

**3745-599-345 Compliance demonstration for individual beneficial use permits.**

- (A) Compliance demonstration. An applicant shall develop and submit a proposed compliance demonstration with the individual beneficial use permit application. The proposed compliance demonstration shall describe the sampling and analysis procedures the applicant will use when performing the annual compliance demonstration required by paragraph (B) of this rule and shall include all beneficial use byproducts that the applicant is seeking to beneficially use under the individual beneficial use permit application pursuant to this chapter.
- (1) The proposed compliance demonstration shall include all components of the initial beneficial use byproduct characterization required by rule 3745-599-340 of the Administrative Code.
  - (2) If the proposed compliance demonstration proposes different sampling and analysis than what is performed for the initial beneficial use byproduct characterization demonstration, the applicant shall submit an explanation of each change. The proposed compliance demonstration shall include at a minimum the following:
    - (a) An explanation of any changes made to the list of constituents of concern.
    - (b) An explanation of any changes of the analytical method selected and of the appropriateness of the selected analytical method.
    - (c) An explanation of any changes to the sampling strategy to characterize the beneficial use byproduct by volume or as generated through time.
    - (d) An explanation of any changes to the sample handling techniques or shipping procedures.
    - (e) An explanation of any changes to the sampling strategy followed to obtain representative samples.
    - (f) An explanation of any changes of the sampling strategy including locations and number of samples.
- (B) Unless otherwise specified in an approved individual beneficial use permit and except as provided in paragraph (C) of this rule, the permittee shall annually perform a compliance demonstration for each beneficial use byproduct in accordance with the effective individual beneficial use permit.
- (C) A compliance demonstration is not required annually if the permittee has not beneficially used or distributed the beneficial use byproduct in the past year. Prior to resuming beneficial use or distribution of the beneficial use byproduct, the permittee shall conduct the compliance demonstration in accordance with this rule. If the compliance demonstration documents that the beneficial use of the beneficial use byproduct complies with the approved individual beneficial use permit, the permittee may resume beneficial use or distribution of the beneficial use byproduct.
- (D) If at any time the results of a beneficial use byproduct compliance demonstration indicate that a beneficial use byproduct has undergone a material change involving a known constituent exceeding the limits in the permit, the permittee shall comply with paragraph (A)(2) of rule 3745-599-350 of the Administrative Code.
- (E) If deemed necessary to ensure the protection of public health, safety, or the environment or to prevent a nuisance, the director may require sampling and monitoring for constituents in addition to those identified in the compliance demonstration.
- (F) Record keeping. Unless otherwise specified in the individual beneficial use permit, the permittee shall maintain and make available upon request any compliance demonstration information required by this chapter to Ohio EPA for a period of five years after beneficial use of the beneficial use byproduct has last

occurred.

Effective: 03/31/2017

Five Year Review (FYR) Dates: 03/31/2022

CERTIFIED ELECTRONICALLY

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Certification

10/21/2016

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Date

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