

3745-599-200

General beneficial use permit.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, test methods, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-599-03 of the Administrative Code titled "Beneficial use - incorporation by reference."]

(A) The director may issue or renew a general beneficial use permit without application. A general beneficial use permit may address the following:

(1) A specific category or categories of beneficial use byproducts and beneficial uses by persons conducting similar activities.

(2) Establishment of general beneficial use permit eligibility criteria, which may include but are not limited to the identification of the following:

(a) Activities such as generation, processing, distribution, or placement of the beneficial use byproducts.

(b) Persons including but not limited to generators, processors, distributors, or landowners.

(3) Establishment of requirements pertaining to the characterization of the beneficial use byproducts.

(4) Establishment of restrictions or standards for the beneficial uses of beneficial use byproducts. The director may consider established screening levels, restrictions or standards, and site specific standards that include but are not limited to the following:

(a) United States environmental protection agency "Regional Screening Levels."

(b) United States environmental protection agency "Risk Assessment of Spent Foundry Sands In Soil-Related Applications."

(c) Chapter 3745-1 of the Administrative Code ("Aquatic Toxicity" standards and "Water Quality" criteria).

(d) Chapter 3745-40 of the Administrative Code ("Sewage Sludge Program Limits").

(e) Chapter 3745-300 of the Administrative Code ("Voluntary Action Program" standards).

(f) Information regarding ambient background concentrations.

(5) Establishment of requirements, including BMPs pertaining to the beneficial use,

management, and storage of beneficial use byproducts, including setbacks and isolation distances. The director may consider at a minimum the following in determining appropriate BMPs:

(a) Ohio environmental protection agency's "Rainwater and Land Development Manual."

(b) United States environmental protection agency's internet-based resources relating to BMPs for erosion and sedimentation, including the sector specific "Industrial Storm Water Fact Sheet Series."

(c) "National Menu of Best Management Practices (BMPs) for Stormwater."

(d) "National Management Measures to Control Nonpoint Source Pollution from Urban Areas, EPA-841-B-05-004."

(e) Ohio hydrologic soil groups.

(f) Precipitation forecasts.

(g) Soil temperatures.

(h) Other BMPs listed in Chapter 3745-40 of the Administrative Code.

(6) Establishment of record keeping and reporting requirements.

(7) Establishment of requirements specific to the type of beneficial use byproduct, locations of the beneficial use, and the beneficial uses authorized under the general beneficial use permit.

(8) Establishment of a general beneficial use permit expiration date and general beneficial use permit renewal procedures.

(9) Notification requirements upon distribution of the beneficial use byproduct.

(10) Establishment of requirements for land use restrictions including but not limited to deed restrictions and environmental covenants.

(11) A demonstration of legitimacy in accordance with rule 3745-599-35 of the Administrative Code.

(B) Criteria for issuance of a general beneficial use permit. The director shall not issue a general beneficial use permit unless the following are determined:

(1) Beneficial use of the beneficial use byproduct as authorized by the general beneficial use permit is unlikely to create a nuisance or adversely affect public health, safety, or the environment.

(2) Beneficial use of the beneficial use byproduct as authorized by the general beneficial use permit is unlikely to cause pollution of waters of the state.

(3) Beneficial use of the beneficial use byproduct as authorized by the general beneficial use permit is unlikely to cause air pollution.

(4) The issuance of the general beneficial use permit complies with paragraph (M) of section 3734.02 of the Revised Code.

(C) A person may apply for coverage under a general beneficial use permit by submitting a notice of intent to obtain coverage in accordance with rule 3745-599-210 of the Administrative Code.

(D) Revocation or non-renewal of general beneficial use permits.

(1) The director may revoke a general beneficial use permit during its term if the director determines that the criteria contained in paragraph (B) of this rule have not been met.

(2) The director may renew a general beneficial use permit.

(3) If the director proposes to revoke a general beneficial use permit or if the general beneficial use permit expires without renewal, the director shall send notice of the proposed revocation or non-renewal in writing to each permittee covered under the general beneficial use permit.

(4) Termination of coverage under the general beneficial use permit shall occur upon the effective date of a final revocation or the expiration date of a general beneficial use permit that is not renewed.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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