

Materials Management Program

Agricultural Use Exclusion

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DEQ Headquarters
811 SW 6th Ave.
Portland, OR

Agricultural Use Exclusion

What is the Agricultural Use Exclusion?

- Excludes from the definition of *solid waste*:
 - Materials
 - Used for growing crops, raising animals or other productive purposes
 - In agricultural operations
- Excluded materials are not *solid waste*
- DEQ/local governments – no authority under *solid waste laws & regulations*

Agricultural Use Exclusion

How has DEQ interpreted the exclusion?

- Intent: To not regulate materials used productively in agricultural operations as solid waste
- Plain language interpretation:
 - Any **material** used productively – or that can be salvaged for and is ultimately used productively
 - **Used in agricultural operations** – growing crops, conditioning soil, raising animals
 - **For productive purpose** – provides net benefit, is acceptable agricultural practice

Agricultural Use Exclusion

How does DEQ oversee the Exclusion?

- No authority to require reporting, tracking material
- Authority to monitor & investigate potential misuse
 - Enforce as appropriate
 - Coordinate with ODA – investigation & compliance
- Review proposed uses on request

Agricultural Use Exclusion

Materials and Uses Excluded

- Ag Wastes; Brewery Wastes; Crab, Fish, Shrimp Waste; Food Processing Wastes; Sludges; Wood Ash; Wood & Yard Wastes

Materials and Uses Not Excluded because:

- Productive use?; Environmental Problem? Disposal?

Over-application of materials

Use that provides no benefit to the farm

Inappropriate placement of material (ie. - near water)



Agricultural Use Exclusion

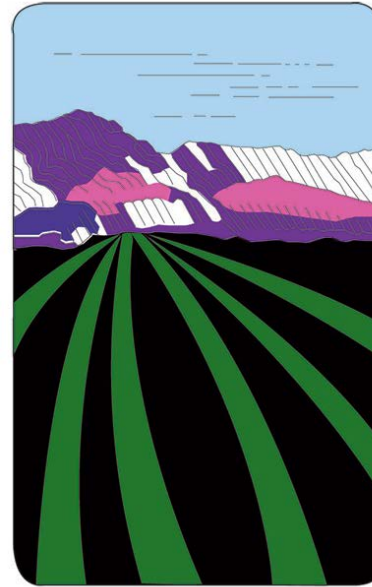
Solid Waste Directive: Determining Agricultural Use Exclusions...

- Written in 2007 when DEQ staff had an unusual number of exclusion situations
- Guidance to DEQ staff describing process and criteria for making determinations
- DEQ relies on agricultural experts for opinion on farm practices and benefit to farm
- Directive intended for on-farm application and use of materials to determine if a permit is required



Agricultural Use Exclusion

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Agricultural Use Exclusion

What's Changing?

- Increased focus on food waste recovery
- New recovery proposals; new technologies
- DEQ/Local Govts – more requests for advice re: exclusion
- DEQ –more Qs re: application to new operations/scenarios
- DEQ/ODA tighter coordination; ODA expert on uses
- Understand ag uses to plan recovery strategies/actions



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