	X	X	X
(3) Supplemental Fuel Source / Energy Recovery	X	X	X	X	X
(4) Landfill Daily Cover / Internal Structures	X	X	X	X	X
(5) Confined Geotechnical Fill (a) commercial, industrial or institutional building subbase (b) paved lot base, subbase & subgrade fill (c) paved roadway base, subbase & subgrade fill (d) utility trench backfill (e) bridge abutment backfill (f) tank, vault or tunnel abandonment (g) slabjacking material (h) soil and pavement base stabilization (i) controlled low strength material (flowable fill)		X	X	X	X
(6) Encapsulated Transportation Facility Embankment		X	X	X	X
(7) Capped Transportation Facility Embankment			X	X	X
(8) Unconfined Geotechnical Fill			X	X	X
(9) Unbonded Surface Course				X	X
(10) Bonded Surface Course				X	X
(11) Bonded Surface Course (Federal, state or municipal roadways)			X	X	X
(12) Decorative Stone				X	X
(13) Cold Weather Road Abrasive				X	X
Note: General beneficial use in accordance with s. NR 538.12 (3)					X

Note: Refer to s. NR 538.10 for description of each beneficial use