Ohio Regulatory Requirements for Beneficial Uses
What is Dredged Material?

✓ Soil, sand, silt, clay, rock and organic matter
✓ An abundant resource ready for use
✓ Minimally an “other waste” under ORC 6111; may also be considered a “solid waste” under ORC 3734.
Types of Beneficial Uses

• In-Water Beneficial Uses
  – Authorized under many state and federal authorities
    • *These projects are complicated. The state and USACE will help identify permitting and authorization requirements on a case-by-case basis*

• Upland Beneficial Uses
  – Land Application Management Plan (LAMP)
    • *Materials regulated as "industrial wastes" or "other wastes“ (ORC 6111)*

  – Integrated Alternative Waste Management Program (IAWMP)
    • *Materials regulated as "solid wastes“ (ORC 3734)*
Upland Beneficial Uses – Current Program

LAMPs vs IAWMPs

• **LAMP**
  – Typically used for “other waste” or “industrial waste” (excluded from definition of “solid waste”)
  – Material is intended for multiple locations

• **IAWMP**
  – Typically used for “solid waste”
  – Placed in one location, e.g., structural fill at a specific site
Upland Beneficial Uses – Current Program

Existing Beneficial Use Authorizations

• 2 LAMPs – Dredged Material from CDF in Cleveland

• Both issued to Kurtz Bros., Inc.
  – June 29, 2015
  – November 5, 2015
New Beneficial Use Rules

Applicability

- Uses - - Only applies to upland uses (placed on the on land)
- Materials
  - Foundry sands
  - Drinking water treatment residuals
  - Waste for use as a fuel
  - Sewage sludge incinerator ash
  - Material excavated or dredged from a Lake Erie federal navigation channel during harbor or navigation maintenance activities
New Beneficial Use Rules

Purpose

• Promote legitimate uses to divert materials from landfills

• Eliminate the need for multiple Ohio EPA authorizations and streamline the process to obtain authorization

• Rule making authorities found in ORC Chapters 3734 and 6111

• Recognize the legitimate and responsible beneficial use of these materials
New Beneficial Use Rules
Framework

• Authorizations by Rule

• General Permits

• Individual Permits
New Beneficial Use Rules

Definitions

Beneficial use - - Use of “Beneficial use byproduct”:

– As an ingredient
– as a product
– in a manner that contributes to a manufacturing process or product

Beneficial use byproduct - - solid waste, industrial waste, or other waste having properties necessary or preferred for beneficial use.
New Beneficial Use Rules

General Permits

• Issued by the Director
• Effective for 5 years
• To apply for coverage, send in Notice of Intent
• Contain sampling/characterization and management requirements; includes constituent limits
• Two draft general permits released for public comment
  – Foundry Sand
  – Alum drinking water treatment residuals
New Beneficial Use Rules

Individual Permits

• Used when the intended use is not included in the General Permit or limits in the General Permit can’t be met

• Similar to current LAMP or IAWMP

• Requires sampling/characterization of material

• Approval and any requirements will depend on material and intended use
New Beneficial Use Rules
Dredged Material General Permit(s)

Currently under development

– May be specific to harbors or geographic locations

– Will include unrestricted (includes residential, agricultural) and industrial/commercial uses

– Will contain sampling/characterization and management requirements

– Will include constituent limits
New Beneficial Use Rules

Next Steps

• **June 2016:** Anticipated release of proposed rules, with Ohio EPA public hearing and comment period

• **Summer 2016:** Release Draft General Permit (s) for Lake Erie Dredged Material
  
  – The general permit to be easy to understand and follow
  
  – Will seek public input
New Beneficial Use Rules
Next Steps – Draft General Permit

The general permit will be easy to understand and follow

– Dredged material meeting the limits for a cancer risk goal of $1 \times 10^{-6}$ will be authorized for unrestricted use

– Will also allow unrestricted use of dredged material meeting the limits for an unrestricted/residential exposure cumulative cancer risk goal of $1 \times 10^{-5}$

– Will allow alternate demonstration for PAHs and background metals concentrations
New Beneficial Use Rules

Next Steps – Draft General Permit

Alternate demonstration for PAHs and background metals:

– Multi-chemical adjustment for PAHs

– Application of Ohio EPA County-specific background metals soil concentrations

– Demonstrate any naturally occurring metals are at or below background soil concentrations
Beneficial Use of Dredged Materials

The Rest of the Story

• Director Butler wants a regulatory framework for dredged material beyond what is contemplated in the Draft Beneficial Use Rules

• Wants dredged material to compete equally with other earthen materials
Beneficial Use of Dredged Materials
The Rest of the Story

• Wants to set criteria for when dredged material would not be regulated as a waste and would not need Ohio EPA authorization for use in upland settings

• Can’t make those changes without additional statutory authority