

## MEMORANDUM

To: All DSW and DSIWM Staff

From: Tom Behlen, Chief, DSW and Barb Brdicka, Chief, DSIWM

Subject: Management Directive: Division of Labor Regarding Traditional Waste Management Practices and Alternative Waste Disposal Practices

Date: June 26, 1997

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### **Purpose of this Management Directive:**

The purpose of this directive is to clarify which division, DSW or DSIWM, is to review traditional (Table 2) and alternative waste (Table 1) management proposals, under what authority for disposal to review them, and what type of response is appropriate for the proposal under consideration. This directive is not intended to change, in any major way, past practices of DSW and the policies they utilize. This directive utilizes existing authority in the solid waste law to transfer some of the workload to DSIWM from DSW.

The required authorization outlined in this directive is solely for the disposal part of the practice. Other permits/authorizations may be needed by the applicant, such as NPDES permits, air permits, and/or local permits.

This management directive will become effective on July 1, 1997 and will remain in effect until the rules, outlined under the "Long Term Alternative Waste Management Plan" heading are promulgated.

### **What happened to the term "Beneficial Use"?:**

Even though the term "beneficial use" is common and is even used in OAC Chapter 3745-27, there is no consistent definition of the term. Consequently, the term is confusing as it conveys the idea that there must be a benefit to the use of the waste and that the waste is no longer a waste material since it is being used beneficially. According to OAC Chapter 3745-27, this is not the case. If a waste is created and it is placed into or on the land, the practice is disposal. Alternatives to traditional landfilling are acceptable to Ohio EPA but they are regulated as alternative disposal options.

Consequently, this management directive seeks to refine the common use of the term "beneficial use" by replacing the term "beneficial use" with the two practices we commonly see today -- engineered use and land application. These two practices may be acceptable to Ohio EPA in place of traditional disposal, as outlined in the Table 2.

### **Overlapping Definitions of "Waste" Helps Create Confusion:**

In ORC 6111, there are definitions for "other waste" and "industrial waste". In fact, there are two different definitions for "industrial waste", one in ORC 6111.01 and one in ORC 6111.45.

"Industrial waste" as defined broadly in ORC 6111.01 does not have to be a liquid but can be a solid or a gas but it must be a liquid in ORC 6111.45. "Other waste" is a broad category that includes what is typically known as solid wastes and other types of wastes. In OAC Chapter 3745-27, there is a definition of "solid waste" which includes solids and semi-solids that pass the paint filter test. As a result, all OAC Chapter 3745-27 solid wastes are "other wastes" or "industrial wastes" under ORC 6111 but not all "industrial wastes" or "other wastes" are solid wastes.

This overlapping authority in the definition causes confusion for both OEPA staff and the regulated community regarding which division, DSIWM or DSW, is to regulate the practices associated with the waste.

### **Division of Labor:**

Given the dual authority in the waste definitions, to decide which division actually manages the activity associated with the waste, OAC Rule 3745-27-03 (H) should be consulted first. This solid waste rule exempts certain solid waste management practices (e.g., pond or lagoon operations managed under ORC 6111) from having to obtain a solid waste permit and license to dispose of the solid waste.

In 1990 when the rule was written, the primary purpose of paragraph (H) in this rule was to eliminate the double regulation between DSW and DSIWM of activities dealing with solid waste semi-solids, commonly termed sludges. The only "beneficial use" requests we had at the time dealt primarily with land application of sludge. Consequently, OAC 3745-27-03(H)(3) states:

"Chapters 3745-27 and 3745-37 of the Administrative Code shall not apply to beneficial uses, other than beneficial use of scrap tires, such as sludge application, which are authorized under Chapter 6111. of the Revised Code, provided that the beneficial use will not occur at a solid waste facility as defined in section 3734.01 of the Revised Code including, but not limited to, the following solid wastes:

- (a) Lime sludge. Lime sludge is defined as material resulting from the treatment of a water supply for drinking or industrial purposes;
- (b) Sewage Sludge;
- (c) Industrial Sludge;
- (d) Residual wastes defined in Chapter 3745-30 of the Administrative Code."

It was envisioned by the rule writers that this rule would apply to all the different types of solid waste sludge, and exempt these solid wastes from the license and permit requirements under the solid waste law, provided the use was land application, and it was authorized under ORC 6111.

It is from this rule that we took our cues on how to divide the workload regarding "beneficial use." As we all know, in 1997, the universe of requests for alternatively managing wastes has expanded beyond land application to engineered uses and beyond just sludges to "solid" solid wastes. So, the 1990 rule that we must work from is not really as practical today as it was back in 1990. As a result, there is a logic disconnect and complexity in the division of labor outlined in the Tables presented in this directive. The complexity is because we are following the existing statutes and rules. We know there is a simpler way to administer this program but we can't pursue it until this rule is revised, which is another time consuming process. It is our intent to fix this rule with the initiation of the long term plan outlined in the last section below.

#### **DSIWM:**

Under the traditional programs outlined in Table 2, DSIWM regulates by permit/license/registration, the landfilling of all types of solid wastes and C&DD; the incineration of solid wastes, the "beneficial uses" of scrap tires, and the composting of solid waste.

Under the alternative programs outlined in Table 1, DSIWM will review via OAC 3745-27-05(A) and ORC 3734.02(G), proposals for the engineered use(s) of municipal, industrial, residual solid wastes that are solid and semi-solid; for the engineered uses of C&DD; land application of municipal and industrial (OAC 3745-27 and -29) solid wastes that are solids (excludes semi-solids like sludges); and land application of semi-solids at solid waste facilities regulated by ORC 3734. DSIWM will also review engineered use proposals for exempt wastes at solid waste facilities regulated under ORC 3734.

#### **DSW:**

Under the traditional program outlined in Table 2, DSW regulates the landfilling and engineered uses of exempt wastes. DSW also regulates the land application of liquid sewage, liquid industrial wastes, sewage sludge, and industrial sludges as well as lagoon/surface impoundments for industrial sludges. DSW also regulates landfilling of all "other wastes" as that term is defined in ORC 6111.01.

Under the alternative programs outlined in Table 1, even though this has been a traditional program in DSW, it is reiterated in Table 1 that DSW regulates the land application of industrial and residual semi-solid (sludge) solid waste regulated under OAC Chapters 3745-29 and -30, sewage sludges, and lime sludges. Land application at facilities regulated under ORC 3734 is regulated by DSIWM. It is also reiterated from the traditional table that DSW regulates the engineered use of exempt wastes except at solid waste facilities regulated under ORC 3734.

### **Division of Labor Implementation Issues:**

As with any division of labor, there will be grey areas. We anticipate that one big grey area is what is land application versus disposal versus engineered use and how much waste placement is too much (i.e., when is an "engineered use" or "land application" proposal really just "disposal" in disguise). Since the two programs at the district level are involved with the projects, if there is a question as to what the activity is, it will need to be resolved to the satisfaction of both programs at the district level. Central Office DSIWM and DSW are available for consultation in situations that can't be resolved at the district level.

### **Long Term Alternative Waste Management Plan:**

Due to H.B. 106 (enacted by the 121st General Assembly in 1996), DSW management fully recognizes the need to convert the policies that are currently used to implement these alternative waste management practices into rules. To do this in concert with how the other divisions, namely DSIWM, interpret waste management practices, a DSW/DSIWM team has been created to put together the framework, in concept paper format with interested party input, for an integrated alternative waste management program at Ohio EPA. By integrated, we mean that all affected divisions' (DSW, DSIWM, DHWM, DERR) roles will be coordinated and will fit together logically, unlike the framework outlined in today's division of labor directive. This framework may include the need for statutory modification. It is estimated that with interested party input, the process of putting together an acceptable framework will take the better part of the next two years.

### **Conclusion:**

Please review the attached tables and the explanation of the tables carefully before implementing the program, as some of the workload shifted from DSW to DSIWM. Should you have questions about how to implement the tables or in resolving grey areas, please contact Ernie Stall or Ildi Pallos in DSIWM-CO or Greg Sanders DSW-CO.

We appreciate your willingness to work through this cumbersome process in the short term to aid Ohioans in fulfilling the state plan goals of reducing reliance on landfilling through the reuse of solid wastes.

BB/ES/dk

Attachments

cc: Jenny Tiell, Deputy Director (with Attachments)  
Kate Bartter, Deputy Director (with Attachments)  
Al Franks, Acting Deputy Director (with Attachments)  
All District Chiefs (with Attachments)

## Summary of Ohio Revised Code (ORC) and Ohio Administrative code (OAC) References:

Ohio Revised Code (ORC):

### **ORC Chapter 3704**

#### **Air Pollution Control**

### **ORC Chapter 3714**

#### **Construction and Demolition Debris**

#### Section .04

#### Exemption where disposal of debris is unlikely to have adverse effects

This section of the construction and demolition debris statute gives the licensing authority the authority to exempt the owner or operator of a C&DD facility from provisions of ORC Chapter 3714. and OAC 3745-400.

### **ORC Chapter 3734**

#### **Solid and Hazardous Wastes**

#### Section 02

#### Director of Environmental Protection to adopt rules for inspection and licensing of solid waste facilities; variances, prohibitions; temporary emergency permit

Division (G)

This division of the solid and hazardous waste statute gives the Director of the Ohio EPA the authority to issue exemptions for provisions of ORC Chapter 3734.

### **ORC Chapter 6111**

#### **Water Pollution Control**

#### Section 03

#### Powers of the Director of Environmental Protection

This section of the water pollution control statute gives the Director of the Ohio EPA the authority to, amongst other things, approve or deny permits for discharges to surface waters and for the installation or modification of disposal systems.

#### Section 04

#### Acts of pollution prohibited; exceptions

This section of the water pollution control statute prohibits the placement of sewage, industrial waste, or other wastes in a location where they cause pollution of waters of the state, unless a valid permit has been issued by the Director of the Ohio EPA for placement.

#### Section 44

#### Approval of Director of Environmental Protection Required

This section of the water pollution control statute prohibits anyone from providing or installing sewerage or treatment works for sewerage disposal or change in any sewerage or sewerage treatment works without approval from the Director of the Ohio EPA.

Section 45

Approval of Plans for Disposal of Waste

This section of the water pollution control statute prohibits anyone from establishing or changing an operation for the disposal of waste or establishing works for the treatment or disposal of waste until the plans have submitted to and approved by the Director of the Ohio EPA.

Section 46

General Supervision of Disposal

This section of the water pollution control statute gives the Ohio EPA the authority to regulate the disposal of sewerage and industrial wastes, including the construction, operation, and maintenance of works installed for the collection, treatment, or disposal of sewerage and industrial wastes.

Ohio Administrative Code (OAC):

**OAC Chapter 3745-27**

**Municipal Solid Waste Landfill Regulations**

Rule 01

Definitions

Paragraph (B)(1)

Alteration

This paragraph of the municipal solid waste landfill regulations defines alteration as "a change to a facility from the requirements specified in the facility's authorizing document(s), other than a 'modification' as that term is defined in rule 3745-31-01 of the Administrative Code, which require written concurrence by Ohio EPA."

Rule 03

Exemptions

Paragraph (H)(3)

This paragraph of the municipal solid waste landfill regulations establishes that OAC 3745-27 and OAC 3745-37 do not apply to beneficial uses of lime sludge, sewage sludge, industrial sludge, and residual wastes which are authorized under ORC Chapter 6111., provided the use does not occur at a solid waste facility.

Rule 05

Authorized, limited, and prohibited solid waste disposal methods

Paragraph (A)(4)

This paragraph of the municipal solid waste landfill regulations gives the Director of the Ohio EPA the authority to approve methods for disposing of solid waste other than landfilling, composting, or incineration, provided that disposing of solid waste according to the method will not create a nuisance or a health hazard, will not cause water pollution, and will not violate OAC 3745 or ORC 3704.

<u>Rule 13</u>	<p><u>Authorization to engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated</u></p> <p>This rule of the municipal solid waste landfill regulations establishes the need for anyone wanting to conduct any of the above mentioned activities on land where a hazardous waste facility or a solid waste facility was operated to obtain authorization from the Director of the Ohio EPA prior to conducting the activity. This rule also establishes those activities for which the rule does not apply as well as the information that must be provided to the Director of the Ohio EPA.</p>
<u>Rule 33</u>	<u>Ohio NPDES Individual Permits</u>
<u>Rule 40</u>	<p><u>Classification of solid waste composting facilities</u></p> <p>This rule of the municipal solid waste landfill regulations establishes the classification system for solid waste composting facilities and defines what materials each class can receive and the requirements that must be met by each class.</p>
Paragraph (B)(1)(b)	<p>This paragraph of the municipal solid waste facility regulations requires approval of the Director of the Ohio EPA before materials other than those specified in rule can be composted or used as bulking agents or other additives.</p>
<u>Rule 41</u>	<p><u>Registration requirements for Class II, III, and IV composting facilities</u></p> <p>This rule of the municipal solid waste landfill regulations outlines the requirements that must be fulfilled to register a Class II, III, or IV composting facility</p>
<u>Rule 42</u>	<p><u>Permit to install application for Class I Solid Waste Composting Facilities</u></p> <p>This rule of the municipal solid waste landfill regulations outlines the requirements that must be fulfilled to permit a Class I composting facility</p>
<u>Rule 45</u>	<u>Solid waste composting facility operations</u>
Paragraph (D)(3)	<p>This paragraph of the municipal solid waste landfill facility regulations requires composting facilities accepting primarily animal wastes to have an operation and management plan approved by the board of supervisors of the soil water conservation district where the facility is located</p>
<u>Rule 78</u>	<u>Beneficial Use of Scrap Tires</u>
Paragraph (D)	Authorized beneficial uses of whole scrap tires

This paragraph of the municipal solid waste landfill regulations establishes those beneficial uses of whole scrap tires that can occur without having to notify the Ohio EPA, with certain exceptions.

Paragraph (E)

Authorized beneficial uses of shredded scrap tires

This paragraph of the municipal solid waste landfill regulations establishes those beneficial uses of shredded scrap tires that can occur without having to notify the Ohio EPA.

**OAC Chapter 3745-29**

**Industrial Solid Waste Landfill Regulations**

**OAC Chapter 3745-30**

**Residual Solid Waste Landfill Regulations**

**OAC Chapter 3745-31**

**Permit to Install New Sources of Pollution**

Rule 01

Definitions

Paragraph (KK)(2)

Modify or Modification

This paragraph of the permit to install regulations defines modification (for a solid waste disposal facility) as "A solid waste disposal facility undergoing:

(a) Any substantial change, including but not limited to a vertical expansion or a new unit, in:

- (i) The total capacity; or
- (ii) The finished topography; or
- (iii) The depth of excavation; or

(b) A substantial change, which may endanger human health, in:

- (i) Technique of waste receipt; or
- (ii) Type of waste received; or
- (iii) Type of equipment used; or

(c) A change in the authorized maximum daily waste receipt established for the solid waste disposal facility; or

(d) An "Environmental improvement" in accordance with paragraph (D) of rule 3745-27-07 of the Administrative Code; or

(e) Any other substantial change of said solid waste disposal facility, unless performed in response to the terms of a permit or order of the Ohio EPA.

Rule 02

Requirements

Paragraph (A)

Permit to install

This paragraph of the permit to install regulations requires anyone installing a new source of air pollution, a new disposal system, or a new solid waste disposal facility or modifying an air contaminant source, a disposal system, or a solid waste disposal facility to obtain a permit to install from the Director of the Ohio EPA.

Paragraph (B)

Land application of sludge

This paragraph of the permit to install regulations prohibits anyone from land applying sludge without first submitting and obtaining approval of detail plans from the Director of the Ohio EPA

**OAC Chapter 3745-37**

**Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities**

**OAC Chapter 3745-400**

**Disposal Methods for Construction Demolition Debris; Site and Facility Requirements**

Rule 05

Clean Hard Fill

This rule of the construction and demolition debris regulations establishes acceptable uses for clean hard fill

Rule 07

Facility Design Requirements And Construction Specifications

Paragraph (F)(5)(c)(iv)

This paragraph of the construction and demolition debris regulations provides the requirements for drainage medium. The paragraph states that the medium may consist of other suitable waste materials which is defined as drainage materials such as non-toxic spent foundry sand, non-toxic bottom ash, non-toxic slag, and shredded tires.

Rule 15

Modifications and Exemptions

Paragraph (A)

Facility Modifications

This paragraph of the construction and demolition debris regulations defines what constitutes a modification of a construction and demolition debris facility.

Introduction to  
Table 1: Alternative Waste Management (AWM) Practices  
And Their Associated Programmatic and Regulatory Requirements

The following table lists possible alternative waste management practices for various types of waste materials, and the associated program and regulatory requirements for each alternative waste management practice. This table reflects the proposed program leads and regulations in the interim phase prior to implementation of statutory changes.

C Summary of acronyms:

C&DD - Construction and Demolition Debris  
DAPC - Division of Air Pollution Control  
DDAGW - Division of Drinking and Ground Water  
DMR - Division of Mines and Reclamation  
DSIWM - Division of Solid and Infectious Waste Management  
DSW - Division of Surface Water  
FGD - Flue Gas Desulfurization Waste  
NPDES - National Pollutant Discharge Elimination System  
OAC - Ohio Administrative Code  
ODNR - Ohio Department of Natural Resources  
Ohio EPA - Ohio Environmental Protection Agency  
ORC - Ohio Revised Code  
PCS - Petroleum Contaminated Soil  
PTI - Permit to Install  
UIC - Underground Injection Control  
AML - Abandoned Mine Lands

C Two general types of alternative waste management practices have been identified:

1. **Engineered Use** - The use of waste material as a substitute for material that would normally be used to support some type of structure. Such activities include structural fills, pipe bedding, road base, backfill and other construction uses. Engineered uses at a facility include alternative daily cover, cap material, pond liners, drainage material, frost protection layer, fire retardant material, etc.
2. **Land Application** - The spreading of waste materials onto or the incorporation of waste materials into the soil for purposes of increasing the nutrient availability of the soil or adding nutrient value, where such use does not endanger human health or the environment. Note that using waste material as a substitute for soil does not qualify as land application. Agronomic rate is defined as the application rate of a material in or on the soil which enhances the fitness of a soil to support plant growth. Specific indicators used to determine the appropriate agronomic rate include: nutrient availability, organic matter content, infiltration (porosity), water-holding capacity, and pH.

Solid Waste Management Districts can credit any solid waste that is land applied or used for an engineered use toward their goal of recycling or reducing 50 percent of their industrial solid waste (or reducing the generation by 50 percent) by the year 2000 (OAC 3745-27-90(E)(2)(b)).

These alternative management practices differ from traditional waste management methods of solid wastes, exempt waste, dredged material, livestock waste and the like, that are regulated by DSW, DSIWM and ODNR. Traditional methods of waste management, such as disposal in an engineered facility or composting, are outlined in further detail in Table 2.

C There are seven general categories of waste addressed in this table:

**1. Solid Waste** - means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste, or waste from mining operations. For purposes of alternative waste management, this category does include scrap tires, yard waste, cured composted waste, PCS, and food waste, but does not include compost from Class IV composting facilities.

Food waste includes, but is not limited to, vegetative waste such as discarded fruit, vegetables, or foliage resulting from agricultural processes, and vegetative waste resulting from the use of commercial products such as discarded flowers, fruit or vegetables. Food waste also includes vegetative waste from industrial processing, such as food processing wastes, and includes food waste from restaurants.

**2. Residual Waste** - is a specific type of solid waste generated by the following seven operations: fuel burning operations regulated by OAC 3745-17-10 (air and water pollution control wastes); foundry operations (air pollution control dust, wastewater treatment plant sludge, all unspent foundry sand, spent toxic foundry sand); pulp and papermaking operations (wastewater treatment plant sludges, lime mud, lime grit, sawdust, wood chips, bark, hydropulper rejects); steelmaking operations (air pollution control dust, wastewater treatment plant sludges, dust from steel processing and finishing operations, water softening sludge, flux material); gypsum processing plant operations (gypsum wallboard paste, paper surface preparation dust, wastewater treatment plant sludge); lime processing operations (air pollution control dust and/or sludge); and, portland cement operations (air pollution control dust). In addition, the director can approve other processing wastes for any of these seven operations that have similar characteristics as the above-itemized wastes.

**3. Exempt Solid Waste** - Nontoxic bottom ash, fly ash, spent nontoxic foundry sand and slag are excluded from the definition of solid waste in the statute. ("Nontoxic" is defined in Ohio EPA policy DSW 0400.007, *Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Foundry Sand, and Other Exempt Wastes.*) C&DD is also excluded from the definition of solid waste, but is regulated separately under ORC 3714.

**4. Construction and Demolition Debris (C&DD)** - Those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. This category does not include materials identified or listed as solid wastes, infectious wastes, or hazardous wastes; or materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced

concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.

- 5. Industrial sludge** - This category includes water treatment and wastewater sludge and liquid food waste. For purposes of this program, industrial sludges are always regulated as sludges, regardless of the phase the sludge material takes at the time of disposal. If an industrial process produces a wet material (sludge) and that material is placed in a lagoon and the lagoon is subsequently dredged, then the disposal of the dredged material is regulated by DSW regardless of whether the material is liquid or solid.
- 6. Sewage sludge** - Composted sewage sludge (with or without yard waste added) is regulated under ORC 6111 by DSW.
- 7. Lime sludge** - Material resulting from the treatment of a water supply for drinking or industrial purposes.

There are other wastes regulated by DSW (e.g., waste oil, dredgings, mining waste such as coal waste) that are not included in the alternative waste management table, but are included in the traditional management table. DSW and DSIWM are jointly preparing a guidance document for managing river dredgings.

For purposes of alternative waste management practices (i.e., other than disposal), in general, when the waste types listed above are mixed, the mixture becomes regulated the same as the most strictly-regulated waste in the mix. Thus:

solid waste + exempt waste = solid waste  
solid waste + C&DD = solid waste  
exempt waste + (class I-III) compost = solid waste  
composted sludge = solid waste

- C There are four general types of locations/facilities where these alternative waste management practices can be implemented. Alternative waste management practices at transfer facilities or composting facilities are not covered in this table, but are locations that can be considered on a case-by-case basis.
- 1. Solid waste facilities** - These facilities are licensed and permitted, and include municipal solid waste, industrial and residual waste landfills. The alternative waste management practices presented in Table 1 are applicable to proposed or operating sites only. Any activity such as filling, grading, excavating or building at a closed site may require prior authorization under OAC 3745-27-13(C)
  - 2. C&DD landfill facilities** - These facilities are licensed.
  - 3. ODNR-regulated mine sites** - These facilities include active surface coal mining operations permitted under ORC 1513 and abandoned mine lands where ODNR-DMR is conducting reclamation.

**4. Other sites** - These locations refer to any location other than a landfill or active/inactive mine site.

C Ohio EPA requires two general types of authorization for handling waste. For purposes of this table, "required authorization" refers to those regulatory approvals which must be obtained from the director of Ohio EPA before an alternative use can be performed. Required authorization does not include permits required by DSW under the authority of ORC 6111 for the NPDES program or construction permits, or any permits required by DAPC under ORC 3704. These tables have been prepared primarily from the permitting perspective; additional authorization may also be required in the form of licenses.

**1. Permit to Install (PTI)** - This authorization is required from DSIWM for constructing any type of structure in which solid waste will be placed. DSW requires a PTI for any construction project that is regulated under ORC 6111 (e.g., wastewater treatment plant, stormwater permit).

**Exemption** - Note that according to ORC 3734.02(G), the director can exempt the applicant from any PTI requirements under this chapter if the director determines that the exemption will not adversely affect public health or safety, or the environment. In addition, if solid waste is disposed of by a method other than in a sanitary landfill, incineration, or composting, then an exemption under OAC 3745-27-05(A)(4) is required.

An existing ORC 3734 PTI can be changed in two ways:

**Modification** - This is a proposed change which requires a PTI.

**Alteration** - This is a proposed change which is not significant enough to be a modification, but is significant enough to require written DSIWM concurrence.

**2. Plan approval** - This authorization is required from DSW when waste other than solid waste is being used for land application. A plan approval can be incorporated into a PTI required under ORC 6111.

For engineered uses of exempt waste, there are other review mechanisms. Ohio EPA policy DSW 0400.007 (*Beneficial use of Nontoxic Bottom Ash, Fly Ash, and Spent Foundry Sand, and Other Exempt Wastes*) will apply. The policy establishes four categories of use.

For Category I or II use, no prior Ohio EPA review or notification is required. Individuals performing Category II uses are also required to submit an annual report to DSW at the appropriate Ohio EPA district office, and to meet the isolation distances and other criteria specified in the policy.

For a Category III use, notification is required to be provided to Ohio EPA at least 30 days prior to the use occurring. Individuals performing Category III uses are also required to meet the isolation and other criteria specified in the policy.

For a Category IV use, consent from Ohio EPA must be obtained and notification must be provided to Ohio EPA at least 60 days prior to the use occurring. Consent from Ohio EPA

for Category IV uses will consist of correspondence from DSW. The request for the consent should be submitted in accordance with Ohio EPA policy DSW 0400.007.

C The alternative waste management table is organized in the following order, with a brief identification of work load allocation (see Table 1 for details):

A. Engineered use

1. **Exempt waste** (by site where alternative management will occur - solid waste landfill facilities, C&DD facilities, active/inactive mine sites, or other) - DSW correspondence under Ohio EPA policy DSW 0400.007, except at ORC 3734 regulated facilities
2. **Solid waste** ( "" ) - DSIWM exemptions under OAC 3745-27-05(A)(4) and ORC 3734.02(G)
3. **Residual waste** ( "" ) - DSIWM exemptions under OAC 3745-27-05(A)(4) and ORC 3734.02(G)
4. **C&DD** ( "" ) - Licensing Authority exemption (and possibly DSIWM)

B. Land application

1. **Exempt waste** (by site where alternative management will occur - solid waste landfill facilities, C&DD facilities, active/inactive mine sites, or other) - DSW PTI or plan approval under ORC 6111, except at ORC 3734 regulated facilities
2. **Solid waste** ( "" ) - DSIWM exemptions under OAC 3745-27-05(A)(4) and ORC 3734.02(G)
3. **Residual waste** ( "" ) - DSW PTI or plan approval under ORC 6111 (solids: OAC 3745-31-02(A); sludges: OAC 3745-31-02(B))
4. **C&DD** ( "" ) - Licensing Authority exemption (and possibly DSIWM)
5. **Industrial sludge** ( "" ) - DSW plan approval under OAC 3745-31-02(B), except at ORC 3734 regulated facilities
6. **Sewage sludge** ( "" ) - DSW plan approval under OAC 3745-31-02(B), except at ORC 3734 regulated facilities
7. **lime sludge** ( "" ) - DSW plan approval under OAC 3745-31-02(B), except at ORC 3734 regulated facilities

Note that there are no engineered uses for sludges.

TABLE 1

ALTERNATIVE WASTE MANAGEMENT PRACTICES AND THEIR ASSOCIATED PROGRAMMATIC AND REGULATORY REQUIREMENTS<sup>1</sup>

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
<b>Engineered Uses:</b>						
<u>Exempt Wastes</u>						
Review of engineered uses of exempt wastes at solid waste facilities (both within and outside the limits of solid waste placement)	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM - DO	DSW	ORC Chapter 3734  OAC Chapter 3745-27	Refer to the Ohio EPA policy DSW 0400.007 ( <u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Foundry Sand, and Other Exempt Wastes</u> ) when appropriate for technical review of the use request.	Examples of engineered uses of exempt wastes at solid waste facilities include alternative daily cover material, alternative drainage layer material, frost protection layer, etc.  If the local health department is approved to perform the licensing responsibilities of the solid waste program, then the DSIWM - DO person assigned to the project (i.e. the engineer or inspector assigned to the county in which the facility is located) will contact the local health department to keep them informed of alternative use activities that are occurring within the health department's jurisdiction.
Review of use of exempt waste as drainage medium at a C&DD disposal facility	Possibly a facility modification	Licensing Authority <sup>3</sup>		ORC Chapter 3714  OAC Chapter 3745-400-07(F)(5)(c)(iv)  OAC Chapter 3745-400-15(A)		Because it is approved in OAC Rule 3745-400-07(F)(5)(c)(iv), the use of exempt waste as drainage medium in C&DD disposal facilities has been predetermined not to require subsequent approval in accordance with ORC Chapter 6111. The use of exempt waste as drainage medium is the only engineered use of exempt waste that is pre-approved by rule for C&DD disposal facilities.  If the use of the exempt waste as drainage medium was not approved through the facility license and if the use constitutes a substantial change to the C&DD facility, then the licensing authority can require the owner or operator of the facility to obtain a facility modification. The determination as to whether or not a modification is necessary will be made by the licensing authority.  If the local health department is the licensing authority, then the health department will notify the DSIWM - DO inspector assigned to the county in which the facility is located regarding the use activity.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
<p>Review of engineered uses of exempt wastes at C&amp;DD facilities (except for use as drainage medium)</p>	<p><b>Either</b></p> <p>Obtain consent from Ohio EPA, DSW and provide notification to Ohio EPA, DSW at least 60 days prior to conducting the use (if use qualifies as a Category IV beneficial use in accordance with Ohio EPA policy DSW 0400.007)</p> <p><b>or</b></p> <p>PTI (see comments)</p> <p><b>and</b></p> <p>Possibly a facility modification from the licensing authority</p>	<p>DSW</p>	<p>Licensing Authority<sup>3</sup></p>	<p>ORC Chapter 6111 Section 03 Section 04</p> <p>OAC Chapter 3745-31-02(A)</p> <p>OAC Rule 3745-400-15(A)</p>	<p>Refer to Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Foundry Sand, and Other Exempt Wastes</u>) when appropriate.</p> <p>Former Ohio EPA policy DSW 0400.027 (<u>Use of Blast Furnace and Steel Slag</u>) can be referenced for technical assistance purposes.</p>	<p>Examples of engineered uses of exempt wastes at C&amp;DD facilities include fire retardant material, pipe bed material, road base, and other construction uses.</p> <p>In the past, the Ohio EPA, DSW has reviewed the use of exempt wastes as fire retardant material at C&amp;DD disposal facilities as a Category IV beneficial use (in accordance with Ohio policy DSW 0400.007). Past correspondence acknowledging the acceptability of this use has stipulated that C&amp;DD facilities without leachate collection systems should not accept exempt waste in an amount that is more than 5% (by weight) of the total waste acceptance for the facility. It has been the Ohio EPA, DSW's position that engineered uses of exempt wastes at C&amp;DD facilities without leachate collection systems where the use would involve the acceptance of exempt waste in an amount greater than 5% of the total waste acceptance would constitute disposal. As a result, the owner or operator of the facility would be required to obtain a permit, in accordance with ORC Chapter 6111, and a license from the licensing authority as a co-disposal facility for C&amp;DD and exempt waste. It is expected that DSW will continue to review engineered uses of exempt wastes at C&amp;DD facilities similarly in the future, although the conditions specific to ease use request will be taken into account and each request will be considered on a case-by-case basis. In addition, in order to maintain consistency, DSW expects that the 5% threshold will be applied to other proposed engineered uses of exempt waste at C&amp;DD disposal facilities without leachate collection systems (e.g. use of exempt waste as void fill/stabilization material).</p> <p>At C&amp;DD facilities with leachate collection systems, DSW has issued correspondence acknowledging the acceptability of the use of exempt waste as fire retardant material in an amount up to 25% of the total waste acceptance for the facility as a Category IV beneficial use (in accordance with Ohio policy DSW 0400.007). Future requests proposing the use of exempt wastes in amounts greater than 25% of the total waste volume of the facility will be reviewed on a case-by-case basis to determine whether or not the use qualifies as disposal.</p> <p>If the license for the C&amp;DD facility is conditioned to prohibit the facility from accepting exempt waste materials, then the engineered use, using exempt waste material, could not occur at that facility.</p> <p>If the use constitutes a substantial change to the C&amp;DD facility, then the licensing authority can require the owner or operator of the facility to obtain a facility modification. The determination as to whether or not a modification is necessary will be made by the licensing authority.</p> <p>If the local health department is the licensing authority, then DSW will contact a member of DSIWM (either the engineer or inspector with jurisdiction) at the appropriate district office regarding the use activity. DSW will also coordinate with the local health department prior to taking an action regarding the use activity.</p>
<p>Review of engineered uses of exempt wastes at ODNR-regulated mine sites<sup>4,5</sup></p>	<p>See Endnote 5</p>	<p>See Endnote 5</p>	<p>See Endnote 5</p>	<p>See Endnote 5</p>	<p>See Endnote 5</p>	<p>See Endnote 5</p>

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Review of engineered uses of exempt wastes at sites other than solid waste facilities, other disposal facilities, and ODNR regulated mine sites <sup>4</sup>	<p>For a Category I or II use, no prior Ohio EPA review or notification required</p> <p>For a Category III use, notification is required to be provided to Ohio EPA at least 30 days prior to the use occurring</p> <p>For a Category IV use, consent from Ohio EPA must be obtained and notification must be provided to Ohio EPA at least 60 days prior to the use occurring</p>	DSW		<p>ORC Chapter 6111 Section 03 Section 04</p> <p>OAC Rule 3745-31-02(A)</p>	<p>Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Foundry Sand, and Other Exempt Wastes</u>)</p> <p>Former Ohio EPA policy DSW 0400.027 (<u>Use of Blast Furnace and Steel Slag</u>) can be referenced for technical assistance purposes.</p>	<p>Examples of engineered uses of exempt wastes at sites other than disposal facilities or ODNR regulated mine sites include use as pipe bedding material, road base material, and other construction uses</p> <p>As stipulated in Ohio EPA policy DSW 0400.007, individuals performing Category II uses are also required to submit an annual report to DSW at the appropriate Ohio EPA district office and to meet the isolation distances and other criteria specified in the policy. Individuals performing Category III uses are also required to meet the isolation and other criteria specified in the policy.</p> <p>Consent from the Ohio EPA for Category IV uses will consist of correspondence from DSW providing approval for the use activity. The request for consent should be submitted in accordance with Ohio EPA policy DSW 0400.007</p> <p>DSW will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction</p>
<u>Solid Wastes:</u>						
Approval of engineered uses of solid wastes at solid waste facilities <sup>6</sup>	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM - DO		<p>ORC Chapter 3734</p> <p>OAC Chapter 3745-27</p>	<p>Ohio EPA policy PP 01-03-200 (<u>Petroleum Contaminated Soils</u>)<sup>7</sup></p> <p>Misc. DSIWM guidance documents, including: C DSIWM Guidance # 0168, <u>Alternative Drainage Layers - Pulverized Glass</u></p>	<p>Examples of engineered uses of solid wastes at solid waste facilities include alternative daily cover material, alternative drainage layer material, frost protection layer, etc.</p> <p>Alternative uses of materials such as contaminated soils (including petroleum contaminated soils that do not meet the clean levels established in Ohio EPA policy PP 01-03-200) would fall under this category.</p> <p>The person reviewing the alternative use request may find related or helpful information in Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u>).</p> <p>If the local health department is approved to perform the licensing responsibilities of the solid waste program, then the DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of engineered uses of solid wastes at C&DD disposal facilities <sup>6</sup>	<p>Exemption issued by the licensing authority</p> <p>Authorization<sup>8</sup> issued by the Director of the Ohio EPA</p> <p>Possibly a facility modification from the licensing authority</p>	Licensing Authority <sup>3</sup>	DSIWM - DO	<p>ORC Chapter 3714 Section .04</p> <p>OAC Rule 3745-400-15(A)</p> <p>ORC Chapter 3734 Section 02 division G</p> <p>OAC Rule 3745-27-05(A)(4)<sup>9</sup></p>	<p>Ohio EPA policy PP 01-03-200 (<u>Petroleum Contaminated Soils</u>)<sup>7</sup></p> <p>DSIWM Guidance #0560, <u>Disposal and Beneficial Use of Construction and Demolition Debris</u></p> <p>Ohio EPA policy DSIWM-400-15-0546, <u>Exemptions for Construction and Demolition Debris Disposal</u></p>	<p>The authorization issued by the Director of the Ohio EPA is necessary to eliminate the need for the user to obtain a permit and a license for establishing a solid waste facility and avoid incurring open dumping charges.</p> <p>Alternative uses of materials such as contaminated soils (including petroleum contaminated soils that do not meet the clean levels established in Ohio EPA policy PP 01-03-200) would fall under this category.</p> <p>OAC Rule 3745-400-11(F)(3) prohibits the owner or operator of a C&amp;DD facility from accepting solid waste for disposal unless the waste is packaging which is incidental to the load or tree stumps, trunks, and clean branches exceeding 4 inches in diameter. Therefore, the exemption issued by the licensing authority is necessary to allow solid waste to be disposed of at the C&amp;DD disposal facility. This exemption can only be issued, however, once the Director of the Ohio EPA has issued an authorization.</p> <p>If the use constitutes a substantial change to the C&amp;DD facility, then the licensing authority can require the owner or operator of the facility to obtain a facility modification. The determination as to whether or not a modification is necessary will be made by the licensing authority.</p> <p>The person reviewing the alternative use request may find related or helpful information in Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u>).</p> <p>If the local health department is the licensing authority, then the health department will contact a member of DSIWM (either the inspector or engineer with jurisdiction) at the appropriate district office regarding the use activity.</p>
Approval of engineered uses of solid wastes (other than residual solid wastes) at ODNr-regulated mine sites <sup>4 6</sup>	Authorization <sup>8</sup> issued by the Director of the Ohio EPA	DSIWM - DO		<p>ORC Chapter 3734 Section 02 division (G)</p> <p>OAC Chapter 3745-27-05(A)(4)<sup>9</sup></p>	Ohio EPA policy PP 01-03-200 ( <u>Petroleum Contaminated Soils</u> ) <sup>7</sup>	<p>Examples of engineered uses of solid wastes at ODNr-regulated mine sites include crushed porcelain or pottery waste used as backfill, road base material, or pipe bedding.</p> <p>Alternative uses of materials such as contaminated soils (including petroleum contaminated soils that do not meet the clean levels established in Ohio EPA policy PP 01-03-200) would fall under this category.</p> <p>Alternative uses of materials such as contaminated soils (including petroleum contaminated soils that do not meet the clean levels established in Ohio EPA policy PP 01-03-200) would fall under this category.</p> <p>The person reviewing the alternative use request may find related or helpful information in Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u>).</p> <p>The DSIWM -DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction. The DSIWM - DO assigned to the project will also coordinate with ODNr, DMR prior to taking an action regarding the use activity.</p>

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of engineered uses of solid wastes (other than residual solid wastes) at sites other than solid waste facilities, other disposal facilities, or ODNR-regulated mine sites <sup>4 6</sup>	Authorization <sup>8</sup> issued by the Director of the Ohio EPA	DSIWM - DO		ORC Chapter 3734 Section 02 division (G)  OAC Chapter 3745-27-05(A)(4) <sup>9</sup>	Ohio EPA policy PP 01-03-200 (Petroleum Contaminated Soils) <sup>7</sup>	<p>Examples of engineered uses of solid wastes at sites other than disposal facilities or ODNR-regulated mine sites include crushed porcelain or pottery waste used as backfill, road base material, or pipe bedding.</p> <p>Alternative uses of materials such as contaminated soils (including petroleum contaminated soils that do not meet the clean levels established in Ohio EPA policy PP 01-03-200) would fall under this category.</p> <p>The person reviewing the alternative use request my find related or helpful information in Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u>).</p> <p>The DSIWM- DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
Approval of uses of scrap tires (for all uses and locations) <sup>6</sup>	<p>- The user is not required to obtain authorization in accordance with OAC Rule 3745-27-78 prior to conducting the use if the use is listed in OAC Rule 3745-27-78(D) or (E) as an authorized beneficial use of whole or shredded scrap tires. The user may be required to send notification to the Ohio EPA .</p> <p>- The user is required to obtain authorization in accordance with OAC Rule 3745-27-78 prior to conducting the use if the use is not listed in OAC Rule 3745-27-78(D) or (E) as an authorized beneficial use of whole or shredded scrap tires.</p>	DSIWM - DO	DSW	OAC Rule 3745-27-78	<p>Misc. DSIWM guidance documents including:</p> <p>C DSIWM Guidance #0144, <u>Use of Shredded Tires for Freeze-Thaw Protection During the Construction of Recompacted Clay</u></p> <p>C DSIWM Guidance #0160, <u>Use of Shredded Tires in Landfill Construction</u></p> <p>C DSIWM Guidance #0555, <u>Beneficial Use of Whole Scrap Tires As Weights on Tarps Used as Alternative Daily Cover</u></p>	<p>In accordance with OAC Rule 3745-27-78 (D), the following uses of <b>whole</b> scrap tires are authorized:</p> <ul style="list-style-type: none"> <li>- Tire swings, sandboxes, or other equipment for child play areas</li> <li>- Dock bumpers</li> <li>- Crash barriers at race tracks</li> <li>- Rifle range backstops</li> <li>- Agricultural use to hold down covers over piles of hay, silage, etc</li> <li>- Erosion control barriers at the ends of culvert pipes.</li> </ul> <p>If more than 100 whole scrap tires are to be used for any of the above uses (except for agricultural uses, 250 tires can be used), then a letter of notification must be sent to the Ohio EPA in accordance with OAC Rule 3745-27-78(I).</p> <p>In accordance with OAC Rule 3745-27-78(E), the following uses of <b>shredded</b> scrap tires are authorized:</p> <ul style="list-style-type: none"> <li>- Construction material in a landfill (as specified in the approved PTI or alteration)</li> <li>- Light weight fill in public road and public road embankment construction, subject to certain requirements</li> <li>- Covering material for playgrounds (restricted to shredded bias ply tires or tire shreds with all metal removed)</li> <li>- Bulking agent for compost (restricted to shredded bias ply tires or tire shreds with all metal removed; shreds must be screened out of the compost prior to distribution) [Note that there are requirements associated with the composting rules (OAC Rules 40-47) which also must be met in order to perform this use activity.]</li> </ul>
<u>Residual Solid Waste:</u>						
Approval of engineered uses of residual solid wastes at solid waste facilities <sup>6</sup>	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM - DO		ORC Chapter 3734 <sup>10</sup>  OAC Chapter 3745-27	<p>Misc. DSIWM guidance documents, including:</p> <p>C DSIWM Guidance # 0168, <u>Alternative Drainage Layers - Pulverized Glass</u></p>	<p>Examples of engineered uses of residual solid wastes at solid waste facilities include alternative daily cover material, alternative drainage layer material, frost protection layer, etc.</p> <p>The person reviewing the alternative use request my find related or helpful information in Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u>).</p> <p>If the local health department is approved to perform the licensing responsibilities of the solid waste program, then the DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of engineered uses of FGD (a type of residual solid waste) at ODNR-regulated mine sites <sup>4 5 6</sup>	See Endnote 5	See Endnote 5	See Endnote 5	See Endnote 5	See Endnote 5	See Endnote 5
Approval of engineered uses of residual solid wastes (other than FGD) at ODNR-regulated mine sites <sup>4 6</sup>	Authorization <sup>8</sup> issued by the Director of the Ohio EPA	DSIWM - DO	possibly DDAGW-UIC	ORC Chapter 3734 Section 02 division (G)  OAC Rule 3745-27-05(A)(4) <sup>9 11</sup>		Ohio EPA, DDAGW - UIC would be involved if the use involves the filling of underground mines.  The person reviewing the alternative use request my find related or helpful information in Ohio EPA policy DSW 0400.007 ( <u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u> ).  The DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction. The DSIWM - DO person assigned to the project will also coordinate with ODNR, DMR prior to taking an action regarding the use activity.
Approval of engineered uses of residual solid wastes at sites other than solid waste facilities, other disposal facilities, or ODNR-regulated mine sites <sup>4 6</sup>	Authorization <sup>8</sup> issued by the Director of the Ohio EPA	DSIWM - DO		ORC Chapter 3734 Section 02 division (G)  OAC Rule 3745-27-05(A)(4) <sup>9 11</sup>		Examples of engineered uses of residual solid wastes at disposal facilities or ODNR-regulated mine sites include FGD waste used as lagoon liner and cap system material for closure of a lagoon.  The person reviewing the alternative use request my find related or helpful information in Ohio EPA policy DSW 0400.007 ( <u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u> ).  The DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.
<u>Construction and Demolition Debris:</u>						
Approval of engineered uses of C&DD at solid waste facilities (within the limits of waste placement)	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM - DO		ORC Chapter 3734  OAC Chapter 3745-27		The person reviewing the alternative use request my find related or helpful information in Ohio EPA policy DSW 0400.007 ( <u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u> ).  If the local health department is approved to perform the licensing responsibilities of the solid waste program, then the DSIWM person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of engineered uses of C&DD at solid waste facilities (outside the limits of waste placement)	<p>If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity<sup>2</sup></p> <p>Exemption issued by the licensing authority (if the material to be used is not clean hard fill)</p>	DSIWM - DO & Licensing Authority <sup>3</sup>		<p>ORC Chapter 3734</p> <p>OAC Chapter 3745-27</p> <p>ORC Chapter 3714 Section .04</p> <p>OAC Rule 3745-400-05</p>	<p>Misc. DSIWM documents including:</p> <p>DSIWM Guidance #0560, <u>Disposal and Beneficial Use of Construction and Demolition Debris</u></p> <p>Ohio EPA policy DSIWM-400-15-0546, <u>Exemptions for Construction and Demolition Debris Disposal</u></p>	<p>The exemption from the licensing authority is required to allow the user do something other than dispose of the C&amp;DD at a C&amp;DD facility or a solid waste facility without incurring open dumping charges.</p> <p>If the C&amp;DD to be used is clean hard fill (as defined in OAC Rule 3745-400-05) being placed on a site other than where debris is generated, then the user is required to provide the licensing authority with a written Notice of Intent to Fill at least seven days prior to conducting the activity.</p> <p>If the C&amp;DD to be used is clean hard fill (as defined in OAC rule 3745-400-05) being used to change the grade on the site of generation or removal, then the user is not required to provide the licensing authority with prior notification.</p> <p>The person reviewing the alternative use request my find related or helpful information in Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u>).</p> <p>If the local health department is approved to perform the licensing responsibilities of the solid waste program, then the DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
Approval of engineered uses of C&DD at ODNR-regulated mine sites <sup>4</sup>	Exemption issued by the licensing authority (if the material to be used is not clean hard fill). If the Ohio EPA is the licensing authority, then the exemption would be issued by the Director of the Ohio EPA	Licensing Authority <sup>3</sup>		<p>ORC Chapter 3714 Section .04</p> <p>OAC Rule 3745-400-05</p>	<p>Misc. DSIWM documents including:</p> <p>DSIWM Guidance #0560, <u>Disposal and Beneficial Use of Construction and Demolition Debris</u></p> <p>Ohio EPA policy DSIWM-400-15-0546, <u>Exemptions for Construction and Demolition Debris Disposal</u></p>	<p>If the C&amp;DD to be used is clean hard fill (as defined in OAC Rule 3745-400-05) being placed on a site other than where debris is generated, then the user is required to provide the licensing authority with a written Notice of Intent to Fill at least seven days prior to conducting the activity.</p> <p>If the C&amp;DD to be used is clean hard fill (as defined in OAC rule 3745-400-05) being used to change the grade on the site of generation or removal, then the user is not required to provide the licensing authority with prior notification.</p> <p>The exemption issued by the licensing authority is required to allow the user to place C&amp;DD somewhere other than at a C&amp;DD disposal facility or a solid waste facility without incurring open dumping charges.</p> <p>The person reviewing the alternative use request my find related or helpful information in Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u>).</p> <p>If the Ohio EPA is the licensing authority, then the DSIWM -DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction. The licensing authority will also coordinate with ODNR, DMR prior to taking an action regarding the use activity.</p>

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of engineered uses of C&DD at sites other than at solid waste facilities, other disposal facilities, and ODNR-regulated mine sites <sup>4</sup>	Exemption issued by the licensing authority (if the material to be used is not clean hard fill). If the Ohio EPA is the licensing authority, then the exemption would be issued by the Director of the Ohio EPA	Licensing Authority <sup>3</sup>		ORC Chapter 3714 Section .04  OAC Rule 3745-400-05	DSIWM Guidance #0560, <u>Disposal and Beneficial Use of Construction and Demolition Debris</u>  Ohio EPA policy DSIWM-400-15-0546, <u>Exemptions for Construction and Demolition Debris Disposal</u>	<p>If the C&amp;DD to be used is clean hard fill (as defined in OAC Rule 3745-400-05) being placed on a site other than where debris is generated, then the user is required to provide the licensing authority with a written Notice of Intent to Fill at least seven days prior to conducting the activity.</p> <p>If the C&amp;DD to be used is clean hard fill (as defined in OAC rule 3745-400-05) being used to change the grade on the site of generation or removal, then the user is not required to provide the licensing authority with prior notification.</p> <p>The exemption issued by the licensing authority is required to allow the user to place C&amp;DD somewhere other than at a C&amp;DD disposal facility or a solid waste facility without incurring open dumping charges.</p> <p>The person reviewing the alternative use request may find related or helpful information in Ohio EPA policy DSW 0400.007 (<u>Beneficial Use of Nontoxic Bottom Ash, Fly Ash, and Spent Nontoxic Foundry Sand, and Other Exempt Waste</u>).</p> <p>If the Ohio EPA is the licensing authority, then the DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction. If the local health department is the licensing authority, then the local health department will contact the DSIWM inspector at the appropriate district office regarding the use activity.</p>
<b>Land Application:</b>						
<u>Exempt Wastes:</u>						
Approval of land application of exempt wastes at solid waste facilities (both within and outside the limits of solid waste placement)	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM - DO	DSW	ORC Chapter 3734  OAC Chapter 3745-27	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>An example of land application of exempt waste at a solid waste facility is application to the cap system to enhance vegetative growth</p> <p>Support from DSW would consist of establishing appropriate agronomic rates for the application of the exempt waste.</p> <p>If the local health department is approved to perform the licensing responsibilities of the solid waste program, then the DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
Approval of land application of exempt coal-combustion wastes at ODNR-regulated mine sites <sup>4,5</sup>	See Endnote5	See Endnote 5	See Endnote 5	See Endnote 5	See Endnote 5	See Endnote 5
Approval of land application of exempt wastes at sites other than at solid waste facilities, other disposal facilities, or ODNR-regulated mine sites <sup>4</sup>	PTI  or PTI modification  or Plan approval <sup>12</sup> and site concurrence from DSW at the appropriate district office <sup>13</sup>	DSW		ORC Chapter 6111 Section 03 Section 04  OAC 3745-31-02(B)	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>Examples of land application of exempt waste at sites other than disposal facilities and ODNR-regulated mine sites include land application for nutrient value, improving soil texture, improving soil drainage, etc.</p> <p>DSW will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
<u>Solid Wastes</u> <sup>14</sup> :						

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of land application of solid wastes to the cap system at a solid waste facility <sup>6</sup>	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM - DO	DSW	ORC Chapter 3734 OAC Chapter 3745-27	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>An example of land application of solid waste to a cap system at a solid waste facility is application to the cap system to enhance vegetative growth</p> <p>Support from DSW would consist of establishing appropriate agronomic rates for the application of the solid waste and for evaluating potential impacts to surface waters.</p> <p>If the local health department is approved to perform the licensing responsibilities of the solid waste program, then the DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
Approval of land application of solid wastes (other than residual solid wastes) at ODNR-regulated mine sites <sup>4 6</sup>	Authorization <sup>8</sup> issued by the Director of the Ohio EPA	DSIWM - DO	DSW	ORC Chapter 3734 Section 02 Division (G) OAC Rule 3745-27-05(A)(4) <sup>9</sup>	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>The authorization issued by the Director of the Ohio EPA is necessary to eliminate the need for the user to obtain a permit and a license for establishing a solid waste facility and to avoid incurring open dumping charges.</p> <p>Support from DSW would consist of establishing appropriate agronomic rates for the application of the solid waste and for evaluating potential impacts to surface waters.</p> <p>The DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction. The DSIWM - DO person assigned to the project also will coordinate with ODNR, DMR prior to taking an action regarding the use activity.</p>
Approval of land application of solid wastes (other than residual solid wastes) at sites other than at solid waste facilities, other disposal facilities, and ODNR-regulated mine sites <sup>4 6</sup>	Authorization <sup>8</sup> issued by the Director of the Ohio EPA	DSIWM - DO	DSW	ORC Chapter 3734 Section 02 Division (G) OAC Rule 3745-27-05(A)(4) <sup>9</sup>	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>The authorization issued by the Director of the Ohio EPA is necessary to eliminate the need for the user to obtain a permit and a license for establishing a solid waste facility and to avoid incurring open dumping charges.</p> <p>Support from DSW would consist of establishing appropriate agronomic rates for the application of the solid waste and for evaluating potential impacts to surface waters.</p> <p>The DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
<b>Residual Solid Waste:</b>						
Approval of land application of residual solid wastes to the cap system at a solid waste facility <sup>6</sup>	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM - DO	DSW	ORC Chapter 3734 <sup>10</sup> OAC Chapter 3745-27	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>An example of land application of residual solid waste to a cap system at a solid waste facility is application to the cap system to enhance vegetative growth</p> <p>Support from DSW would consist of establishing appropriate agronomic rates for the application of the solid waste and for evaluating potential impacts to surface waters.</p> <p>If the local health department is approved to perform the licensing responsibilities of the solid waste program, then the DSIWM - DO person assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
Approval of land application of FGD (a type of residual solid waste) at ODNR-regulated mine sites <sup>4 5 6</sup>	See Endnote 5	See Endnote 5	See Endnote 5	See Endnote 5	See Endnote 5	See Endnote 5

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of land application of residual solid wastes (other than FGD) at ODNR-regulated mine sites <sup>4 6</sup>	<p><b>For solids:</b></p> <p>PTI</p> <p>or PTI modification</p> <p><b>For sludges:</b></p> <p>PTI</p> <p>or PTI modification</p> <p>or Plan approval<sup>12</sup> and site concurrence from DSW at the appropriate district office<sup>13</sup></p>	DSW		<p>ORC Chapter 6111 Section 04</p> <p>OAC Rule 3745-31-02(A)</p> <p>OAC Rule 3745-31-02(B)</p> <p>OAC Rule 3745-27-03(H)(3)<sup>15</sup></p>	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>DSW will coordinate with ODNR, DMR prior to taking an action regarding the PTI or plan.</p> <p>For land application of residual solid wastes that are solids, the person proposing the use activity will be required to obtain a PTI in accordance with OAC Rule 3745-31-02(A). For land application of residual solid wastes that are sludges, the person proposing the use activity will be required to obtain a PTI or plan approval in accordance with OAC Rule 3745-27-02(B).</p> <p>DSW will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction. DSW will also coordinate with ODNR, DMR prior to taking an action regarding the use activity.</p>
Approval of land application of residual solid wastes at sites other than solid waste facilities, other disposal facilities, or ODNR-regulated mine sites <sup>4 6</sup>	<p><b>For solids:</b></p> <p>PTI</p> <p>or PTI modification</p> <p><b>For sludges:</b></p> <p>PTI</p> <p>or PTI modification</p> <p>or Plan approval<sup>12</sup> and site concurrence from DSW at the appropriate district office<sup>13</sup></p>	DSW		<p>ORC Chapter 6111 Section 03 Section 04</p> <p>OAC Rule 3745-31-02(A)</p> <p>OAC Rule 3745-31-02(B)</p> <p>OAC Rule 3745-27-03(H)(3)<sup>15</sup></p>	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>For land application of residual solid wastes that are solids, the person proposing the use activity will be required to obtain a PTI in accordance with OAC Rule 3745-31-02(A). For land application of residual solid wastes that are sludges, the person proposing the use activity will be required to obtain a PTI or plan approval in accordance with OAC Rule 3745-27-02(B).</p> <p>DSW will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
<u>Construction and Demolition Debris:</u>						

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of land application of C&DD at solid waste facilities within the limits of solid waste placement	<p>If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity<sup>2</sup></p> <p>Exemption issued by the licensing authority (if the material to be used is not clean hard fill). If the Ohio EPA is the licensing authority, then the exemption would be issued by the Director of the Ohio EPA</p>	DSIWM - DO & Licensing Authority <sup>3</sup>	DSW	<p>ORC Chapter 3734</p> <p>OAC Chapter 3745-27</p> <p>ORC Chapter 3714 Section .04</p> <p>OAC Rule 3745-400-05</p>	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>An example of land application of C&amp;DD at a solid waste facility is applying C&amp;DD to the cap system to enhance vegetative growth.</p> <p>The exemption issued by the licensing authority is required to allow the user to place C&amp;DD somewhere other than at a C&amp;DD disposal facility or a solid waste facility without incurring open dumping charges.</p> <p>Support from DSW would consist of establishing appropriate agronomic rates for the application of the C&amp;DD.</p> <p>If the local health department is approved to perform the licensing responsibilities of the solid waste program, DSIWM will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p>
Approval of land application of C&DD at solid waste facilities outside of the limits of solid waste placement	Exemption issued by the licensing authority (if the material to be used is not clean hard fill). If the Ohio EPA is the licensing authority, then the exemption would be issued by the Director of the Ohio EPA	Licensing Authority <sup>3</sup>	DSW	<p>ORC Chapter 3714 Section .04</p> <p>OAC Rule 3745-400-05</p>	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>The exemption issued by the licensing authority is required to allow the user to place C&amp;DD somewhere other than at a C&amp;DD disposal facility or a solid waste facility without incurring open dumping charges.</p> <p>Support from DSW would consist of establishing appropriate agronomic rates for the application of the C&amp;DD.</p> <p>If the local health department is the licensing authority, then the health department will contact the DSIWM inspector at the appropriate district office regarding the use activity.</p>
Approval of land application of C&DD at C&DD facilities	<p>Exemption issued by the licensing authority (if the material to be used is not clean hard fill). If the Ohio EPA is the licensing authority, then the exemption would be issued by the Director of the Ohio EPA</p> <p>Possibly a facility modification from the licensing authority</p>	Licensing Authority <sup>3</sup>		<p>ORC Chapter 3714 Section 04</p> <p>OAC Rule 3745-400-15(A)</p>	Refer to DSW's Land Application of Sludge Manual when appropriate	<p>An example of land application of C&amp;DD at a C&amp;DD facility is application to the cap to enhance growth of vegetative cover.</p> <p>The exemption issued by the licensing authority is required to allow the user to place C&amp;DD somewhere other than at a C&amp;DD disposal facility or a solid waste facility without incurring open dumping charges.</p> <p>If the use constitutes a substantial change to the C&amp;DD facility, then the licensing authority can require the owner or operator of the facility to obtain a modification to the facility license. The determination as to whether or not a modification is necessary will be made by the licensing authority.</p> <p>If the local health department is the licensing authority, then the local health department will contact the DSIWM inspector at the appropriate district office regarding the use activity.</p>
Approval of land application of C&DD at ODNR-regulated mine sites <sup>4</sup>	Exemption issued by the licensing authority (if the material to be used is not clean hard fill). If the Ohio EPA is the licensing authority, then the exemption would be issued by the Director of the Ohio EPA	Licensing Authority <sup>3</sup>		<p>ORC Chapter 3714 Section .04</p> <p>OAC Rule 3745-400-15(A)</p>	<p>DSIWM Guidance #0560, <u>Disposal and Beneficial Use of Construction and Demolition Debris</u></p> <p>Ohio EPA policy DSIWM-400-15-0546, <u>Exemptions for Construction and Demolition Debris Disposal</u></p>	<p>The exemption issued by the licensing authority is required to allow the user to place C&amp;DD somewhere other than at a C&amp;DD disposal facility or a solid waste facility without incurring open dumping charges.</p> <p>If the local health department is the licensing authority, then the health department will contact the DSIWM inspector at the appropriate district office regarding the use activity. If the Ohio EPA is the licensing authority, then the DSIWM - DO inspector assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.</p> <p>The licensing authority will coordinate with ODNR, DMR prior to taking on action regarding the use activity.</p>

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of land application of C&DD at sites other than at solid waste facilities, other disposal facilities, or ODNR-regulated mine sites <sup>4</sup>	Exemption issued by the licensing authority (if the material to be used is not clean hard fill). If the Ohio EPA is the licensing authority, then the exemption would be issued by the Director of the Ohio EPA.	Licensing Authority <sup>3</sup>		ORC Chapter 3714 Section .04  OAC Rule 3745-400-05	DSIWM Guidance #0560, <u>Disposal and Beneficial Use of Construction and Demolition Debris</u>  Ohio EPA policy DSIWM-400-15-0546, <u>Exemptions for Construction and Demolition Debris Disposal</u>  Refer to the DSW Land Application of Sludge Manual when appropriate	The exemption issued by the licensing authority is required to allow the user to place C&DD somewhere other than at a C&DD disposal facility or a solid waste facility without incurring open dumping charges.  If the Ohio EPA is the licensing authority, then the DSIWM - DO inspector assigned to the project will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction. If the local health department is the licensing authority, then the local health department will contact the DSIWM inspector at the appropriate district office regarding the use activity.
<u>Industrial Sludges</u> <sup>16 17</sup> :						
Approval of land application of industrial sludge at solid waste facilities	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM	DSW	ORC Chapter 3734  OAC Chapter 3745	DSW's Land Application of Sludge Manual  June 7th IOC from Annette DeHavilland to Dave Jansuk, "Land Application of Sludge at Solid Waste Landfills	Support from DSW would consist of establishing appropriate agronomic rates for the application of the C&DD.  If the local health department is approved to perform the licensing responsibilities of the solid waste program, the DSIWM-DO person assigned to the project (i.e. the engineer or inspector assigned to the county in which the facility is located) will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.
Approval of land application of industrial sludge at C&DD facilities	PTI or PTI modification  or Plan approval <sup>12</sup> and site concurrence from DSW at the appropriate district office <sup>13</sup>	DSW		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)  OAC Rule 3734-27-03(H)(3) <sup>15</sup>	Refer to DSW's Land Application of Sludge Manual when appropriate	An example of land application of industrial sludge at a C&DD facility is application to the cap system to enhance vegetative growth  If the local health department is the licensing authority, then DSW will coordinate with the health department prior to taking an action regarding the use request. DSW will also notify the DSIWM - DO inspector assigned to the county in which the C&DD facility is located. If the Ohio EPA is the licensing authority, then DSW will coordinate with the DSIWM - DO inspector prior to taking an action regarding the use request.
Approval of land application of industrial sludge at ODNR-regulated mine sites <sup>4</sup>	PTI or PTI modification  or Plan approval <sup>12</sup> and site concurrence from DSW at the appropriate district office <sup>13</sup>	DSW		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)  OAC Rule 3745-27-03(H)(3) <sup>15</sup>	Refer to DSW's Land Application of Sludge Manual when appropriate	Examples of land application of industrial sludge at ODNR-regulated mine sites include application for nutrient value, improving soil texture, improving soil drainage, etc.  DSW will coordinate with ODNR, DMR before taking action regarding the use request. DSW will notify the local health department to keep the health department informed of use activities occurring within the health department's jurisdiction.
Approval of land application of industrial sludges at sites other than at solid waste facilities, other disposal facilities, and ODNR-regulated mine sites <sup>4</sup>	PTI or PTI modification  or Plan approval <sup>12</sup> and site concurrence from DSW at the appropriate district office <sup>13</sup>	DSW		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)  OAC Rule 3745-27-03(H)(3) <sup>15</sup>	DSW Policy on Paper Mill Sludge for Mine Reclamation  10/12/92 guidance on Paper Mill Sludge to Farmland  4/20/94 Guidance on Land Application of Water Treatment Plant Sludge	For purposes of this program, industrial sludges are always regulated as sludges, regardless of the phase the sludge material takes at the time of disposal. If an industrial process produces a wet material (i.e. a sludge) and that material is placed in a lagoon and the lagoon is subsequently dredged, then the disposal of the dredged material is regulated by DSW regardless of whether the material is liquid or solid. If the industrial process produces a dry material, then the disposal of that material is regulated by DSIWM.  DSW will notify the local health department to keep the health department informed of use activities that are occurring within the health department's jurisdiction.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
<u>Sewage Sludges:</u>						
Approval of land application of sewage sludge at solid waste facilities	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM-DO	DSW	ORC Chapter 3734 OAC Chapter 3745	DSW's Land Application of Sludge Manual  DSIWM Guidance # 0534, <u>Land Application of Sludge at Solid Waste Landfills</u>	Support from DSW would consist of establishing appropriate agronomic rates for the application of the C&DD.  If the local health department is approved to perform the licensing responsibilities of the solid waste program, the DSIWM-DO person assigned to the project (i.e. the engineer or inspector assigned to the county in which the facility is located) will contact the local health department to keep the health department informed of -alternative use activities that are occurring within the health department's jurisdiction.
Approval of land application of sewage sludge at C&DD facilities	Sludge Management Plan approved by the Director of the Ohio EPA  Site concurrence from the Ohio EPA, DSW at the appropriate district office <sup>13</sup>  Possibly a facility modification from the licensing authority	DSW		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)  ORC Chapter 3745-400-15(A)	DSW's Land Application of Sludge Manual	The generator of the sludge is responsible for obtaining the sludge management plan  If land application of sewage sludge at a C&DD facility is not accounted for in the approved sludge management plan, then the plan will need to be revised to include that use before it can occur.  If the use constitutes a substantial change to the C&DD facility, then the licensing authority can require the owner or operator of the facility to obtain a facility modification. The determination as to whether or not a modification is necessary will be made by the licensing authority.  If the license for the C&DD facility is conditioned to prohibit the facility from accepting sewage sludge, then the land application, using sewage sludge, could not occur at the facility.  If the local health department is the licensing authority, then DSW will coordinate with the health department prior to taking an action regarding the use activity. DSW will also notify the DSIWM - DO inspector assigned to the county in which the C&DD facility is located. If the Ohio EPA is the licensing authority, then DSW will coordinate with the DSIWM - DO inspector prior to taking an action regarding the use activity.
Approval of land application of sewage sludges ODNR-regulated mine sites <sup>4</sup>	Sludge Management Plan Approved by the Director of the Ohio EPA  Site concurrence from the Ohio EPA, DSW at the appropriate district office <sup>13</sup>	DSW		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)	DSW's Land Application of Sludge Manual	The generator of the sludge is responsible for obtaining approval for the sludge management plan.  If land application of sewage sludge at an ODNR-regulated mine site is not accounted for in the approved sludge management plan, then either the plan will need to be revised to include that use or if a PTI for an ORC 6111 regulated construction project exists for the site, a modification to the PTI will need to be obtained before the land application can occur.  DSW will coordinate with ODNR, DMR prior to taking an action regarding the use activity. DSW will also notify the local health department to keep the health department informed of use activities occurring in the health department's jurisdiction.
<u>Lime Sludges</u> (both industrially and non-industrially generated):						

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD	PROGRAM SUPPORT	STATUTORY AND REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of land application of lime sludge at solid waste facilities	If the activity was not approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain approval for an alteration from DSIWM at the appropriate district office prior to conducting the activity <sup>2</sup>	DSIWM	DSW	ORC Chapter 3734  OAC Chapter 3745	DSW's Land Application of Sludge Manual  June 7th IOC from Annette DeHavilland to Dave Jansuk, "Land Application of Sludge at Solid Waste Landfills"	Support from DSW would consist of establishing appropriate agronomic rates for the application of the C&DD.  If the local health department is approved to perform the licensing responsibilities of the solid waste program, the DSIWM-DO person assigned to the project (i.e. the engineer or inspector assigned to the county in which the facility is located) will contact the local health department to keep the health department informed of alternative use activities that are occurring within the health department's jurisdiction.
Approval of land application of lime sludge at C&DD facilities	PTI or PTI modification  or Plan approval <sup>12</sup> and site concurrence from DSW at the appropriate district office <sup>13</sup>	DSW		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)  OAC Rule 3734-27-03(H)(3) <sup>15</sup>	Refer to DSW's Land Application of Sludge Manual when appropriate	An example of land application of lime sludge at a C&DD facility is application to the cap system to enhance vegetative growth  If the local health department is the licensing authority, then DSW will coordinate with the health department prior to taking an action regarding the use request. DSW will also notify the DSIWM - DO inspector assigned to the county in which the C&DD facility is located. If the Ohio EPA is the licensing authority, then DSW will coordinate with the DSIWM - DO inspector prior to taking an action regarding the use request.
Approval of land application of lime sludge at ODNR-regulated mine sites <sup>4</sup>	PTI or PTI modification  or Plan approval <sup>12</sup> and site concurrence from DSW at the appropriate district office <sup>13</sup>	DSW		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)  OAC Rule 3745-27-03(H)(3) <sup>15</sup>	Refer to DSW's Land Application of Sludge Manual when appropriate	Examples of land application of lime sludge at ODNR-regulated mine sites include application for nutrient value, improving soil texture, improving soil drainage, etc.  DSW will coordinate with ODNR, DMR before taking action regarding the use request. DSW will notify the local health department to keep the health department informed of use activities occurring within the health department's jurisdiction.
Approval of land application of lime sludges at sites other than at solid waste facilities, other disposal facilities, and ODNR-regulated mine sites <sup>4</sup>	PTI or PTI modification  or Plan approval <sup>12</sup> and site concurrence from DSW at the appropriate district office <sup>13</sup>	DSW		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)  OAC Rule 3745-27-03(H)(3) <sup>15</sup>	DSW's Land Application of Sludge Manual	DSW will notify the local health department to keep the health department informed of use activities that are occurring within the health department's jurisdiction.

- The required authorizations and the statutory and regulatory approval authorities discussed in this document are related to approvals needed to satisfy permitting requirements necessary before the alternative use activity can occur. Operational and licensing requirements are not considered in this document.
- If performance of an alternative waste management method at a solid waste facility will constitute a change to the facility as approved through existing authorizing documents, then the owner or operator of the facility will be required to obtain authorization from DSIWM at the appropriate district office or the Director of the Ohio EPA prior to implementing the method. Depending upon the complexity and extent of the change, there are three basic approval mechanisms available to DSIWM and the Director for authorizing changes to the facility: A Director's approval issued in accordance with OAC Rule 3745-27-05(A)(4) (see footnote for an explanation) or a PTI to modify the facility (both of which are signed by the Director of the Ohio EPA, or an alteration (which is usually signed by a member of DSIWM at the appropriate district office but which can also be signed by the Director of the Ohio EPA). It is DSIWM's belief that the majority of the alternative management methods proposed at solid waste facilities will qualify for approval as alterations. Therefore, alterations will be DSIWM's preferred approval mechanism. However, if the alternative management method proposed represents a more substantial change to the facility, then another approval may be required.
- The licensing authority is the local health department, if that health department has been approved to implement the C&DD program by the Director of the Ohio EPA, or the Ohio EPA, DSIWM at the appropriate district office, if the local health department has not been approved.
- ODNR, DMR regulates ORC Chapter 1513 permitted facilities (i.e., active surface coal mining operations) and abandoned mine lands where ODNR, DMR is conducting reclamation.
- ODNR and the Ohio EPA are in the process of developing a memorandum of agreement (MOA) between the two agencies to establish a cooperative review process for the alternative management and disposal of coal combustion wastes at surface mining operations regulated by ODNR. Because this MOA has not yet been signed and the logistics of exactly how the cooperative review process will be handled have not been finalized, DSW will continue to maintain project lead for review of requests to use coal-combustion by-products at ODNR regulated mine sites. If members of either DSW or DSIWM at the district office receives a request to use coal combustion by-products at an ODNR regulated mine site, they should contact Ernie Stall in DSIWM at the central office regarding questions concerning how to process the request. When the MOA is signed, this table will be revised to reflect the review process established in the document.

6. This activity may qualify as recycling and may count towards achieving the recycling goals of the local solid waste management district in which the activity is taking place. Therefore, the member of DSIWM at the district office with jurisdiction over the activity will contact the planner at DSIWM in the central office who has the responsibility for overseeing activities in the solid waste management district and inform him/her of the planned activity and the amount of solid waste to be used. The planner can then contact someone within the solid waste management district and have them evaluate the possibility of including the solid wastes used for the activity in the calculation of their district's recycling rate.
7. The Ohio EPA is currently in the process of developing a regulatory program for alternative methods of managing wastes. It is expected that the treatment and use of petroleum contaminated soils will be incorporated into this program. Consequently, the Ohio EPA policy PP-01-03-200 will be rescinded once the new program has been implemented. Until that time, the policy and the clean -up levels specified in that policy will remain in place.
8. Authorization issued by the Director of the Ohio EPA will consist of an action issued in accordance with OAC Rule 3745-27-05(A)(4) containing an exemption issued in accordance with ORC Chapter 3734, Section 02 Division (G). The OAC Chapter 3745-27-05(A)(4) action will provide the authorization to allow the alternative use method to occur. The exemption, as the site-specific approval, will eliminate the need for the user to obtain a permit and a license for establishing a solid waste facility and avoid incurring open dumping charges. The Director's authorization should contain a finding which states that issuance of the authorization means that the use activity, as approved, meets the requirements of ORC Chapter 6111. This finding will need to be made by the program lead during the process of reviewing the use request.
9. OAC Rule 3745-27-05 provides the authorized methods for disposing of solid waste. Specifically mentioned are sanitary landfill, incineration, and composting. Paragraph (A)(4) of this rule provides that solid wastes can be disposed of by "Methods not mentioned...and not prohibited by this Chapter, 3745-27, provided that such methods are demonstrated to the Director to be capable of disposing of solid wastes without creating a nuisance or a health hazard, without causing water pollution, and without violating these regulations and any regulation adopted by the Director pursuant to Ohio Revised Code Chapter 3704 (Air Pollution Control)". DSIWM intends to utilize this provision for purposes of approving alternative methods of managing solid wastes.
10. The provision in OAC Rule 3745-27-03(H)(3) which exempts beneficial uses of residual solid wastes which are approved in accordance with ORC Chapter 6111 (see note 15 for an explanation of this exemption) does not apply to beneficial uses of residual solid wastes at solid waste facilities. Therefore, ORC Chapter 3734 and OAC Chapter 3745 still apply to the use activity and DSIWM will retain the program lead for the review and approval of these requests.
11. There are two options for approving requests to alternatively manage residual solid wastes. The first option is to issue a PTI or plan approval for the activity under the authority of ORC Chapter 6111. In this manner, the activity would qualify for the exemption contained in OAC Rule 3745-27-03(H)(3) which exempts beneficial uses authorized under ORC Chapter 6111, including beneficial uses of residual solid wastes (provided the use does not occur at a solid waste facility), from the requirements of Chapters 3745-27 and 3745-37 of the Administrative Code (see note 15). The second option is to issue an exemption in accordance with ORC Chapter 3734 Section 02 division G (to relieve the applicant from needing to obtain a permit and a license for a solid waste facility) combined with a Director's approval in accordance with OAC Chapter 3745-27-05(H)(4). In order to maintain consistency with the way in which other engineered uses will be approved (with the exception of those involving exempt wastes), the Ohio EPA has determined that approvals for engineered uses of residual solid waste will be issued under the authority of ORC 3734. The applicant has the option of submitting a request for an engineered use of a residual waste under either authority (i.e. ORC Chapter 6111 or ORC Chapter 3734). However, regardless of which authority is cited in the request, the approval that is actually issued will consist of an exemption combined with an approval in accordance with OAC Rule 3745-27-05(A)(4).
12. If the proposed activity would occur on a site where an ORC Chapter 6111 regulated construction project is to occur but the PTI has not been issued, then the PTI applicant can request approval for the use in conjunction with the PTI application. If a PTI for an ORC Chapter 6111 regulated construction project has already been issued for the site where the proposed use would occur and the use is not already accounted for in the PTI, then the responsible party (i.e. the PTI holder) would be required to submit and receive approval for a modification to the PTI from the Director of the Ohio EPA through DSW. If the proposed use activity would occur on a site where no ORC Chapter 6111 regulated construction project is to occur, then the responsible party (i.e. the person requesting to perform the use) would be required to receive plan approval from the Director of the Ohio EPA through DSW.
13. DSW at the Ohio EPA, district office, with jurisdiction over the site where the use is to occur should be contacted for site concurrence. Site concurrence is provided by DSW to ensure that the conditions of the specific site chosen to conduct the use meet the suitability characteristics contained in the approved management plan.
14. If the solid waste is a food waste, it is DSIWM's position that the waste should be composted prior to being land applied.
15. OAC Rule 3745-27-03 provides exemptions from Chapters 3745-27 and 3745-37 of the Ohio Administrative Code. Paragraph (H)(3) of this rule is the exemption for beneficial uses which states that "Beneficial uses, other than beneficial use of scrap tires, such as sludge application, which are authorized under Chapter 6111 of the Revised Code, including, but not limited to, the following solid wastes: lime sludge (defined as material resulting from the treatment of a water supply for drinking or industrial purposes), sewage sludge, industrial sludge, residual solid wastes defined in Chapter 3745-03 of the Administrative Code." Residual solid wastes are regulated under the authority of ORC Chapter 3734 as a solid waste until all necessary approvals are obtained in accordance with ORC Chapter 6111.
16. For purposes of this document, industrial sludge refers to uncomposted industrial sludge. However, industrial sludges are potentially compostable materials. A composting facility which accepts industrial sludges into the composting process is regulated as a Class II, and potentially a Class I, composting facility and is regulated by DSIWM.
17. Land application of liquid industrial wastes is covered in Table 2. If the waste to be land applied is an organic waste, an industrial waste generated as a by-product of industrial or commercial processes, or pollution control devices, then the program lead will contact a member of the composting unit in DSIWM at the central office for input into the review of the proposed use activity.

**TABLE 2**

**TRADITIONAL DISPOSAL PRACTICES AND THEIR ASSOCIATED PROGRAMMATIC AND REGULATORY REQUIREMENTS**

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
<b>Exempt Wastes:</b>							
Regulation of new disposal facilities for exempt waste	PTI	DSW	N/A	DSIWM	ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02	Draft Ohio EPA policy DSW 0400.028 ( <u>Disposal of Non-Toxic Bottom Ash, Fly Ash and Spent Foundry Sand, and Other Exempted Wastes</u> )  Ohio EPA policy DSW-0400.016 ( <u>Design Criteria, Hydrogeologic Evaluations of Surface Impoundments, Dedicated Land Application Sites, On-site Leaching Systems, Disposal Sites of Non-toxic Fly Ash, Bottom Ash, Foundry Sand, and Other Exempted Solid Wastes</u> )  Misc. DDAGW policies and guidance documents	Support from DSIWM would consist of technical assistance regarding construction details for new/unusual liner or cap designs.
Regulation of existing disposal facilities for exempt waste	PTI	DSW		DSIWM	ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02	Ohio EPA policy DSW 0400.028 ( <u>Disposal of Non-Toxic Bottom Ash, Fly Ash and Spent Foundry Sand, and Other Exempted Wastes</u> )  Ohio EPA policy DSW-0400.016 ( <u>Design Criteria, Hydrogeologic Evaluations of Surface Impoundments, Dedicated Land Application Sites, On-site Leaching Systems, Disposal Sites of Non-toxic Fly Ash, Bottom Ash, Foundry Sand, and Other Exempted Solid Wastes</u> )  Misc. DDAGW policies and guidance documents	Support from DSIWM would consist of technical assistance regarding construction details for new/unusual liner or cap designs.  DSW's authority extends to the closure of the disposal facility.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Regulation of disposal facilities for exempt coal combustion by-products at ODNR-regulated mine sites	PTI	ODNR, DMR for technical review of the PTI  Ohio EPA, DSW for administrative processing of the PTI	N/A	DSW	ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02	Ohio EPA policy DSW 0400.028 ( <u>Disposal of Non-Toxic Bottom Ash, Fly Ash and Spent Foundry Sand, and Other Exempted Wastes</u> )  Ohio EPA policy DSW-0400.016 ( <u>Design Criteria, Hydrogeologic Evaluations of Surface Impoundments, Dedicated Land Application Sites, On-site Leaching Systems, Disposal Sites of Non-toxic Fly Ash, Bottom Ash, Foundry Sand, and Other Exempted Solid Wastes</u> )  <u>Memorandum of Agreement Between Ohio Environmental Protection Agency and the Ohio Department of Natural Resources On Non-Toxic Fly Ash, Bottom Ash, and Residual Solid Waste Beneficial Use and Disposal</u> (unsigned at time this document was published)	As a requirement of obtaining a mining permit from ODNR under the authority of ARC Chapter 1513/OAC Chapter 1501, the operator of the mine is also required to obtain all authorizations necessary to fulfill mandates in accordance with ORC Chapter 6111 from Ohio EPA, DSW. This gives DSW the authority to require a PTI or a management plan for the use activity.  ODNR, DMR will be responsible for conducting the technical review of the PTI application for the ORC 6111 regulated construction activity. ODNR, DMR, will forward the reviewed PTI application and their recommendation to the Ohio EPA, DSW. DSW will be responsible for the administrative processing of the PTI (i.e. obtaining the signature of the Director of the Ohio EPA.
Regulation of new and existing facilities for co-disposal of exempt materials and C&DD	PTI & License	DSW	Licensing Authority <sup>1</sup>		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02  ORC Chapter 3714.  OAC Chapter 3745-37  OAC Chapter 3745-400		OAC Rule 3745-400-11(F)(3) contains a comment which states that non-toxic fly ash, spent non-toxic foundry sand, and slag (i.e. exempt materials) can be accepted for disposal at a C&DD disposal facility once the owner or operator receives the authorization required pursuant to ORC Chapter 6111. Therefore, the applicant for a disposal facility to co-dispose exempt materials and C&D would be required to obtain a PTI in accordance with ORC 6111 as well as a license to construct and operate a C&DD disposal facility from the licensing authority.
<b>Solid Wastes:</b>							
Regulation of solid waste disposal facilities for residual solid waste	PTI  Operating License	DSIWM - DO	Local health department, if approved  DSIWM - CO, if local health department not approved	N/A	ORC Chapter 3734  OAC Chapter 3745-30  OAC Chapter 3745-31  OAC Chapter 3745-37	Misc. DSIWM guidance documents  Misc. DDAGW guidance documents	The Ohio EPA, DSIWM, has the authority for reviewing and issuing the PTI for the solid waste facility. Health departments that are approved by the Director of the Ohio EPA have the authority for issuing the operating license and conducting inspection activities for the solid waste facility. DSIWM at the central office has the authority for issuing an operating license for a solid waste facility that is located in the jurisdiction of an unapproved health department. DSIWM at the district office has the authority to conduct inspection activities for solid waste facilities located in the jurisdiction of an unapproved health department

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Regulation of solid waste disposal facilities for industrial solid waste	PTI Operating License	DSIWM - DO	Local health department, if approved  DSIWM - CO, if local health department not approved	N/A	ORC Chapter 3734 OAC Chapter 3745-29 OAC Chapter 3745-31 OAC Chapter 3745-37	Misc. DSIWM guidance documents Misc. DDAGW guidance documents	The Ohio EPA, DSIWM, has the authority for reviewing and issuing the PTI for the solid waste facility. Health departments that are approved by the Director of the Ohio EPA have the authority for issuing the operating license and conducting inspection activities for the solid waste facility. DSIWM at the central office has the authority for issuing an operating license for a solid waste facility that is located in the jurisdiction of an unapproved health department. DSIWM at the district office has the authority to conduct inspection activities for solid waste facilities located in the jurisdiction of an unapproved health department.
Regulation of solid waste disposal facilities for municipal solid waste	PTI Operating License	DSIWM	Local health department, if approved  DSIWM - CO, if local health department not approved		ORC Chapter 3734 OAC Chapter 3745-27 OAC Chapter 3745-31 OAC Chapter 3745-37	Misc. DSIWM guidance documents Misc. DDAGW guidance documents	The Ohio EPA, DSIWM, has the authority for reviewing and issuing the PTI for the solid waste facility. Health departments that are approved by the Director of the Ohio EPA have the authority for issuing the operating license and conducting inspection activities for the solid waste facility. DSIWM at the central office has the authority for issuing an operating license for a solid waste facility that is located in the jurisdiction of an unapproved health department. DSIWM at the district office has the authority to conduct inspection activities for solid waste facilities located in the jurisdiction of an unapproved health department.
Regulation of solid waste disposal facilities for FGD waste at ODNR-regulated mine sites	PTI Operating License	ODNR, DMR for technical review of the PTI application  Ohio EPA, DSIWM for administrative processing of the PTI		DSIWM	ORC Chapter 3734 OAC Chapter 3745-30 OAC Chapter 3745-31 OAC Chapter 3745-37	<u>Memorandum of Agreement Between Ohio Environmental Protection Agency and the Ohio Department of Natural Resources On Non-Toxic Fly Ash, Bottom Ash, and Residual Solid Waste Beneficial Use and Disposal</u> (unsigned at time this document was published)	ODNR, DMR, will be responsible for conducting the technical review of the ORC 3734 PTI application and the application for the operating license and will conduct this review in accordance with the solid waste statute and rules. ODNR will forward the reviewed PTI and operating license applications along with their recommendation to the Ohio EPA, DSIWM. DSIWM will be responsible for the administrative processing of the PTI and operating license (i.e. obtaining the signature of the Director of the Ohio EPA).
<b>Compost:</b>							
Permitting and licensing of Class I compost facilities	PTI Operating license	DSIWM - DO	The local health department, if approved by the Director of the Ohio EPA, or the appropriate Ohio EPA district office if health department is unapproved	DSIWM, composting unit at the Ohio EPA central office	OAC Rule 3745-27-41 OAC Rule 3745-27-42		This class of composting facility is for composting of mixed municipal solid waste or composting of any combination of segregated solid wastes other than yard waste, manure, or waste otherwise authorized by the Director of the Ohio EPA.  Material resulting from a Class I compost facility is required to be disposed of in a solid waste facility unless another method of disposal is specifically authorized by the Director of the Ohio EPA.
Licensing and registering of Class II compost facilities	Operating license Registration	DSIWM, composting unit at the Ohio EPA central office (for processing of the registration)	The local health department, if approved by the Director of the Ohio EPA, or the appropriate Ohio EPA district office if health department is unapproved	DSIWM - DO	OAC Rule 3745-27-41 OAC Rule 3745-27-45(D)(3)		This class of composting facility is for composting of yard waste and/or animal manure.  Class II composting facilities are the only facilities for which Director's authorization to accept alternative feedstocks, bulking agents, or other additives can be obtained.  The owner or operator of a Class II composting facility is also required to receive approval for a Manure Management Plan which is issued by ODNR through the soil and water conservation district for the county

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Registering of Class III compost facility	Registration	DSIWM, composting unit at the Ohio EPA central office (for processing of the registration)		DSIWM - DO  The local health department	OAC Rule 3745-27-41		This class of composting facility is for composting of yard waste and/or animal manure  The owner or operator of a Class III composting facility is also required to receive approval for a Manure Management Plan from ODNR through the Division of Soil and Water Conservation  This class of compost facility is limited to being 15,000 square yards in size.
Registering of Class IV compost facility	Registration	DSIWM, composting unit at the Ohio EPA central office (for processing of the registration)		DSIWM - DO  The local health department	OAC Rule 3745-27-41		This class of composting facility is for composting of yard waste
Regulation of alternate composting feedstocks, bulking agents, or other additives	Director's approval letter  Possibly a modification to the facility's NPDES permit (see Comment section)	DSIWM, composting unit		DSW	ORC Chapter 3734  OAC Chapter 3745-27  OAC Rule 3745-27-40(B)(1)(b)  possibly OAC Chapter 3745-33		If the use of the alternate feedstock, bulking agent, or additive causes contaminants that are not covered by the current NPDES permit for the composting facility to be present in any discharges, then the owner or operator of the facility would need to obtain a modification to the NPDES permit from DSW.  Industrial sludge is an example of an alternate feedstock to the composting process.  Class II composting facilities are the only facilities for which Director's authorization to accept alternative feedstocks, bulking agents, or other additives can be obtained.
<b>Construction and Demolition Debris:</b>							
Regulation of new and existing disposal facilities for C&DD	Operating License		Licensing Authority <sup>1</sup>		ORC Chapter 3714  OAC Chapter 3745-400	Misc. DSIWM guidance documents and policies	Health departments that are approved by the Director of the Ohio EPA have the authority for issuing the operating license for the C&DD facility. The Ohio EPA, DSIWM at the district office, has the authority for issuing an operating license for a C&DD facility that is located in the jurisdiction of an unapproved health department.
<b>Sludges:</b>							
Regulation of lagoons and surface impoundments for industrial sludges (by-products of industrial wastewater treatment systems), including closure	PTI	DSW			ORC Chapter 6111 Section 03 Section 04 Section 45  OAC Chapter 3745-31		
Regulation of facilities for the co-disposal of sewage sludge and solid waste	PTI  Operating license	DSIWM			ORC Chapter 3734  OAC Chapter 3745		

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Regulation of land application of industrial sludges (by-products of industrial wastewater treatment systems), including water treatment sludge and sewage sludges at sites other than solid waste facilities	Sludge Management Plan  Site concurrence from DSW at the appropriate Ohio EPA district office <sup>2</sup>	DSW			ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)	DSW Policy on Paper Mill Sludge for Mine Reclamation	
Regulation of facilities for the composting of sewage sludges (either with or without yard waste)	PTI	DSW			ORC Chapter 6111		
<b>Liquid Wastes:</b>							
Regulation of land application of sewage	PTI  or PTI modification  or Plan approval <sup>4</sup> and site concurrence from DSW at the appropriate Ohio EPA district office <sup>2</sup>	DSW			ORC Chapter 6111 Section 44		Sewage is defined in ORC Chapter 6111 Section 01 division B as "any liquid waste containing animal or vegetable matter in suspension or solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities." Therefore, for purposes of applying ORC Chapter 6111 Section 44 to sewage, the waste must be liquid and not a sludge. Land application of sewage sludge is covered in Table 1.
Regulation of land application of liquid industrial waste	PTI  or PTI modification  or Plan approval <sup>4</sup> and site concurrence from DSW at the appropriate Ohio EPA district office <sup>2</sup>	DSW			ORC Chapter 6111 Section 45		ORC Chapter 6111 Section 45 defines industrial waste as "a water-carried or a liquid waste resulting from any process of industry, manufacture, trade, or business, or development of any natural resource." Therefore, for purposes of applying ORC Chapter 6111 Section 44 to an industrial waste, the waste must be liquid and not solid or a sludge. Land application of solid industrial wastes and industrial sludges are covered in Table 1.
<b>Other Wastes:</b>							
Regulation of disposal facilities for "other wastes" as defined in ORC Chapter 6111 Section 01	PTI	DSW			ORC Chapter 6111 Section 03 Section 04  OAC Chapter 3745-31		Other wastes include coal slurries, waste oils, dredgings, etc.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of Treatment of contaminated soils (including petroleum contaminated soils)	PTI	DSW and DAPC		DSIWM	ORC Chapter 6111 ORC Chapter 3704	Ohio EPA policy PP-01-03-200 ( <u>Petroleum Contaminated Soil</u> ) which is the same as DSIWM guidance # 0033	<p>Although DSIWM does not regulate the treatment process, the disposal or alternate use/placement of the treated material is regulated by DSIWM. The use and placement of petroleum contaminated soils which are treated to below 105 ppm (for total petroleum hydrocarbons (TPH)) and 0.006 ppm (Benzene), 4.0 ppm (Toluene), 6.0 ppm (Ethylbenzene), and 28.0 ppm (Xylene) are not regulated by DSIWM at this time. However, ORC Chapter 6111 still applies in situations where unregulated uses or placement of these "clean" petroleum contaminated soils cause surface water contamination.</p> <p>[NOTE: The Ohio EPA is currently in the process of developing a regulatory program for alternative methods of managing wastes. It is expected that the treatment and use of petroleum contaminated soils will be incorporated into this program. Consequently, the Ohio EPA policy PP-01-03-200 will be rescinded once the new program has been implemented. Until that time, the policy and the clean-up levels specified in that policy will remain in place.]</p>
Approval of uses of petroleum contaminated soils that meet or exceed the standards established in Ohio EPA policy PP 01-03-200	No authorization to conduct the use needed	DSIWM			ORC Chapter 3734 OAC Chapter 3745	Ohio EPA policy PP-01-03-200 ( <u>Petroleum Contaminated Soil</u> ) which is the same as DSIWM guidance # 0033	<p>The use and placement of petroleum contaminated soils which either are treated or contain petroleum contamination below 105 ppm (for total petroleum hydrocarbons (TPH) and 0.006 ppm (Benzene), 4.0 ppm (Toluene), 6.0 ppm (Ethylbenzene), and 28.0 ppm (Xylene) are not regulated by DSIWM at this time. However, ORC Chapter 6111 still applies in situations where unregulated uses or placement of these "clean" petroleum contaminated soils cause surface water contamination.</p> <p>[NOTE: The Ohio EPA is currently in the process of developing a regulatory program for alternative methods of managing wastes. It is expected that the treatment and use of petroleum contaminated soils will be incorporated into this program. Consequently, the Ohio EPA policy PP-01-03-200 will be rescinded once the new program has been implemented. Until that time, the policy and the clean-up levels specified in that policy will remain in place.]</p>
Approval of disposal of liquid waste at a solid waste facility	Approval issued by the Director of the Ohio EPA	DSIWM			OAC Rule 3745-27-19(E)(23)	U. S. EPA <u>Test Methods for Evaluating Solid Waste</u> (SW-846), Method 9095, "Paint Filter Liquids Test"	<p>Legally, the approval for the acceptance of bulk or containerized liquid wastes at a solid waste facility must come from the Director of the Ohio EPA. This approval can be a letter signed by the Director, a letter with conditions signed by the Director, or Director's Findings and Orders.</p> <p>Solidified liquids (e.g. liquid absorbed by another waste material, such as sawdust) can be taken to a solid waste facility without additional Ohio EPA approval provided there are no free liquids in the waste (i.e. the waste can pass the paint filter test).</p>
Regulation of closure of impoundments with accumulation of wastes	PTI or PTI modification	DSW			ORC Chapter 6111 Section 03 Section 44 Section 45  OAC Chapter 3745-31		<p>If a PTI for the surface impoundment, as required in accordance with ORC Chapter 6111, has not yet been issued, then the PTI applicant can include provisions for the closure of the impoundment in the PTI application. If an approved PTI for the surface impoundment, as required in accordance with ORC Chapter 6111, has been issued and provisions for the closure of the impoundment were not included in the PTI, then the owner or operator of the impoundment would be required to submit and receive approval for a modification to the PTI from the Director of the Ohio EPA through DSW.</p>

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of land application of sewage sludges at sites other than at solid waste facilities	Sludge management plan approved by the Director of the Ohio EPA  Site concurrence from the Ohio EPA, DSW at the appropriate district office <sup>4</sup>	DSW			ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-27-02(B)	DSWs Land Application of Sludge Manual	The generator of the sludge is responsible for obtaining approval for the sludge management plan.

1. The licensing authority is the local health department, if that health department has been approved to implement the C&DD program by the Director of the Ohio EPA, or the Ohio EPA, DSIWM at the appropriate district office, if the local health department has not been approved.
2. If the proposed activity would occur on a site where an ORC Chapter 6111 regulated construction project is to occur but the PTI has not been issued, then the PTI applicant can request approval for the use in conjunction with the PTI application. If a PTI for an ORC Chapter 6111 regulated construction project has already been issued for the site where the proposed use would occur and the use is not already accounted for in the PTI, then the responsible party (i.e. the PTI holder) would be required to submit and receive approval for a modification to the PTI from the Director of the Ohio EPA through DSW. If the proposed use activity would occur on a site where no ORC Chapter 6111 regulated construction project is to occur, then the responsible party (i.e. the person requesting to perform the use) would be required to receive plan approval from the Director of the Ohio EPA through DSW.
3. DSW retains the program lead for operations which exclusively compost sewage sludge and operations which exclusively compost sewage sludge with source-separated yard waste and/or animal wastes and /or bulking agents (as defined in OAC Rule 3745-27- 40(B)(1)(b). OAC Rule 3745-27-40(B)(5) exempts these operations from the requirements of OAC Chapters 3745-27 and 3745-37. These operations are, however, subject to the requirements of ORC Chapters 6111 and 3704. Once a composting operation composts sewage sludge mixed with any other solid waste (i.e. any waste other than yard waste or animal waste), the operation becomes regulated as a Class II, and potentially a Class I composting facility and DSIWM would assume program lead .
4. DSW at the Ohio EPA, district office, with jurisdiction over the site where the use is to occur should be contacted for site concurrence. Site concurrence is provided by DSW to ensure that the conditions of the specific site chosen to conduct the use meet the suitability characteristics contained in the approved management plan.

**TABLE 2**

**TRADITIONAL DISPOSAL PRACTICES AND THEIR ASSOCIATED PROGRAMMATIC AND REGULATORY REQUIREMENTS**

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
<b>Exempt Wastes:</b>							
Regulation of new disposal facilities for exempt waste	PTI	DSW	N/A	DSIWM	ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02	Draft Ohio EPA policy DSW 0400.028 ( <u>Disposal of Non-Toxic Bottom Ash, Fly Ash and Spent Foundry Sand, and Other Exempted Wastes</u> )  Ohio EPA policy DSW-0400.016 ( <u>Design Criteria, Hydrogeologic Evaluations of Surface Impoundments, Dedicated Land Application Sites, On-site Leaching Systems, Disposal Sites of Non-toxic Fly Ash, Bottom Ash, Foundry Sand, and Other Exempted Solid Wastes</u> )  Misc. DDAGW policies and guidance documents	Support from DSIWM would consist of technical assistance regarding construction details for new/unusual liner or cap designs.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Regulation of existing disposal facilities for exempt waste	PTI	DSW		DSIWM	ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02	Ohio EPA policy DSW 0400.028 ( <u>Disposal of Non-Toxic Bottom Ash, Fly Ash and Spent Foundry Sand, and Other Exempted Wastes</u> )  Ohio EPA policy DSW-0400.016 ( <u>Design Criteria, Hydrogeologic Evaluations of Surface Impoundments, Dedicated Land Application Sites, On-site Leaching Systems, Disposal Sites of Non-toxic Fly Ash, Bottom Ash, Foundry Sand, and Other Exempted Solid Wastes</u> )  Misc. DDAGW policies and guidance documents	Support from DSIWM would consist of technical assistance regarding construction details for new/unusual liner or cap designs.  DSW's authority extends to the closure of the disposal facility.
Regulation of disposal facilities for exempt coal combustion by-products at ODNR-regulated mine sites	PTI	ODNR, DMR for technical review of the PTI  Ohio EPA, DSW for administrative processing of the PTI	N/A	DSW	ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02	Ohio EPA policy DSW 0400.028 ( <u>Disposal of Non-Toxic Bottom Ash, Fly Ash and Spent Foundry Sand, and Other Exempted Wastes</u> )  Ohio EPA policy DSW-0400.016 ( <u>Design Criteria, Hydrogeologic Evaluations of Surface Impoundments, Dedicated Land Application Sites, On-site Leaching Systems, Disposal Sites of Non-toxic Fly Ash, Bottom Ash, Foundry Sand, and Other Exempted Solid Wastes</u> )  <u>Memorandum of Agreement Between Ohio Environmental Protection Agency and the Ohio Department of Natural Resources On Non-Toxic Fly Ash, Bottom Ash, and Residual Solid Waste Beneficial Use and Disposal</u> (unsigned at time this document was published)	As a requirement of obtaining a mining permit from ODNR under the authority of ARC Chapter 1513/OAC Chapter 1501, the operator of the mine is also required to obtain all authorizations necessary to fulfill mandates in accordance with ORC Chapter 6111 from Ohio EPA, DSW. This gives DSW the authority to require a PTI or a management plan for the use activity.  ODNR, DMR will be responsible for conducting the technical review of the PTI application for the ORC 6111 regulated construction activity. ODNR, DMR, will forward the reviewed PTI application and their recommendation to Ohio EPA, DSW. DSW will be responsible for the administrative processing of the PTI (i.e. obtaining the signature of the Director of Ohio EPA.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Regulation of new and existing facilities for co-disposal of exempt materials and C&DD	PTI & License	DSW	Licensing Authority <sup>1</sup>		ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02  ORC Chapter 3714.  OAC Chapter 3745-37  OAC Chapter 3745-400		OAC Rule 3745-400-11(F)(3) contains a comment which states that non-toxic fly ash, spent non-toxic foundry sand, and slag (i.e. exempt materials) can be accepted for disposal at a C&DD disposal facility once the owner or operator receives the authorization required pursuant to ORC Chapter 6111. Therefore, the applicant for a disposal facility to co-dispose exempt materials and C&D would be required to obtain a PTI in accordance with ORC 6111 as well as a license to construct and operate a C&DD disposal facility from the licensing authority.
<b>Solid Wastes:</b>							
Regulation of solid waste disposal facilities for residual solid waste	PTI  Operating License	DSIWM at the appropriate district office	Local health department, if approved  DSIWM - CO, if local health department not approved	N/A	ORC Chapter 3734  OAC Chapter 3745-30  OAC Chapter 3745-31  OAC Chapter 3745-37	Misc. DSIWM guidance documents  Misc. DDAGW guidance documents	Ohio EPA, DSIWM, has the authority for reviewing and issuing the PTI for the solid waste facility. Health departments that are approved by the Director of Ohio EPA have the authority for issuing the operating license and conducting inspection activities for the solid waste facility. DSIWM at the central office has the authority for issuing an operating license for a solid waste facility that is located in the jurisdiction of an unapproved health department. DSIWM at the district office has the authority to conduct inspection activities for solid waste facilities located in the jurisdiction of an unapproved health department
Regulation of solid waste disposal facilities for industrial solid waste	PTI  Operating License	DSIWM at the appropriate district office	Local health department, if approved  DSIWM - CO, if local health department not approved	N/A	ORC Chapter 3734  OAC Chapter 3745-29  OAC Chapter 3745-31  OAC Chapter 3745-37	Misc. DSIWM guidance documents  Misc. DDAGW guidance documents	Ohio EPA, DSIWM, has the authority for reviewing and issuing the PTI for the solid waste facility. Health departments that are approved by the Director of Ohio EPA have the authority for issuing the operating license and conducting inspection activities for the solid waste facility. DSIWM at the central office has the authority for issuing an operating license for a solid waste facility that is located in the jurisdiction of an unapproved health department. DSIWM at the district office has the authority to conduct inspection activities for solid waste facilities located in the jurisdiction of an unapproved health department.
Regulation of solid waste disposal facilities for municipal solid waste	PTI  Operating License	DSIWM	Local health department, if approved  DSIWM - CO, if local health department not approved		ORC Chapter 3734  OAC Chapter 3745-27  OAC Chapter 3745-31  OAC Chapter 3745-37	Misc. DSIWM guidance documents  Misc. DDAGW guidance documents	Ohio EPA, DSIWM, has the authority for reviewing and issuing the PTI for the solid waste facility. Health departments that are approved by the Director of Ohio EPA have the authority for issuing the operating license and conducting inspection activities for the solid waste facility. DSIWM at the central office has the authority for issuing an operating license for a solid waste facility that is located in the jurisdiction of an unapproved health department. DSIWM at the district office has the authority to conduct inspection activities for solid waste facilities located in the jurisdiction of an unapproved health department.
Regulation of solid waste disposal facilities for FGD waste at ODNR-regulated mine sites	PTI  Operating License	ODNR, DMR for technical review of the PTI application  Ohio EPA, DSIWM for administrative processing of the PTI		DSIWM	ORC Chapter 3734  OAC Chapter 3745-30  OAC Chapter 3745-31  OAC Chapter 3745-37	<u>Memorandum of Agreement Between Ohio Environmental Protection Agency and the Ohio Department of Natural Resources On Non-Toxic Fly Ash, Bottom Ash, and Residual Solid Waste Beneficial Use and Disposal</u> (unsigned at time this document was published)	ODNR, DMR, will be responsible for conducting the technical review of the ORC 3734 PTI application and the application for the operating license and will conduct this review in accordance with the solid waste statute and rules. ODNR will forward the reviewed PTI and operating license applications along with their recommendation to Ohio EPA, DSIWM. DSIWM will be responsible for the administrative processing of the PTI and operating license (i.e. obtaining the signature of the Director of Ohio EPA).

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
<b>Compost:</b>							
Permitting and licensing of Class I compost facilities	PTI  Operating license	DSIWM at the appropriate district office	The local health department, if approved by the Director of Ohio EPA, or the appropriate Ohio EPA district office if health department is unapproved	DSIWM, composting unit at Ohio EPA central office	OAC Rule 3745-27-41  OAC Rule 3745-27-42		This class of composting facility is for composting of mixed municipal solid waste or composting of any combination of segregated solid wastes other than yard waste, manure, or waste otherwise authorized by the Director of Ohio EPA.  Material resulting from a Class I compost facility is required to be disposed of in a solid waste facility unless another method of disposal is specifically authorized by the Director of Ohio EPA.
Licensing and registering of Class II compost facilities	Operating license  Registration	DSIWM, composting unit at Ohio EPA central office (for processing of the registration)	The local health department, if approved by the Director of Ohio EPA, or the appropriate Ohio EPA district office if health department is unapproved	DSIWM at the appropriate district office	OAC Rule 3745-27-41  OAC Rule 3745-27-45(D)(3)		This class of composting facility is for composting of yard waste and/or animal manure.  Class II composting facilities are the only facilities for which Director's authorization to accept alternative feedstocks, bulking agents, or other additives can be obtained.  The owner or operator of a Class II composting facility is also required to receive approval for a Manure Management Plan which is issued by ODNR through the soil and water conservation district for the county
Registering of Class III compost facility	Registration	DSIWM, composting unit at Ohio EPA central office (for processing of the registration)		DSIWM at the appropriate district office  The local health department	OAC Rule 3745-27-41		This class of composting facility is for composting of yard waste and/or animal manure  The owner or operator of a Class III composting facility is also required to receive approval for a Manure Management Plan from ODNR through the Division of Soil and Water Conservation  This class of compost facility is limited to being 15,000 square yards in size.
Registering of Class IV compost facility	Registration	DSIWM, composting unit at Ohio EPA central office (for processing of the registration)		DSIWM at the appropriate district office  The local health department	OAC Rule 3745-27-41		This class of composting facility is for composting of yard waste
Regulation of alternate composting feedstocks, bulking agents, or other additives	Director's approval letter  Possibly a modification to the facility's NPDES permit (see Comment section)	DSIWM, composting unit		DSW	ORC Chapter 3734  OAC Chapter 3745-27  OAC Rule 3745-27-40(B)(1)(b)  possibly OAC Chapter 3745-33		If the use of the alternate feedstock, bulking agent, or additive causes contaminants that are not covered by the current NPDES permit for the composting facility to be present in any discharges, then the owner or operator of the facility would need to obtain a modification to the NPDES permit from DSW.  Industrial sludge is an example of an alternate feedstock to the composting process.  Class II composting facilities are the only facilities for which Director's authorization to accept alternative feedstocks, bulking agents, or other additives can be obtained.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
<b>Construction and Demolition Debris:</b>							
Regulation of new and existing disposal facilities for C&DD	Operating License		Licensing Authority <sup>1</sup>		ORC Chapter 3714 OAC Chapter 3745-400	Misc. DSIWM guidance documents and policies	Health departments that are approved by the Director of Ohio EPA have the authority for issuing the operating license for the C&DD facility. Ohio EPA, DSIWM at the district office, has the authority for issuing an operating license for a C&DD facility that is located in the jurisdiction of an unapproved health department.
<b>Sludges:</b>							
Regulation of lagoons and surface impoundments for industrial sludges (by-products of industrial wastewater treatment systems), including closure	PTI	DSW			ORC Chapter 6111 Section 03 Section 04 Section 45  OAC Chapter 3745-31		
Regulation of facilities for the co-disposal of sewage sludge and solid waste	PTI  Operating license	DSIWM			ORC Chapter 3734  OAC Chapter 3745		
Regulation of land application of industrial sludges (by-products of industrial wastewater treatment systems), including water treatment sludge and sewage sludges at sites other than solid waste facilities	Sludge Management Plan  Site concurrence from DSW at the appropriate Ohio EPA district office <sup>2</sup>	DSW			ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-31-02(B)	DSW Policy on Paper Mill Sludge for Mine Reclamation	
Regulation of facilities for the composting of sewage sludges (either with or without yard waste)	PTI	DSW			ORC Chapter 6111		
<b>Liquid Wastes:</b>							

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Regulation of land application of sewage	PTI or PTI modification  or Plan approval <sup>4</sup> and site concurrence from DSW at the appropriate Ohio EPA district office <sup>2</sup>	DSW			ORC Chapter 6111 Section 44		Sewage is defined in ORC Chapter 6111 Section 01 division B as "any liquid waste containing animal or vegetable matter in suspension or solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities." Therefore, for purposes of applying ORC Chapter 6111 Section 44 to sewage, the waste must be liquid and not a sludge. Land application of sewage sludge is covered in Table 1.
Regulation of land application of liquid industrial waste	PTI or PTI modification  or Plan approval <sup>4</sup> and site concurrence from DSW at the appropriate Ohio EPA district office <sup>2</sup>	DSW			ORC Chapter 6111 Section 45		ORC Chapter 6111 Section 45 defines industrial waste as "a water-carried or a liquid waste resulting from any process of industry, manufacture, trade, or business, or development of any natural resource." Therefore, for purposes of applying ORC Chapter 6111 Section 44 to an industrial waste, the waste must be liquid and not solid or a sludge. Land application of solid industrial wastes and industrial sludges are covered in Table 1.
<b>Other Wastes:</b>							
Regulation of disposal facilities for "other wastes" as defined in ORC Chapter 6111 Section 01	PTI	DSW			ORC Chapter 6111 Section 03 Section 04  OAC Chapter 3745-31		Other wastes include coal slurries, waste oils, dredgings, etc.
Approval of Treatment of contaminated soils (including petroleum contaminated soils)	PTI	DSW and DAPC		DSIWM	ORC Chapter 6111  ORC Chapter 3704	DSIWM Fact Sheet #0610 (Frequently Asked Questions About the Management of Soils)	Although DSIWM does not regulate the treatment process, the disposal or alternate use/placement of the treated material is regulated by DSIWM. Alternative disposal practices for the use and placement of petroleum contaminated soils will be reviewed in accordance with the division of labor established in Table 1.
Approval of disposal of liquid waste at a solid waste facility	Approval issued by the Director of Ohio EPA	DSIWM			OAC Rule 3745-27-19(E)(23)	U. S. EPA <u>Test Methods for Evaluating Solid Waste (SW-846)</u> , Method 9095, "Paint Filter Liquids Test"	Legally, the approval for the acceptance of bulk or containerized liquid wastes at a solid waste facility must come from the Director of Ohio EPA. This approval can be a letter signed by the Director, a letter with conditions signed by the Director, or Director's Findings and Orders.  Solidified liquids (e.g. liquid absorbed by another waste material, such as sawdust) can be taken to a solid waste facility without additional Ohio EPA approval provided there are no free liquids in the waste (i.e. the waste can pass the paint filer test).
Regulation of closure of impoundments with accumulation of wastes	PTI or PTI modification	DSW			ORC Chapter 6111 Section 03 Section 44 Section 45  OAC Chapter 3745-31		If a PTI for the surface impoundment, as required in accordance with ORC Chapter 6111, has not yet been issued, then the PTI applicant can include provisions for the closure of the impoundment in the PTI application. If an approved PTI for the surface impoundment, as required in accordance with ORC Chapter 6111, has been issued and provisions for the closure of the impoundment were not included in the PTI, then the owner or operator of the impoundment would be required to submit and receive approval for a modification to the PTI from the Director of Ohio EPA through DSW.

ACTIVITY	REQUIRED AUTHORIZATION	PROGRAM LEAD (for permit-related requirements)	PROGRAM LEAD (for license-related issues)	PROGRAM SUPPORT	STATUTORY OR REGULATORY APPROVAL AUTHORITY	RELATED GUIDANCE, POLICY, OR OTHER DOCUMENTATION	COMMENTS
Approval of land application of sewage sludges at sites other than at solid waste facilities	Sludge management plan approved by the Director of Ohio EPA  Site concurrence from Ohio EPA, DSW at the appropriate district office <sup>4</sup>	DSW			ORC Chapter 6111 Section 03 Section 04  OAC Rule 3745-27-02(B)	DSW's Land Application of Sludge Manual	The generator of the sludge is responsible for obtaining approval for the sludge management plan.

1. The licensing authority is the local health department, if that health department has been approved to implement the C&DD program by the Director of Ohio EPA, or Ohio EPA, DSIWM at the appropriate district office, if the local health department has not been approved.
2. If the proposed activity would occur on a site where an ORC Chapter 6111 regulated construction project is to occur but the PTI has not been issued, then the PTI applicant can request approval for the use in conjunction with the PTI application. If a PTI for an ORC Chapter 6111 regulated construction project has already been issued for the site where the proposed use would occur and the use is not already accounted for in the PTI, then the responsible party (i.e. the PTI holder) would be required to submit and receive approval for a modification to the PTI from the Director of Ohio EPA through DSW. If the proposed use activity would occur on a site where no ORC Chapter 6111 regulated construction project is to occur, then the responsible party (i.e. the person requesting to perform the use) would be required to receive plan approval from the Director of Ohio EPA through DSW.
3. DSW retains the program lead for operations which exclusively compost sewage sludge and operations which exclusively compost sewage sludge with source-separated yard waste and/or animal wastes and /or bulking agents (as defined in OAC Rule 3745-27- 40(B)(1)(b). OAC Rule 3745-27-40(B)(5) exempts these operations from the requirements of OAC Chapters 3745-27 and 3745-37. These operations are, however, subject to the requirements of ORC Chapters 6111 and 3704. Once a composting operation composts sewage sludge mixed with any other solid waste (i.e. any waste other than yard waste or animal waste), the operation becomes regulated as a Class II, and potentially a Class I composting facility and DSIWM would assume program lead .
4. DSW at Ohio EPA, district office, with jurisdiction over the site where the use is to occur should be contacted for site concurrence. Site concurrence is provided by DSW to ensure that the conditions of the specific site chosen to conduct the use meet the suitability characteristics contained in the approved management plan.