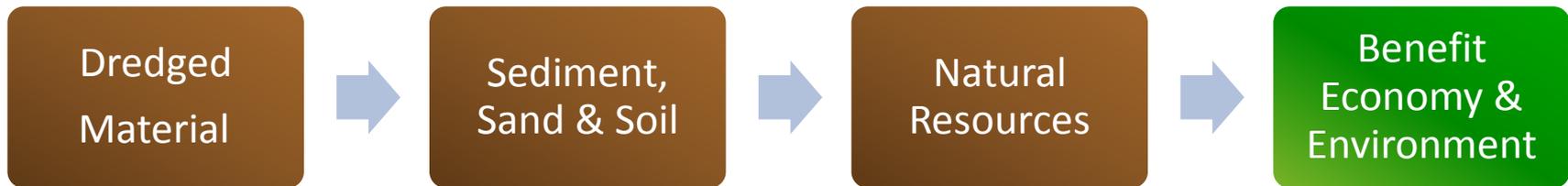


# Ohio Regulatory Requirements for Beneficial Uses

# What is Dredged Material?

- ✓ Soil, sand, silt, clay, rock and organic matter
- ✓ An abundant resource ready for use



- ✓ Minimally an “other waste” under ORC 6111; may also be considered a “solid waste” under ORC 3734.

# Types of Beneficial Uses

- **In-Water Beneficial Uses**

- **Authorized under many state and federal authorities**

- *These projects are complicated. The state and USACE will help identify permitting and authorization requirements on a case-by-case basis*

- **Upland Beneficial Uses**

- **Land Application Management Plan (LAMP)**

- *Materials regulated as "industrial wastes" or "other wastes" (ORC 6111)*

- **Integrated Alternative Waste Management Program (IAWMP)**

- *Materials regulated as "solid wastes" (ORC 3734)*

# Upland Beneficial Uses – Current Program

## LAMPs vs IAWMPs

- **LAMP**

- Typically used for “other waste” or “industrial waste” (excluded from definition of “solid waste”)
- Material is intended for multiple locations

- **IAWMP**

- Typically used for “solid waste”
- Placed in one location, e.g., structural fill at a specific site

# Upland Beneficial Uses – Current Program

## Existing Beneficial Use Authorizations

- 2 LAMPs – Dredged Material from CDF in Cleveland
- Both issued to Kurtz Bros., Inc.
  - June 29, 2015
  - November 5, 2015

# New Beneficial Use Rules

## Applicability

- Uses - - Only applies to upland uses (placed on the on land)
- Materials
  - Foundry sands
  - Drinking water treatment residuals
  - Waste for use as a fuel
  - Sewage sludge incinerator ash
  - **Material excavated or dredged from a Lake Erie federal navigation channel during harbor or navigation maintenance activities**

# New Beneficial Use Rules

## Purpose

- Promote legitimate uses to divert materials from landfills
- Eliminate the need for multiple Ohio EPA authorizations and streamline the process to obtain authorization
- Rule making authorities found in ORC Chapters 3734 and 6111
- Recognize the legitimate and responsible beneficial use of these materials

# New Beneficial Use Rules Framework

- Authorizations by Rule
- General Permits
- Individual Permits

# New Beneficial Use Rules

## Definitions

**Beneficial use** - - Use of “Beneficial use byproduct”:

- As an ingredient
- as a product
- in a manner that contributes to a manufacturing process or product

**Beneficial use byproduct** - - solid waste, industrial waste, or other waste having properties necessary or preferred for beneficial use.

# New Beneficial Use Rules

## General Permits

- Issued by the Director
- Effective for 5 years
- To apply for coverage, send in Notice of Intent
- Contain sampling/characterization and management requirements; includes constituent limits
- Two draft general permits released for public comment
  - Foundry Sand
  - Alum drinking water treatment residuals

# New Beneficial Use Rules

## Individual Permits

- Used when the intended use is not included in the General Permit or limits in the General Permit can't be met
- Similar to current LAMP or IAWMP
- Requires sampling/characterization of material
- Approval and any requirements will depend on material and intended use

# **New Beneficial Use Rules**

## **Dredged Material General Permit(s)**

### **Currently under development**

- May be specific to harbors or geographic locations
- Will include unrestricted (includes residential, agricultural) and industrial/commercial uses
- Will contain sampling/characterization and management requirements
- Will include constituent limits

# New Beneficial Use Rules

## Next Steps

- **June 2016:** Anticipated release of proposed rules, with Ohio EPA public hearing and comment period
- **Summer 2016:** Release Draft General Permit (s) for Lake Erie Dredged Material
  - The general permit to be easy to understand and follow
  - Will seek public input

# New Beneficial Use Rules

## Next Steps – Draft General Permit

**The general permit will be easy to understand and follow**

- Dredged material meeting the limits for a cancer risk goal of  $1 \times 10^{-6}$  will be authorized for unrestricted use
- Will also allow unrestricted use of dredged material meeting the limits for an unrestricted/residential exposure cumulative cancer risk goal of  $1 \times 10^{-5}$
- Will allow alternate demonstration for PAHs and background metals concentrations

# **New Beneficial Use Rules**

Next Steps – Draft General Permit

## **Alternate demonstration for PAHs and background metals:**

- Multi-chemical adjustment for PAHs
- Application of Ohio EPA County-specific background metals soil concentrations
- Demonstrate any naturally occurring metals are at or below background soil concentrations

# Beneficial Use of Dredged Materials

## The Rest of the Story

- Director Butler wants a regulatory framework for dredged material beyond what is contemplated in the Draft Beneficial Use Rules
- Wants dredged material to compete equally with other earthen materials

# Beneficial Use of Dredged Materials

## The Rest of the Story

- Wants to set criteria for when dredged material would not be regulated as a waste and would not need Ohio EPA authorization for use in upland settings
- Can't make those changes without additional statutory authority