

3745-599-350

**Changes to the beneficial use byproduct and the individual beneficial use permit.**

(A) Material change in the raw materials or generating process of the beneficial use byproduct.

(1) 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.

(2) If at any time the beneficial use byproduct has undergone a material change or does not meet the requirements of the individual beneficial use 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 cessation. The permittee may resume beneficial use or distribution of the beneficial use byproduct only after doing 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 individual beneficial use permit and this chapter. The characterization shall include sufficient samples as necessary for a statistical analysis.

(ii) A statistical analysis that demonstrates compliance in accordance with the individual 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 individual beneficial use permit and this chapter.

(b) Submits an application for and obtains an authorization pursuant to this chapter.

(B) The director may make an administrative change to an individual beneficial use permit. An administrative change to an individual beneficial use permit is an amendment that does not result in a modification. An individual beneficial use permit may be administratively changed to do the following:

(1) To update administrative information including the telephone number, address, or contact person of the permittee, generator, or distributor.

(2) To correct typographical errors contained in an individual beneficial use permit.

(C) Modification of an individual beneficial use permit.

- (1) The director may modify an individual beneficial use permit in response to changes in applicable laws, rules, or other factors affecting compliance with the terms and conditions of the individual beneficial use permit.
- (2) The permittee may request a modification of an individual beneficial use permit. A request to modify shall at a minimum contain the following:
  - (a) A completed form prescribed by the director.
  - (b) A brief narrative explanation of the modification being requested.
  - (c) The identification of each specific permit requirements related to the requested modification.
  - (d) The rationale for the modification and an evaluation demonstrating that the modification conforms to the following:
    - (i) Maintains equivalent protection as specified in the individual beneficial use permit.
    - (ii) Does not affect any requirements in the individual beneficial use permit that are not part of the modification request.
  - (e) A non-refundable fee of three hundred fifty dollars.
- (3) The modification shall be effective on the date specified in the modified individual beneficial use permit issued by the director.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02, 6111.03, 6111.32  
Rule Amplifies: 3734.02, 3734.05, 6111.03, 6111.32