

3745-599-220 Coverage under a general beneficial use permit.

(A) General beneficial use permit coverage.

- (1) Upon receipt of a complete notice of intent that demonstrates that the criteria for general beneficial use permit eligibility have been satisfied, the director may authorize coverage of the applicant under the general beneficial use permit.
- (2) No person is authorized to beneficially use a beneficial use byproduct under authority of a general beneficial use permit until the director issues a written notification or order to that person stating that the beneficial use of the beneficial use byproduct is authorized by a general beneficial use permit.
- (3) Any person authorized to beneficially use a beneficial use byproduct under authority of a general beneficial use permit shall comply with the general beneficial use permit and this chapter.
- (4) Any person authorized to beneficially use a beneficial use byproduct under authority of the general beneficial use permit shall only beneficially use a beneficial use byproduct at a location that has been specified in a general beneficial use permit or identified in a written notification or order stating that the beneficial use is authorized by a general beneficial use permit.
- (5) Coverage under a general beneficial use permit is non-transferable.
- (6) Except as provided in paragraph (G) of this rule, coverage under general beneficial use permit expires upon the expiration date of the general beneficial use permit.

(B) Record keeping. Unless otherwise specified in the general beneficial use permit, the permittee shall maintain and make available the following to Ohio EPA for a period of five years after beneficial use of the beneficial use byproduct has last occurred:

- (1) Records of the annual volume of the beneficial use byproduct that is managed and the amounts beneficially used under the general beneficial use permit.
- (2) Any beneficial use byproduct characterization information required by the general beneficial use permit.
- (3) Any other information required to be maintained by the general beneficial use permit or by the notice or order from the director stating that the beneficial use of the beneficial use byproduct is authorized by the general beneficial use permit.

(C) Administrative change. The director may make an administrative change to the order or written notification specified in paragraph (A)(2) of this rule. An administrative change may include changes to do either of the following:

- (1) Update or correct administrative information including but not limited to the telephone number, address, or name of the contact person of the permittee, generator, or distributor.
- (2) Correct typographical errors.

(D) Change in beneficial use byproduct characteristics.

- (1) The permittee shall notify the director prior to a change in the generating process or when the permittee anticipates a change in the feedstock, input materials, or raw materials used in the generating process and shall include information regarding the following:
 - (a) Whether the beneficial use byproduct is anticipated to continue to meet the specifications of the

general permit.

(b) Whether the change constitutes a material change.

(2) If a change in the generating process, feedstock, input materials, or raw materials constitutes a material change, the director may require the permittee to conduct and submit an additional characterization of the beneficial use byproduct in accordance with rule 3745-599-60 of the Administrative Code.

(3) If at any time the beneficial use byproduct has undergone a material change or does not meet the requirements of the general permit, the permittee shall cease beneficial use and distribution of the beneficial use byproduct and provide written notice to Ohio EPA not later than three days after ceasing beneficial use of the beneficial use byproduct. Beneficial use and distribution of the beneficial use byproduct shall cease until the permittee does one of the following:

(a) Not later than sixty days prior to re-commencing beneficial use and distribution of the beneficial byproduct, the permittee shall perform and submit the following to Ohio EPA:

(i) A characterization of the beneficial use byproduct as required in the general beneficial use permit. The characterization shall include sufficient samples as necessary for a statistical analysis.

(ii) A statistical analysis that demonstrates compliance with the general beneficial use permit.

(iii) An explanation of how re-commencing beneficial use and distribution of the beneficial use byproduct will meet the specifications of the general beneficial use permit and this chapter.

(b) Submits an application for an individual beneficial use permit and obtains an authorization pursuant to this chapter.

(E) Denial of coverage under a general beneficial use permit.

(1) The director shall deny coverage under a general beneficial use permit when information, including but not limited to the notice of intent that is required to be submitted under this chapter, demonstrates non-compliance with this chapter or with any requirements in the general beneficial use permit.

(2) The director may deny coverage for the beneficial use of a beneficial use byproduct at any location where the director determines that the beneficial use may endanger public health, safety, or the environment or if the director determines the beneficial use may create a nuisance or cause or contribute to water pollution or air pollution. In making a determination to deny coverage, the director shall at a minimum consider the following locations:

(a) Within a drinking water source protection area for a public water system using ground water.

(b) Within five hundred feet of a well that provides potable drinking water for human or livestock consumption.

(c) Within an emergency management zone.

(d) Within a flood plain.

(e) Within a location prohibited under division (M) of section 3734.02 of the Revised Code.

(3) The director may deny coverage for the beneficial use of a beneficial use byproduct in the construction of facilities used to treat, store, or convey potable water for human or livestock consumption.

- (4) If coverage under a general beneficial use permit is denied, an applicant may apply for an individual beneficial use permit in accordance with rule 3745-599-310 of the Administrative Code.
- (F) Revocation of coverage under a general beneficial use permit. The director may revoke coverage under a general beneficial use permit if any of the following occur:
- (1) The director finds that there has been a violation of a law, rule, or an authorization issued pursuant to Chapter 3704., 3734., or 6111. of the Revised Code or the rules adopted thereunder, or any other applicable environmental laws and regulations.
 - (2) The director has determined that a nuisance, or an adverse impact to public health, safety, or the environment has been caused by the beneficial use of the beneficial use byproduct.
 - (3) The director has determined that information submitted as the basis for the director's determination to authorize coverage was incomplete, incorrect, or is no longer valid.
 - (4) The director has determined that the beneficial use byproduct or the beneficial use no longer meets the criteria for coverage under the general beneficial use permit.
 - (5) The permittee requests that the director revoke the permittee's coverage under a general beneficial use permit.
- (G) Renewal notice of intent. Unless otherwise specified in the general beneficial use permit, a permittee with coverage under a preceding expired or expiring general permit who seeks coverage under a renewed general beneficial use permit may submit to the director a notice of intent and associated fees in accordance with the requirements specified in rule 3745-599-210 of the Administrative Code. The notice of intent shall be submitted not later than forty-five days after the effective date of the renewed general beneficial use permit. If a notice of intent is submitted in accordance with this paragraph, then the applicant shall be deemed to have temporary coverage under the renewed general beneficial use permit until the director notifies the permittee in writing that coverage under the renewed general beneficial use permit has been authorized or denied.

[Comment: If a notice of intent is not submitted in accordance with paragraph (G) of this rule, coverage under a general beneficial use permit will expire upon the expiration date that was specified in the general beneficial use permit.]

[Comment: If coverage under a notice of intent submitted in accordance with paragraph (G) of this rule is denied, an applicant may apply for coverage under an alternative general beneficial use permit or submit an application for an individual beneficial use permit.]