



**Re: Interested Party Review – 2015 Draft Beneficial Use Rules**

Dear Interested Parties:

Ohio Environmental Protection Agency (Ohio EPA) is releasing 2015 draft rules regarding development of a new beneficial use regulatory program for interested party review and comment. These 2015 draft rules would be located in a new Ohio Administrative Code (OAC) Chapter 3745-599.

Since 2011, the Division of Materials and Waste Management (DMWM) and the Division of Surface Water (DSW) have been exploring the development of regulations specific to authorizing the beneficial use of wastes. There is increasing interest in beneficially using industrial byproducts and diverting wastes from landfills or impoundments. During this period, DMWM/DSW have sought public input and hosted stakeholder discussions in considering approaches towards a regulatory program to facilitate the beneficial use of industrial byproducts.

These 2015 draft beneficial use rules include revisions based on public and stakeholder input on an earlier May 2013 draft rules. The May 2013 draft rules had been previously released for public and stakeholder review and comment. There are significant changes in the chapter's applicability, organization, and level of detail.

The 2015 draft rules establish three types of authorization. Rule 3745-599-10 establishes authorization by rule. The issuance of general beneficial use permits would allow an applicant to apply for and obtain coverage under the general permit. An individual beneficial use permit would accommodate all other beneficial use requests that call for more specific requirements. The draft 2015 beneficial use OAC Chapter 3745-599 includes the following rules:

<b>Rule #</b>	<b>Title:</b>
3745-599-01	Beneficial use - applicability.
3745-599-02	Beneficial use - definitions.
3745-599-03	Beneficial use - incorporation by reference.
3745-599-05	Beneficial use - general exclusions.
3745-599-10	Beneficial use byproduct incorporated into certain construction materials or used as an ingredient or fuel.
3745-599-20	Beneficial use - Prohibitions.
3745-599-25	Beneficial use - signatures.
3745-599-30	Beneficial use - relationships among authorizing documents, rules, and the authority of the director and board of health.
3745-599-35	Beneficial use - legitimacy criteria.
3745-599-60	Approved sampling and characterization procedures for the use of a beneficial use byproduct.
3745-599-200	General beneficial use permit.
3745-599-210	Notice of intent to obtain coverage under a general beneficial use permit.
3745-599-220	Coverage under a general beneficial use permit.
3745-599-310	Application for an individual beneficial use permit.
3745-599-320	Issuance of an individual beneficial use permit.
3745-599-330	Notice and information for distribution - individual beneficial use permits.
3745-599-334	Generator obligations for recordkeeping and reporting - individual beneficial use permits.
3745-599-335	Distributor obligations for recordkeeping and reporting - individual beneficial use permits.
3745-599-340	Characterization and analysis plan for individual beneficial use permits.
3745-599-345	Compliance sampling and analysis for individual beneficial use permits.
3745-599-350	Changes to an individual beneficial use permit.
3745-599-360	Renewal of an individual beneficial use permit.
3745-599-370	Denial and revocation of an individual beneficial use permit.

DMWM welcomes interested party comment on these rules.

### **Where can I get a copy of the draft rules?**

You may view the draft rule at <http://www.epa.ohio.gov/dmwm/dmwmnonhazrules.aspx>, or call (614) 644-2621 to obtain a copy. As part of the rulemaking process, Ohio EPA is required to prepare and submit a Business Impact Analysis (BIA) form to Ohio's Common Sense Initiative (CSI) Office. Ohio EPA is also making this form available at this time for public review and comment).

### **When are my comments due?**

Please submit your comments by June 22, 2015.

### **Where should I send my comments?**

Please send your comments to:

Michelle Mountjoy  
Ohio EPA, DMWM  
PO Box 1049  
Columbus, OH 43216-1049

You may also send your comments by fax at (614)728-5315 or e-mail [michelle.mountjoy@epa.ohio.gov](mailto:michelle.mountjoy@epa.ohio.gov)

### **Who can I talk to about the rules?**

For questions regarding the rule language or review schedule, you may contact John Schierberl at (614) 644-2955 or Michelle Mountjoy at (614) 728-5372. Please include a phone number where you can be contacted during the hours of 8:00 am to 5:00 pm.

### **What should I consider as I prepare my comments?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline.

Thank you for your interest and we look forward to hearing from you.

Sincerely,

Pamela S. Allen, Chief  
Division of Materials and Waste Management