

3745-400-05

**Clean hard fill.**

(A) Clean hard fill consisting of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, or stone shall be managed in one or more of the following ways:

- (1) Recycled into a usable construction material.
- (2) Disposed in licensed construction and demolition debris or other waste facilities.
- (3) Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on the site of generation.
- (4) Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, pursuant to paragraph (C) of this rule.

[Comment: Use of clean hard fill may create a nuisance or a safety hazard. The application of cover over the clean hard fill may be one way to address the nuisance or safety hazard.]

(B) Clean hard fill may be stored for a period of less than two years. For the purpose of this rule, "stored" means debris which is held in a manner remaining retrievable and substantially unchanged. Clean hard fill stored more than two years shall be considered illegal disposal of construction and demolition debris. However clean hard fill piled adjacent to a construction materials processing facility shall not be considered stored for more than two years if the pile is active, that is, if clean hard fill material is added to and removed from the pile within a two year period.

(C) The person responsible for causing clean hard fill to be used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, shall provide a written "Notice of Intent to Fill" to each licensing authority where the clean hard fill is to be placed. The "Notice of Intent to Fill" shall state the nature of the fill material, the [site\(s\) site](#) to be filled, when filling will begin and end, and the telephone number of the notifier. The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code. The notifier shall provide a new Notice of Intent to Fill if there are any changes in the information required by this rule for notification.