

**3745-599-35 Beneficial use - legitimacy criteria.**

Any person engaging in beneficial use in accordance with this chapter shall engage in only legitimate beneficial use of the beneficial use byproduct. Upon request by Ohio EPA, a person shall demonstrate legitimate beneficial use of a beneficial use byproduct by providing evidence of the following:

- (A) The beneficial use byproduct is managed and stored as a valuable commodity and is appropriately managed to prevent releases to the environment.
- (B) The beneficial use byproduct is not accumulated speculatively. As used in this rule, a beneficial use byproduct is not accumulated speculatively by the person accumulating the beneficial use byproduct if all of the following are true:
  - (1) The beneficial use byproduct has a feasible means of being beneficially used in accordance with a general beneficial use permit or an individual beneficial use permit, or in a manner excluded under rule 3745-599-10 of the Administrative Code.
  - (2) The beneficial use byproduct will be beneficially used in such quantities and over such time frames specified in the beneficial use permit. If the permit does not specify time frames or quantities, upon request by Ohio EPA, the person shall demonstrate that during the preceding calendar year, commencing January first, the amount of beneficial use byproduct that is beneficially used, or transferred to a different site for beneficial use, equals at least seventy-five per cent by weight or volume of the amount of that beneficial use byproduct that was accumulated at the beginning of the calendar year. In calculating the percentage of turnover, the seventy-five per cent requirement is to be applied to beneficial use byproduct of the same type that is beneficially used in the same way (i.e., from which the same material is recovered or that is beneficially used in the same way).

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CERTIFIED ELECTRONICALLY

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Certification

10/21/2016

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Date

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