



**Environmental
Protection
Agency**

Hearing Summary

Rule Package: Beneficial Use Rules

Original filing date: November 27, 2023

Public comment start date: November 27, 2023

Public comment end date: January 5, 2024

Public hearing date: January 5, 2024

List of Rules: 3745-27-05, 3745-599-01, 3745-599-02, 3745-599-03, 3745-599-05, 3745-599-10, 3745-599-20, 3745-599-25, 3745-599-30, 3745-599-35, 3745-599-60, 3745-599-200, 3745-599-210, 3745-599-220, 3745-599-310, 3745-599-320, 3745-599-330, 3745-599-334, 3745-599-335, 3745-599-340, 3745-599-345, 3745-599-350, 3745-599-360, 3745-599-370, 3745-599-400, 3745-599-410

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☒ Yes

☐ No

Were there comments received during the public comment period outside of those presented at this hearing?

☐ Yes

☒ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request. These recordings may be sent out for transcription if necessary.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Beneficial Use Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3734.02, 3734.03, 6111.03, 6111.035, 6111.04, 6111.32, and 6111.34 of the Ohio Revised Code (ORC) and in accordance with ORC Chapter 119, proposes to original file the following rules of the Ohio Administrative Code:

Rule Number	Rule Title	Action
3745-27-05	Applicability and relation to other laws.	Amend
3745-599-01	Beneficial use and harbor sediment authorization - applicability.	Amend
3745-599-02	Beneficial use and harbor sediment authorization – definitions.	Amend
3745-599-03	Beneficial use and harbor sediment authorization - incorporation by reference.	Amend
3745-599-05	Beneficial use and harbor sediment authorization - general exclusions.	Amend
3745-599-10	Beneficial use byproduct incorporated into certain construction materials or used as a fuel or as an ingredient in a combustion unit.	Amend
3745-599-20	Beneficial use and harbor sediment authorization – prohibitions.	Amend
3745-599-25	Beneficial use – signatures.	No Change
3745-599-30	Beneficial use - relationships among authorizing documents, rules, and the authority of the director and board of health.	No Change
3745-599-35	Beneficial use - legitimacy criteria.	No Change
3745-599-60	Approved sampling and characterization procedures for the beneficial use of a beneficial use byproduct.	Amend
3745-599-200	General beneficial use permit.	Amend
3745-599-210	Notice of intent to obtain coverage under a general beneficial use permit.	No Change
3745-599-220	Coverage under a general beneficial use permit.	No Change
3745-599-310	Application for an individual beneficial use permit.	No Change
3745-599-320	Issuance of an individual beneficial use permit.	Amend
3745-599-330	Notice and information for distribution - individual beneficial use permits.	No Change
3745-599-334	Generator obligations for record keeping and reporting - individual beneficial use permits.	No Change
3745-599-335	Distributor obligations for record keeping and reporting - individual beneficial use permits.	No Change
3745-599-340	Initial beneficial use byproduct characterization demonstration for individual beneficial use permits.	Amend
3745-599-345	Compliance demonstration for individual beneficial use permits.	No Change
3745-599-350	Changes to the beneficial use byproduct and the individual beneficial use permit.	No Change
3745-599-360	Renewal of an individual beneficial use permit.	No Change
3745-599-370	Denial and revocation of an individual beneficial use permit.	No Change
3745-599-400	Harbor sediment authorization.	Amend
3745-599-410	Criteria for issuance of a harbor sediment authorization.	Amend

Ohio Administrative Code Chapter 3745-599 contains requirements for beneficial use and harbor sediment authorizations and is currently due for a five-year review pursuant to ORC section 106.03. Ohio Administrative Code rule 3745-27-05 identifies appropriate methods for the disposal of solid waste.

The purpose of this rule making is to satisfy the requirements of Ohio Revised Code section 106.03. As part of this rulemaking effort, Ohio EPA is proposing to expand the chapter to allow additional solid waste, industrial waste, or other waste materials to be eligible for beneficial use authorization.

The public comment period will run until January 5, 2024. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on January 5, 2024, at 11:15 a.m. During the hearing, the public may submit written comments on the record about the proposed rules and, if participating in person, may provide comments verbally.

The in-person hearing will be located at Ohio EPA, 50 W. Town Street, Suite 700, Columbus, Ohio 43215. Anyone wishing to participate virtually must register in advance for the meeting at: <https://attendee.gotowebinar.com/register/7193498085537999705>. Registration for the in-person hearing is not required.

Persons intending to give oral testimony at the hearing should notify the Ohio EPA Office of Communications and Outreach by mail at P.O. Box 1049, Columbus, Ohio 43216-1049, by telephone at (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rule making.

Written testimony should be emailed to the attention of Michelle Mountjoy at michelle.mountjoy@epa.ohio.gov. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on January 5, 2024, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Michelle Mountjoy at the Division of Materials and Waste Management at (614) 728-5372 or michelle.mountjoy@epa.ohio.gov.

To receive a copy of the proposed rules, please contact the Division of Materials and Waste Management (DMWM) receptionist at (614) 644-2621. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DMWM web page at <https://epa.ohio.gov/divisions-and-offices/materials-and-waste-management/regulations/proposed-rules>.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>.

Attachment B – Attendance List

Maria Bocanegra, Port of Cleveland

Attachment C – Hearing Script

DMWM Beneficial Use Rules Hearing

Jan. 5, 2024

Hello and welcome to Ohio EPA's public hearing regarding the Division of Materials and Waste Management's proposed rules. My name is Mary McCarron and I'm hosting today's public hearing. With me today from Ohio EPA are Michelle Mountjoy and Mandi Payton. In a moment, we will move to the public hearing where we will take official comments on the proposed rules.

Before we get started, I'd like to go over a few items to help our online participants navigate the GoTo platform.

On this slide you will see an example screenshot of your Attendee interface. You should see something that looks like this on your computer desktop on the right-hand side of your screen. For this public hearing, you are listening in using your computer audio. If you are having sound issues, try refreshing your browser. If that doesn't work, try logging off and logging back in.

Please submit public comments by clicking on the question mark icon and typing them into the Questions pane on your attendee interface. All comments submitted online will be read aloud for the whole audience to hear.

You can also click the handouts button to download included documents.

For those attending in person, you may submit your testimony verbally by raising your hand and moving close to the broadcast tablet, stating your name, and proceeding with your testimony when we call on you.

PUBLIC HEARING SPEECH

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA is proposing to original file Beneficial Use Rules the Ohio Administrative Code. These include Chapter 3745-27-05 and multiple rules in Chapter 3745-599-01. The specific rules are available in the handouts for today's hearing.

Ohio Administrative Code Chapter 3745-599 contains requirements for beneficial use and harbor sediment authorizations and is currently due for a five-year review under ORC section 106.03. Ohio Administrative Code rule 3745-27-05 identifies appropriate methods for the disposal of solid waste.

The purpose of this rule making is to satisfy the requirements of Ohio Revised Code section 106.03. As part of this rulemaking effort, Ohio EPA is proposing to expand the chapter to allow additional solid waste, industrial waste, or other waste materials to be eligible for beneficial use authorization.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, Jan. 5, 2024. These comments may be typed into the GoTo platform, spoken in person today, or emailed to michelle.mountjoy@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed or in-person testimony given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing allows citizens to provide input. Therefore, we will not be able to answer questions today.

YOU MAY NOW SUBMIT COMMENTS. I will read aloud any comments we receive in the GoTo platform. If you are attending in-person and would like to submit testimony, please raise your hand, and wait to be called on. I will keep the GoTo platform open until 11:45 a.m. to provide time for participants to type in comments.

CLOSING

We will close the hearing. After the hearing closes, we will accept written comments through 5:00 p.m. today. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation, and participation in Ohio EPA's decision-making process. The time is now 11:45 a.m. and this hearing is concluded.