

3745-599-10 Beneficial use byproduct incorporated into certain construction materials or used as a fuel or as an ingredient in a combustion unit.

(A) The beneficial use of a beneficial use byproduct as an ingredient in any of the construction materials listed in paragraph (B) of this rule is an authorized beneficial use under this beneficial use program chapter when the following are true:

- (1) The construction materials are produced by a facility meeting the appropriate activity code under the "North American Industry Classification System" (NAICS) or "Standard Industrial Classification" (SIC).
- (2) The beneficial use byproduct is legitimately managed in accordance with rule 3745-599-35 of the Administrative Code.
- (3) The beneficial use of the beneficial use byproduct as an ingredient results in a construction material that meets generally accepted industry specifications for the construction material.

(B) Construction materials:

- (1) Asphalt concrete.
- (2) Cement concrete.
- (3) Chip and seal pavement.
- (4) Controlled low-strength material.
- (5) Grout.
- (6) Glass.
- (7) Masonry unit.

(C) The beneficial use of a beneficial use byproduct in accordance with 40 C.F.R. Part 241, as described in rule 3745-599-03 of the Administrative Code, as a fuel or as an ingredient in a combustion unit is an authorized beneficial use under this beneficial use program chapter if the beneficial use byproduct is legitimately managed in accordance with rule 3745-599-35 of the Administrative Code.

(D) Nothing in this rule limits the applicability of Chapter 3734., 6111., or 3704. of the Revised Code or rules adopted thereunder, or any other applicable environmental laws and regulations.

[Comment: Management and storage of a beneficial use byproduct prior to incorporation as an ingredient into construction materials is subject to the legitimacy criteria in rule 3745-599-35 of the Administrative Code.]