

3745-599-410 Criteria for issuance of a harbor sediment authorization.

[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 and harbor sediment authorization - incorporation by reference."]

- (A) When determining whether to issue a harbor sediment authorization for lake Erie dredge pursuant to rule 3745-599-400 of the Administrative Code, the director may consider at a minimum the following criteria:
- (1) The geographic area from which the lake Erie dredge was excavated.
 - (2) The extent to which the lake Erie dredge has been dewatered.
 - (3) A characterization of the lake Erie dredge through analysis of all constituents reasonably expected to be present in the lake Erie dredge and sufficient samples as necessary for a statistical analysis.
 - (4) Comparisons of constituent concentrations to established screening levels, restrictions, or standards that include but are not limited to the following:
 - (a) United States environmental protection agency, "Ecological Soil Screening Levels for Aluminum."
 - (b) United States environmental protection agency, "Ecological Soil Screening Levels for Antimony."
 - (c) United States environmental protection agency, "Ecological Soil Screening Levels for Arsenic."
 - (d) United States environmental protection agency, "Ecological Soil Screening Levels for Barium."
 - (e) United States environmental protection agency, "Ecological Soil Screening Levels for Beryllium."
 - (f) United States environmental protection agency, "Ecological Soil Screening Levels for Cadmium."
 - (g) United States environmental protection agency, "Ecological Soil Screening Levels for Chromium."
 - (h) United States environmental protection agency, "Ecological Soil Screening Levels for Cobalt."
 - (i) United States environmental protection agency, "Ecological Soil Screening Levels for Copper."
 - (j) United States environmental protection agency, "Ecological Soil Screening Levels for DDT and Metabolites."
 - (k) United States environmental protection agency, "Ecological Soil Screening Levels for Dieldrin."
 - (l) United States environmental protection agency, "Ecological Soil Screening Levels for Iron."
 - (m) United States environmental protection agency, "Ecological Soil Screening Levels for Lead."
 - (n) United States environmental protection agency, "Ecological Soil Screening Levels for Manganese."
 - (o) United States environmental protection agency, "Ecological Soil Screening Levels for Nickel."
 - (p) United States environmental protection agency, "Ecological Soil Screening Levels for Pentachlorophenol."

- (q) United States environmental protection agency, "Ecological Soil Screening Levels for Polycyclic Aromatic Hydrocarbons (PAHs)."
 - (r) United States environmental protection agency, "Ecological Soil Screening Levels for Selenium."
 - (s) United States environmental protection agency, "Ecological Soil Screening Levels for Silver."
 - (t) United States environmental protection agency, "Ecological Soil Screening Levels for Vanadium."
 - (u) United States environmental protection agency, "Ecological Soil Screening Levels for Zinc."
 - (v) Resident soil screening levels contained in the United States environmental protection agency, "Regional Screening Levels."
 - (w) United States environmental protection agency "Regional screening level (RSL) User's Guide."
 - (x) United States environmental protection agency "Integrated Risk Information System."
 - (y) United States environmental protection agency "Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens."
 - (z) Information regarding ambient background concentrations.
- (5) Information obtained from the army corps of engineers, the national oceanic and atmospheric association, Ohio EPA, the United States environmental protection agency, or any other relevant information deemed acceptable by the director.
- (6) Whether methods are being employed to ensure that the lake Erie dredge is not commingled with solid waste or other contaminants.
- (7) The concentration of cyanotoxins in the lake Erie dredge.
- (8) Any additional criteria deemed necessary by the director.
- (B) A characterization of lake Erie dredge may be conducted by means of testing and analysis in accordance with one or a combination of the following applicable methods or other methods deemed acceptable by the director:
- (1) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846)," including the following:
 - (a) Method 1311, "Toxicity Characteristic Leaching Procedure."
 - (b) Method 1312, "Synthetic Precipitation Leaching Procedure."
 - (c) Method 3050B, "Acid Digestion of Sediments, Sludges, and Soils."
 - (d) Method 3500C "Organic Extraction and Sample Preparation."
 - (e) Method 6010D, "Inductively Coupled Plasma-Optical Emission Spectrometry."
 - (f) Method 7000B or 7010, "Flame Atomic Absorption Spectrophotometry," or "Graphite Furnace Atomic Absorption Spectrophotometry."

- (g) Method 8081B, "Organochlorine Pesticides by Gas Chromatography."
 - (h) Method 8082A, "Polychlorinated Biphenyls (PCBs) by Gas Chromatography Guidance."
 - (i) Method 8260D, "Volatile Organic Compounds by Gas Chromatography/ Mass Spectrometry (GC/MS)."
 - (j) Method 8270E, "Semivolatile Organic Compounds by Gas Chromatography/Mass Spectrometry(GC/MS)."
 - (k) Method 9095B, "Paint Filter Liquids Test."
- (2) Methods described in the following publications:
- (a) American Public Health Association, American Water Works Association, and Water Environment Federation, "Standard Methods for the Examination of Water and Wastewater."
 - (b) "Methods for Chemical Analysis of Water and Wastes (EPA 600/4-79/020)."
 - (c) Ohio environmental protection agency, "Total (Extracellular and Intracellular) Microcystins -ADDA by ELISA Analytical Methodology."
 - (d) United States environmental protection agency, "Determination of microcystins and nodularin in drinking water by solid phase extraction and liquid chromatography/tandem mass spectrometry (LC/MS/MS) (EPA Method 544)."
 - (e) United States environmental protection agency, "Determination of Total Microcystins and Nodularins in Drinking Water and Ambient Water by ADDA Enzyme-Linked Immunosorbent Assay (EPA Method 546)."
- (3) United States environmental protection agency "Leaching Evaluation Assessment Framework for inorganic constituents."
- (4) Other United States environmental protection agency methods or other methods that demonstrate to the satisfaction of the director that the results of the analysis adequately represent constituent concentrations in the lake Erie dredge.

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Certification

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