

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Beneficial Use of Dredge**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3734.02, 6111.03, 6111.035, 6111.04, 6111.32, 6111.33, and 6111.34 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend and promulgate the following rules of the Ohio Administrative Code:

- 3745-599-01 Beneficial use and harbor sediment authorization – applicability.
- 3745-599-02 Beneficial use and harbor sediment authorization – definitions.
- 3745-599-03 Beneficial use and harbor sediment authorization – incorporation by reference.
- 3745-599-05 Beneficial use and harbor sediment authorization – general exclusions.
- 3745-599-20 Beneficial use and harbor sediment authorization – prohibitions.
- 3745-599-60 Approved sampling and characterization procedures for the beneficial use of a beneficial use byproduct.
- 3745-599-400 Harbor sediment authorization.
- 3745-599-410 Criteria for issuance of a harbor sediment authorization.

These rules address beneficial use regulations.

The purpose of this rule making is to expand Ohio Administrative Code (OAC) Chapter 3745-599 to include provisions for the use, management, and placement of dredge from a federal navigation channel or connected commercial maritime port facility pursuant to Ohio Revised Code section 6111.34. These amended and new regulations allow for the director of Ohio EPA to determine the criteria by which a harbor sediment authorization can be issued, which categorizes dredge from certain federal navigation channels and connected commercial maritime port facilities as neither a solid waste nor an other waste.

The public comment period will run until January 7, 2019. A public hearing on this proposed rule making will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held on January 7, 2019 at 2:30 p.m. at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. 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 sent to the attention of [Michelle Mountjoy](#) at the Division of Materials and Waste Management P.O. Box 1049, Columbus Ohio 43216-1049. 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 7, 2019, 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 [David Emerman](#) at 330-963-1283.

To receive a copy of the proposed rules, please contact the Division of Materials and Waste Management 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 <http://epa.ohio.gov/dmwm/dmwmnonhazrules>.