



John R. Kasich, Governor
Mary Taylor, Lt. Governor
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NOVEMBER 26, 2018

Thomas J. Frantz
Eagle Bridge Co.
P.O. Box 59
Sidney, Ohio 45365

**Re: Eagle Bridge Co
Permit – Short Term
Approval
Beneficial Use
Shelby
BENU022950**

**Re: Eagle Bridge Co
Permit – Short Term
Exemption
Beneficial Use
Shelby
BENU022950**

**Subject: Eagle Bridge Co.
Individual Beneficial Use Permit
Drinking Water Treatment Materials, City of Sidney Water Treatment
Plant**

Effective Date: 11-26-2018

Expiration Date: 11-26-2023

Ohio EPA NOV 26 '18
Entered Directors Journal

The Ohio Environmental Protection Agency (Ohio EPA) has received and reviewed Eagle Bridge Co.'s (Eagle Bridge) application to beneficially use drinking water treatment material (DWTM) from the City of Sidney's water treatment plant (Sidney WTP). Pursuant to the authority of the Director of the Ohio EPA (Director) under Ohio Revised Code (ORC) Chapters 3734 and 6111 and Ohio Administrative Code (OAC) Chapter 3745-599, this Permit is subject to compliance with applicable provisions of OAC Chapter 3745-599 and all terms and conditions contained in this Permit and the Permit application. Beneficial use of Sidney WTP's DWTM in accordance with this Permit and in compliance with OAC Chapter 3745-599 and other applicable laws is unlikely to adversely impact the public health or safety or the environment.

DWTM authorized for beneficial use under this Permit consists mainly of lime and sediment and may also contain aluminum sulfate, ferric sulfate, and poly-aluminum chloride, which are coagulants often used by public water systems to aid in removal of particulate and dissolved constituents from raw intake water. Lime is used to soften and coagulate raw intake water, and, due to its neutralizing potential, DWTM may be placed on the land for agronomic benefit as a liming material.

This Permit authorizes the beneficial use of Drinking Water Treatment Material, as that term is defined in Section B of this Permit, and authorizes only the beneficial use methods specifically identified in Section A.2. of this Permit. All other beneficial uses and beneficial use of any other DWTM must be separately approved by the Director.

This Permit shall expire at midnight on the expiration date listed above. Eagle Bridge may continue activities authorized by this Permit beyond the date of expiration only as provided in OAC Rule 3745-599-360.

This Permit does not relieve Eagle Bridge of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations. Nothing herein shall be construed to release any person, including but not limited to the owner(s) of property upon which the DWTM is placed, from the obligation to comply with all applicable laws governing the placement.

A. Criteria for Issuance of an Individual Beneficial Use Permit

1. Only DWTM from the Sidney WTP's Primary Lagoon as defined in Section B of this Permit is eligible for beneficial use under this Permit.
2. This Permit authorizes the beneficial use of eligible DWTM under this Permit by placement on land for agronomic benefit as a liming material.
3. Eagle Bridge shall comply with all applicable requirements of ORC Section 905.52, pertaining to licensing a liming material through the Ohio Department of Agriculture (ODA).
4. Ohio EPA has determined that a complete application, as amended, was submitted and that the beneficial use of DWTM conducted in accordance with this Permit and OAC Chapter 3745-599:
 - a. is unlikely to cause pollution to waters of the state;
 - b. is unlikely to create a nuisance or adversely affect public health, safety, or the environment;
 - c. is unlikely to cause air pollution; and
 - d. complies with ORC Section 3734.02(M).
5. The sampling and analysis data submitted by Eagle Bridge to Ohio EPA demonstrates that the eligible DWTM for beneficial use under this Permit:
 - a. is not hazardous waste as defined by ORC Section 3734.01, OAC Rule 3745-50-10(A), and OAC Rule 3745-51-03; and

- b. does not contain constituents that exceed any of the constituent concentrations in Table 1.

Table 1: Constituent Concentration Limits

Constituent^{1,2}	Totals Analysis³ (mg/kg)*
Aluminum (Al)	77000
Arsenic (As)	41
Barium (Ba)	15000
Cadmium (Cd)	39
Copper (Cu)	1500
Lead (Pb)	300
Manganese (Mn)	1800
Nickel (Ni)	420
Selenium (Se)	100
Zinc (Zn)	2800

* - dry weight basis

- 6. For the purposes of this Permit, eligible DWTM as defined in Section B of this Permit, when beneficially used in accordance with this Permit and OAC Chapter 3745-599, is a beneficial use byproduct as defined in OAC Rule 3745-599-02(B)(2).
- 7. Eagle Bridge may apply for a general permit in accordance with OAC Rule 3745-599-200 or another individual beneficial use permit in accordance with OAC Rule 3745-599-310 for beneficial use of material not authorized in this Permit.

B. Definitions

Unless otherwise stated in this Permit, the terms used in this Permit shall have the same meaning as used in OAC Chapter 3745-599. The following definitions are specific to this Permit:

“dewatered” means a material with a solids content greater than or equal to 75 percent by weight.

¹ Al, Ba, Mn: US EPA Regional Screening Levels, Residential Soil.

² As, Cd, Cu, Pb, Ni, Se, Zn: US EPA 40 CFR Part 503 Pollutant Concentrations (Table 3 of 503.13).

³ EPA publication SW-846, “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846),” Section 1.2 of the TCLP Method 1311 *does* allow for a total constituent analysis in lieu of the TCLP extraction. “If a total analysis of the waste demonstrates that individual analytes are not present in the waste, or that they are present but at such low concentrations that the appropriate regulatory levels could not possibly be exceeded, the TCLP need not be run.”

“Drinking Water Treatment Material” means the byproduct resulting from treatment of the Sidney WTP’s source water supply that is solid waste, industrial waste or other waste, for drinking or industrial purposes, and including only DWTM from the Sidney WTP’s inactive “Primary Lagoon”. Treatment may include addition of aluminum sulfate, ferric sulfate, poly-aluminum chloride and/or lime for coagulation and/or softening.

“fill” means material placed on the ground in order to fill an existing depression or hole in the ground, create mounds, or otherwise artificially change the grade or elevation of the property.

“frozen land” means land that is impenetrable because of frozen soil moisture. Generally, frozen land shall meet all the following criteria: 1) not easily penetrated by a metal object, 2) not deform to show visible imprint under downward pressure and 3) have a temperature below 32 degrees Fahrenheit.

“liming material” means all materials, the calcium and magnesium content of which is used to neutralize soil acidity, and includes the oxide, hydrate, carbonate, and silicate forms, or combinations of those forms.

“snow covered land” means soil or residue lying on the soil cannot be seen because of snow cover, or soil covered by one-half inch or more of ice.

“structural fill” means material used to create a stable base that meets the applicable engineering specifications for and is used as engineered fill, mechanically stabilized earthen walls, or granular fill.

C. Notice of Necessary Information for Distribution

1. Eagle Bridge shall provide all owners of property upon which Eagle Bridge beneficially uses DWTM with:
 - a. a statement that the beneficial use byproduct being distributed meets the criteria in Section A of this Permit;
 - b. a copy of this Permit; and
 - c. upon request by a person receiving the beneficial use byproduct, a copy of the sampling and analysis data in the permit application.

D. Operating Conditions

1. Eagle Bridge shall not use DWTM as fill or structural fill pursuant to this Permit.
2. Limecorp shall not place DWTM in any area described in ORC Section 3734.02(M), including within the boundaries of a state park, a state park

purchase area, any unit of the national park system, any property lying within the boundaries of a national park or recreation area located in Ohio, or any candidate area located in Ohio and identified for potential inclusion in the national park system.

3. Eagle Bridge shall not store DWTM managed under this Permit on the land at any location other than the Primary Lagoon.
4. Eagle Bridge may beneficially use DWTM by placement on land for agronomic benefit, and shall conduct all activities authorized by this Permit in accordance with this Permit, the Permit application, and OAC Chapter 3745-599.
5. Eagle Bridge shall cease beneficial use of DWTM pursuant to this Permit if it is determined that the DWTM no longer satisfies the Criteria for Issuance of an Individual Beneficial Use Permit in Section A of this Permit.
6. Prior to beneficial use of DWTM pursuant to this Permit, Eagle Bridge shall obtain written consent from the owner of the property where DWTM is to be land applied and provide a copy of the written consent to Ohio EPA upon request.

DWTM Land Application Conditions

7. Eagle Bridge shall use Best Management Practices, as defined in OAC Rule 3745-599-02, when applying DWTM on the land for agronomic benefit as a liming material pursuant to this Permit. The Best Management Practices for land application shall include, at a minimum:
 - a. DWTM shall not be land applied within 300 feet of occupied buildings, unless a reduction in this distance for land application of DWTM is approved, in writing, by the land owner and, if applicable, the resident of the occupied building;
 - b. DWTM shall not be land applied within 300 feet of wells and surface waters used for drinking water or watering livestock or within 100 feet with a 100-foot grass buffer;
 - c. DWTM shall not be land applied within 33 feet of surface waters of the state as defined in ORC Section 6111.01(H) that are not referenced in Condition D.7.b;
 - d. DWTM shall not be land applied during precipitation events;
 - e. DWTM shall not land applied to saturated soil;

- f. DWTM shall not be land applied onto frozen or snow-covered ground; and
 - g. Eagle Bridge shall take measures to control fugitive dust and other air emissions that may result from activities authorized through this Permit.
8. Eagle Bridge shall calculate the per acre application rate for each beneficial use site upon which Eagle Bridge intends to beneficially use DWTM pursuant to this Permit. Eagle Bridge shall ensure that the application rate will not result in a total liming rate that exceeds the equivalent of six dry tons of DWTM being applied per acre over a three-year period. When calculating the appropriate application rate, Eagle Bridge shall:
- a. Consult Ohio State University Bulletin E-2567, Tri-State Fertilizer Recommendations (or subsequent updated versions);
 - b. Base the application rate on the ideal soil pH range for the crop to be grown, the existing soil pH, and the effective neutralizing power of the DWTM (as determined by the most recent sampling results of the DWTM);
 - c. Consider the potential for runoff of the DWTM, either by itself or carried in storm water; and
 - d. Determine the available water capacity of the soil in accordance with Appendix B of OAC Rule 901:10-2-14 and, for non-dewatered DWTM, ensure that the application rate does not exceed the available water capacity of the soil, or 10,000 gallons per acre per week, whichever is less.
9. Eagle Bridge shall use application methods while applying DWTM that will ensure even distribution of the DWTM.

Record Keeping and Reporting

10. Eagle Bridge shall retain the following information for a minimum of five years after beneficial use of the DWTM and shall make the information available to Ohio EPA upon request:
- a. Records of the annual volume of DWTM that is beneficially used;
 - b. Records of the recipient(s), the date(s) of land application and the volume of DWTM provided to each recipient and location;

- c. The sampling plan detailing where and how samples of DWTM from the Sidney WTP were collected, dates the samples were collected, and the list of constituents from Table 1 for which samples were analyzed;
 - d. All laboratory data, the analyses of the constituent concentrations listed in Table 1, and the statistical analysis for demonstrating that the DWTM does not exceed the 95% UCL for each constituent limit in Table 1.
 - e. Documentation demonstrating the DWTM is not a hazardous waste as defined by ORC Section 3734.01, OAC Rule 3745-50-10(A), and OAC Rule 3745-51-03.
 - f. Written consent from the owner of the property where DWTM is to be land applied.
11. Not later than April first of each year Eagle Bridge shall submit to the Director an annual report that includes the volume of DWTM beneficially used pursuant to this Permit for the previous calendar year. The annual report shall be sent to one of the following addresses:

For mailings, use the post office box number:

Ohio Environmental Protection Agency
Division of Materials and Waste Management
Attn: Beneficial Use Unit
P.O. Box 1049
Columbus, Ohio 43216-1049

or

For deliveries to the building:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
Attn: Beneficial Use Unit
50 West Town Street
Columbus, Ohio 43215

General Operating Conditions

12. Issuance of this Permit does not constitute assurance that the beneficial use of DWTM by placement on land for agronomic benefit in accordance with this Permit will comply with all Ohio laws and regulations.

13. Eagle Bridge shall beneficially use DWTM pursuant to this Permit in such a manner that the activities will neither cause a nuisance nor adversely affect public health, safety, or the environment. The Director may revoke this Permit if the Director determines that a nuisance condition or a threat to human health, safety, or the environment exists. Immediately upon the effective date of any written notification from the Director of revocation of this Permit, Eagle Bridge shall cease beneficial use under this Permit. The Director may require Eagle Bridge to remove the DWTM, remediate the beneficial use site, or to take other action as appropriate to eliminate the nuisance or threat.
14. Eagle Bridge shall conduct all activities in compliance with all applicable local, state, and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, and storm water run-on and run-off and protection of ground water and surface water.
15. Eagle Bridge shall conduct all activities in compliance with all applicable local, state, and federal laws and regulations not explicitly identified in this Permit.
16. To the extent that the DWTM may be considered a solid waste and would require the Permittee to obtain a permit and license under ORC Chapter 3734 and the rules promulgated thereunder, the Director has determined that granting an exemption from the applicable solid waste provisions of ORC Chapter 3734 to use DWTM in the quantities and under the circumstances specifically authorized in this Permit is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), the Permittee is hereby exempted from the applicable solid waste provisions of ORC Chapter 3734 and the rules adopted thereunder when the DWTM are stored or placed on the land for beneficial use as authorized in this Permit subject to compliance with all conditions in this Permit.
17. Nothing in this Permit shall be construed as a waiver from the requirements of ORC Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein. This Permit shall not be interpreted to release Eagle Bridge from responsibility under ORC Chapters 3704, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

18. Eagle Bridge shall not place DWTM into any waters of the United States, including wetlands, subject to regulation under Sections 401 and/or 404 of the Federal Clean Water Act, or in isolated wetlands subject to regulation under ORC Sections 3745.113 and 6111.02 through 6111.029, without first obtaining any required authorizations from the U.S. Army Corps of Engineers and/or Ohio EPA.
19. Eagle Bridge shall not cause pollution or cause to be placed any DWTM in a location where they cause pollution to waters of the state, except in accordance with an effective National Pollutant Discharge Elimination System (NPDES) permit. Any unauthorized discharge to waters of the state must be reported to Ohio EPA (call 1-800-282-9378) within 24 hours of discovery.
20. To the extent that any provision in the application for this permit conflicts with a term or condition in this Permit, this Permit shall control.

E. Property Access

Eagle Bridge shall allow the Director or an authorized representative of Ohio EPA to enter upon the property where Eagle Bridge beneficially uses DWTM, conducts other activities under this Permit, or retains records for under OAC Chapter 3745-599 or the terms and conditions of this Permit, for the following purposes:

1. To inspect and copy records that must be kept under OAC Chapter 3745-599 or the terms and conditions of this Permit.
2. To collect samples, perform monitoring, take photographs, perform measurements, surveys, and other tests; and inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under OAC Chapter 3745-599 or this Permit.
3. For all other purposes for which the Director or an authorized representative of Ohio EPA has rights of access or inspection authority under applicable law.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the lands upon which the appeal is based. The appeal must be filed with the Commission within thirty days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within

three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Butler".

Craig W. Butler
Director