

3745-599-03 Beneficial use and harbor sediment authorization - incorporation by reference.

Incorporation by reference. The text of the incorporated materials is not included in the rules contained in this chapter. The materials are hereby made a part of this chapter. For materials subject to change, only the specific version specified in this rule is incorporated. Any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new version.

(A) Availability. The materials incorporated by reference are available as follows:

- (1) Code of federal regulations (C.F.R.). Information and copies may be obtained by writing to: "U.S. Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000." The full text of the C.F.R. is also available in electronic format at <https://www.ecfr.gov>. The C.F.R. compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (2) Federal statutes. The full text is available in electronic format at <https://www.govinfo.gov/>. These laws are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (3) Specifications of the "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, third edition, including Volume IV, Field Manual (SW-846)." Information and copies may be obtained by writing to: "National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312." The full text is also available in electronic format at <https://www.epa.gov/hw-sw846/sw-846-compendium>. These test methods are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (4) Specifications of the "American Society for Testing and Materials" (ASTM). Information and copies may be obtained by writing to: "ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959." These documents are available for purchase at <http://www.astm.org>.
- (5) Other publications. The availability of these documents is provided in paragraph (B)(4) of this rule. However, many of the documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(B) Incorporated materials.

- (1) Appropriate "Code of Federal Regulations," the regulations listed in this rule are those effective on October 18, 2018 and include 40 C.F.R. Part 241, "Solid Wastes Used as Fuels or Ingredients in Combustion Units."
- (2) Appropriate "Federal Statutes," the statutes listed in this rule are those versions of the laws amended through September 28, 2018, including "Permits for dredged or fill material, 33 U.S.C. 1344."
- (3) Appropriate "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846)," as amended through July 2018 including the following:
 - (a) Method 1311, "Toxicity Characteristic Leaching Procedure."
 - (b) Method 1312, "Synthetic Precipitation Leaching Procedure."

- (c) Method 3050B, "Acid Digestion of Sediments, Sludges, and Soils."
 - (d) Method 3500C "Organic Extraction and Sample Preparation."
 - (e) Method 6010D, "Inductively Coupled Plasma-Optical Emission Spectrometry."
 - (f) Method 7000B or 7010, "Flame Atomic Absorption Spectrophotometry," or "Graphite Furnace Atomic Absorption Spectrophotometry."
 - (g) Method 8081B, "Organochlorine Pesticides by Gas Chromatography."
 - (h) Method 8082A, "Polychlorinated Biphenyls (PCBs) by Gas Chromatography Guidance."
 - (i) Method 8260D, "Volatile Organic Compounds by Gas Chromatography/ Mass Spectrometry (GC/MS)."
 - (j) Method 8270E, "Semivolatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)."
 - (k) Method 9095B, "Paint Filter Liquids Test."
- (4) ASTM D3987-12, "Standard Practice for Shake Extraction of Solid Waste with Water;" adopted November 1, 2012.
- (5) Other publications as follows:
- (a) American Public Health Association, American Water Works Association, and Water Environment Federation "Standard Methods for the Examination of Water and Wastewater;" 23rd Edition, 2017. The full text of this document is available in electronic format at: www.standardmethods.org/.
 - (b) Battelle Memorial Institute, "Visual Sample Plan Version 7.11 User's Guide;" October, 2018. The full text is also available in electronic format at: <https://vsp.pnnl.gov>.
 - (c) Ohio environmental protection agency, "Rainwater and Land Development Manual;" April 25, 2018. The full text is available in electronic format at: https://epa.ohio.gov/dsw/storm/technical_guidance.
 - (d) Ohio environmental protection agency, "Total (Extracellular and Intracellular) Microcystins - ADDA by ELISA Analytical Methodology Version 2.2," November 2015. The full text is available in electronic format at: <https://epa.ohio.gov/Portals/28/documents/labcert/Ohio%20EPA%20DES%20701.0%20Version%202.2.pdf>.
 - (e) Ohio hydrologic soil groups. A listing of these soils can be found on the United States department of agriculture, natural resources conservation services web site at: <https://www.nrcs.usda.gov/wps/portal/nrcs/main/oh/soils/>.
 - (f) Soil temperatures. The Ohio agricultural research and development center at the Ohio state university provides daily site specific data at several sites around Ohio for soil temperatures at the following internet address: <http://www.oardc.ohio-state.edu/weather1/>.
 - (g) United States environmental protection agency, "Beneficial Use Compendium: A Collection of

Resources and Tools to Support Beneficial Use Evaluations, EPA 530-R-16-009," June 2016. The full text is available in electronic format at:

https://www.epa.gov/sites/production/files/2016-06/documents/ben_use_compendium_062216.pdf.

- (h) United States environmental protection agency, "Determination of microcystins and nodularin in drinking water by solid phase extraction and liquid chromatography/tandem mass spectrometry (LC/MS/MS) (EPA Method 544)," September 8, 2015. The full text is available in electronic format at: https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NERL&dirEntryId=306953.
- (i) United States environmental protection agency, "Determination of Total Microcystins and Nodularins in Drinking Water and Ambient Water by ADDA Enzyme-Linked Immunosorbent Assay (EPA Method 546)," August 2016. The full text is available in electronic format at: <https://www.epa.gov/sites/production/files/2016-09/documents/method-546-determination-total-microcystins-nodularins-drinking-water-ambient-water-adda-enzyme-linked-immunosorbent-assay.pdf>.
- (j) United States environmental protection agency, "Ecological Soil Screening Levels for Aluminum," November 2003. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_aluminum.pdf.
- (k) United States environmental protection agency, "Ecological Soil Screening Levels for Antimony," February 2005. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_antimony.pdf.
- (l) United States environmental protection agency, "Ecological Soil Screening Levels for Arsenic," March 2005. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_arsenic.pdf.
- (m) United States environmental protection agency, "Ecological Soil Screening Levels for Barium," February 2005. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_barium.pdf.
- (n) United States environmental protection agency, "Ecological Soil Screening Levels for Beryllium," February 2005. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_beryllium.pdf.
- (o) United States environmental protection agency, "Ecological Soil Screening Levels for Cadmium," March 2005. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_cadmium.pdf.
- (p) United States environmental protection agency, "Ecological Soil Screening Levels for Chromium," April 2008. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_chromium.pdf.
- (q) United States environmental protection agency, "Ecological Soil Screening Levels for Cobalt," March 2005. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_cobalt_.pdf.
- (r) United States environmental protection agency, "Ecological Soil Screening Levels for Copper," February 2007. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_copper.pdf.
- (s) United States environmental protection agency, "Ecological Soil Screening Levels for DDT and_

- Metabolites," April 2007. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_ddt.pdf.
- (t) United States environmental protection agency, "Ecological Soil Screening Levels for Dieldrin," April 2007. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_dieldrin.pdf.
- (u) United States environmental protection agency, "Ecological Soil Screening Level for Iron," November 2003. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_iron.pdf.
- (v) United States environmental protection agency, "Ecological Soil Screening Levels for Lead," March 2005. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_lead.pdf.
- (w) United States environmental protection agency, "Ecological Soil Screening Levels for Manganese," April 2007. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_manganese.pdf.
- (x) United States environmental protection agency, "Ecological Soil Screening Levels for Nickel," March 2007. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_nickel.pdf.
- (y) United States environmental protection agency, "Ecological Soil Screening Levels for Pentachlorophenol," April 2007. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_pcp.pdf.
- (z) United States environmental protection agency, "Ecological Soil Screening Levels for Polycyclic Aromatic Hydrocarbons (PAHs)," June 2007. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_pah.pdf.
- (aa) United States environmental protection agency, "Ecological Soil Screening Levels for Selenium," July 2007. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_selenium.pdf.
- (bb) United States environmental protection agency, "Ecological Soil Screening Levels for Silver," September 2006. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_silver.pdf.
- (cc) United States environmental protection agency, "Ecological Soil Screening Levels for Vanadium," April 2005. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_vanadium.pdf.
- (dd) United States environmental protection agency, "Ecological Soil Screening Levels for Zinc," June 2007. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/eco-ssl_zinc.pdf.
- (ee) United States environmental protection agency, "Integrated Risk Information System," August 30, 2018. The full text is available in electronic format at: <https://www.epa.gov/iris>.
- (ff) United States environmental protection agency internet-based resources relating to BMPs for erosion and sedimentation, including the sector specific "Industrial Storm Water Fact Sheet Series;" July

2017. The full text is available in electronic format at:
<https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series>.
- (gg) United States environmental protection agency, "Background Information for the Leaching Environmental Assessment Framework (LEAF) Test Methods," November 2010. The full text is available in electronic format at: https://clu-in.org/download/remed/EPA_LEAF_P1009TQ9.pdf.
- (hh) United States environmental protection agency, "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, EPA-821-R-02-012;" Fifth Edition, October 2002. The full text is available in electronic format at:
<https://www.epa.gov/cwa-methods/acute-toxicity-wet-methods>.
- (ii) United States environmental protection agency, "Methods for Chemical Analysis of Water and Wastes, EPA 600/4-79/020;" March 1983. The full text is available in electronic format at:
<http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=30000Q10.txt>.
- (jj) United States environmental protection agency, "Methodology for Evaluating Beneficial Uses of Industrial Non-Hazardous Secondary Materials, EPA 530-R-16-011;" April 2016. The full text is available in electronic format at: https://www.epa.gov/sites/production/files/2016-07/documents/-methodology_for_evaluating_beneficial_use_of_secondary_materials_-4-14-16.pdf.
- (kk) United States environmental protection agency, "National Management Measures to Control Nonpoint Source Pollution from Urban Areas, EPA-841-B-05-004;" November 2005. The full text is available in electronic format at:
https://www.epa.gov/sites/production/files/2015-09/documents/urban_guidance_0.pdf.
- (ll) United States environmental protection agency, "National Menu of Best Management Practices (BMPs) for Stormwater;" July 2018. The full text is available in electronic format at:
<https://www.epa.gov/npdes/national-menu-best-management-practices--bmps-stormwater#edu>.
- (mm) United States environmental protection agency, "RCRA Waste Sampling Draft Technical Guidance, Planning, Implementation, and Assessment, EPA 530-D-02-002;" as amended through August 2002. Information and copies may be obtained by writing to "U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington, DC 20460." The full text is also available in electronic format at:
https://www.epa.gov/sites/production/files/2015-10/documents/rwsdtg_0.pdf.
- (nn) United States environmental protection agency, "Regional Screening Levels," May 2018. The full text is available in electronic format at:
<https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables>.
- (oo) United States environmental protection agency, "Regional Screening Levels - User's Guide," May 2018. The full text is available in electronic format at:
<https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide>.
- (pp) United States environmental protection agency, "Risk Assessment of Spent Foundry Sands In Soil-Related Applications, EPA-530-R-14-003;" October 2014. The full text is available in

electronic format at:

https://www.epa.gov/sites/production/files/2016-03/documents/risk_assessment_sfs_in_soil.pdf.

- (qq) United States environmental protection agency, technical support center for monitoring and site characterization, "Statistical Software ProUCL 5.1 for Environmental Applications for Data Sets with and without Nondetect Observations, EPA-600-R-07-041;" June 2016. The full text is available in electronic format at: <https://www.epa.gov/land-research/proucl-software>.
- (rr) United States environmental protection agency, "Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens," March 2005. The full text is available in electronic format at:
<https://www.epa.gov/risk/supplemental-guidance-assessing-susceptibility-early-life-exposure-carcinogens>.

Effective: 2/25/2019

Five Year Review (FYR) Dates: 11/29/2018 and 02/25/2024

CERTIFIED ELECTRONICALLY

Certification

02/13/2019

Date

Promulgated Under: 119.03
Statutory Authority: 6111.32, 6111.035, 6111.03, 3734.02
Rule Amplifies: 121.72, 6111.32, 6111.035, 6111.03, 3734.02
Prior Effective Dates: 03/31/2017