



Ohio Administrative Code

Rule 3745-599-02 Beneficial use and harbor sediment authorization - definitions.

Effective: February 11, 2024

As used in this chapter, terms are defined as follows:

(A)

(1) "Agronomic benefit" means the promotion or enhancement of plant growth and includes but is not limited to increases in soil fertility and moisture retention.

(2) "Asphalt" means a brown-black solid or semisolid mixture of bitumens obtained from native deposits or as a petroleum byproduct that is used in paving, roofing, and waterproofing.

(3) "Asphalt concrete" means a composite material consisting of asphalt binder and mineral aggregate that is mixed together then laid down in layers and compacted.

(B)

(1) "Beneficial use" means the use of a beneficial use byproduct as an ingredient, as a product, or in a manner that contributes to a manufacturing process or product that does not constitute disposal or cause pollution of any waters of the state. A beneficial use may include but is not limited to the following:

(a) Use for agronomic benefit.

(b) Use as a replacement of a raw material.

(c) Use as a soil amendment.

(d) Use as a fertilizer.



(e) Use as structural fill.

(f) Use as a fuel in accordance with 40 C.F.R. Part 241 (2011).

(2) "Beneficial use byproduct" means a source separated solid waste, industrial waste, or other waste having properties necessary or preferred for beneficial use.

(3) "Best management practices" or "BMPs" means activities, prohibitions or practices, maintenance procedures, and other management practices intended to prevent or reduce the pollution of waters of the state. BMPs also include treatment, operating procedures, and practices intended to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material and beneficial use byproduct storage.

(C)

(1) "Cement" means a pozzolanic material that can bind other materials together, is a powder, and to which both of the following apply:

(a) Includes a mixture of calcined limestone and clay.

(b) Sets and hardens independently.

(2) "Cement concrete" means a construction material that solidifies and hardens independently after mixing with water and that includes cement mixed with any of the following:

(a) Cementitious materials such as fly ash or slag cement.

(b) Aggregate (generally a coarse aggregate such as gravel, limestone, or granite, plus a fine aggregate such as sand).

(c) Chemical admixtures.

(3) "Chip and seal pavement" means a pavement surface treatment that combines a layer of asphalt



with a layer of fine aggregate, constructed by evenly distributing a thin base of asphalt onto an existing pavement and then embedding finely graded aggregate into the pavement.

(4) "Controlled low-strength material" means a self-consolidating cementitious mixture that is intended to result in a compressive strength of twelve hundred pounds per square inch or less.

(5) "Cyanobacteria" means photosynthesizing bacteria, also called blue-green algae, which naturally occur in marine and fresh water ecosystems and may produce cyanotoxins that at sufficiently high concentrations can pose a risk to public health.

(6) "Cyanotoxin" means a toxin produced by cyanobacteria, which include liver toxins, nerve toxins, and skin toxins.

(D)

(1) "Director" means the director of environmental protection or the director's authorized representative.

(2) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any beneficial use byproduct into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage, treatment, or beneficial use in accordance with this chapter.

(3) "Distributor" means a person that provides a beneficial use byproduct to another person for beneficial use.

(4) "Drinking water source protection area for a public water system using ground water" means the surface and subsurface area surrounding a public water system's supply well that will provide water to the well within five years as delineated or endorsed by Ohio EPA under the wellhead protection program and the source water assessment and protection program.

(E) "Emergency management zone" or "EMZ" means the surface and subsurface area in the immediate vicinity of a public water system intake as delineated or endorsed by the Ohio EPA under



the source water assessment and protection program within which the public water supply owner or operator has little or no time to respond to potential contamination from a spill, release, or weather related event. The standard emergency management zone boundary consists of a semi-circle that extends five hundred feet upstream of the intake and one hundred feet downstream of the intake, except as modified due to local conditions.

(F) [Reserved.]

(G)

(1) "Generator" means a person who generates a beneficial use byproduct.

(2) "Ground water" means any water below the surface of the earth in a zone of saturation.

(3) "Grout" means a construction material used to embed rebar in masonry walls, connect sections of pre-cast concrete, fill voids, or seal joints. Grout is generally composed of a mixture of water, cement, sand, and sometimes fine gravel.

(H) "waste" means waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in rule 3745-51-03 of the Administrative Code.

(1) "Hazardous waste" means waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in rule 3745-51-03 of the Administrative Code.

(2) "Household hazardous waste" means solid waste originally generated by individual households that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in rule 3745-51-03 of the Administrative Code. Household hazardous waste is excluded from regulation as a hazardous waste pursuant to paragraph (B)(1) of rule 3745-51-04 of the Administrative Code.

(I) "Industrial waste" has the same meaning as in section 6111.01 of the Revised Code.

(J) [Reserved.]



(K) [Reserved.]

(L)

(1) "Lake Erie dredge" means material excavated or dredged from either a federal navigation channel during harbor or navigation maintenance activities or from adjacent or connected commercial maritime port facilities.

(2) "Liquid waste" means industrial waste or other waste that contains free liquids as determined by the paint filter liquids test in accordance with method 9095B of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846)" as described in rule 3745-599-03 of the Administrative Code.

(M)

(1) "Masonry unit" means manufactured building product that includes but is not limited to materials composed of burned clay, concrete, stone, glass, gypsum, sand, or other residuals.

(2) "Material change" means the composition of the beneficial use byproduct has changed such that either of the following occurs:

(a) The concentration of a known constituent exceeds the concentration limits established in the general or individual beneficial use permit issued pursuant to this chapter.

(b) A new constituent is present in the beneficial use byproduct that was not present or known at the time of the previous characterization.

(N) "Nuisance" means anything which is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons (although the extent of annoyance or damage inflicted upon individual persons may be unequal).



(O)

- (1) "Ohio EPA" means Ohio environmental protection agency.
- (2) "Open burning" has the same meaning as in section 3734.01 of the Revised Code.
- (3) "Open dumping" has the same meaning as in section 3734.01 of the Revised Code.
- (4) "Other waste" has the same meaning as in section 6111.01 of the Revised Code.

(P)

- (1) "Permittee" means any person covered under an effective permit issued pursuant to this chapter.
- (2) "Person" means an individual, the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under section 1.59 of the Revised Code, or other entity.

(Q) [Reserved.]

(R) "Representative sample" means a sample of a universe or whole that can be expected to exhibit the average properties of the universe or whole.

(S)

- (1) "Sediment processing facility" means a site or location to which lake Erie dredge is transferred and at which the lake Erie dredge is dewatered, blended, amended, or otherwise managed prior to distribution or use.
- (2) "Solid waste" has the same meaning as in Chapter 3734. of the Revised Code. As used in the definition of solid waste for the purposes of this chapter, "unwanted" means discarded by the generator or used in a manner that shows the generator no longer reasonably needs or desires the beneficial use byproduct. Unwanted does not include beneficially used in accordance with this



chapter.

(T) [Reserved.]

(U) [Reserved.]

(V) [Reserved.]

(W) "Waters of the state" has the same meaning as in section 6111.01 of the Revised Code.