



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

May 26, 2021

Bob Spyker
Spyker Contracting, Inc.
1263 Integrity Drive
Defiance, Ohio 43512

**Re: Spyker Contracting, Inc.
Permit – Short Term
Approval
Beneficial Use
Defiance County
BENU023826**

**Re: Spyker Contracting, Inc.
Permit – Short Term
Exemption
Beneficial Use
Defiance County
BENU023826**

**Subject: Spyker Contracting, Inc.
Land Application Management Plan
Black Beauty Blasting Sand**

Effective Date: May 26, 2021

Expiration Date: May 26, 2026

Dear Mr. Spyker:

The Ohio Environmental Protection Agency (Ohio EPA) has received and reviewed the land application management plan (LAMP) permit application submitted by Spyker Contracting, Inc. (Spyker). This LAMP permit and exemption (LAMP Permit), issued pursuant to Ohio Revised Code (ORC) Chapters 3734 and 6111, is for the use of spent blasting sand (Black Beauty sand) generated from sandblasting operations at Sabre Industries, Inc. in Hicksville, Ohio, by placement on the land for road construction sub-base and as structural fill.

The Director of Ohio EPA (Director) has determined that issuing this LAMP Permit to use Black Beauty sand in the quantities and under the circumstances authorized in this LAMP Permit is unlikely to adversely affect public health or safety or the environment.

This LAMP Permit is issued pursuant to ORC Chapters 3734 and 6111 for the use of Black Beauty sand by placement on the land for road construction sub-base and as structural fill. Pursuant to the authority of the Director under ORC Chapters 3734 and 6111, this LAMP Permit for Spyker is approved subject to compliance with all conditions below.

Further, the Director has determined that granting an exemption from the applicable solid waste provisions of ORC Chapter 3734 to use Black Beauty sand under the circumstances specifically authorized in this LAMP Permit is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), the Director hereby exempts Spyker from the applicable solid waste provisions of ORC Chapter 3734 and rules adopted thereunder specific to the land application of Black Beauty sand as authorized in this permit except as specifically stated in Condition 21.

CONDITIONS

1. As used in the LAMP Permit:
 - a. "Waters of the state" has the same meaning as in section 6111.01(H) of the Revised Code.
 - b. "Structural fill" means a screened material used to create a stable base meeting engineering specifications for use as engineered fill, mechanically stabilized earthen (MSE) walls, or earthen mounds, or road base. Structural fill does not include material used for filling limestone or sandstone quarries, gravel pits, open pits, or other industrial mineral mining excavations.
2. This LAMP Permit authorizes the use of Black Beauty sand by placement on the land for road construction sub-base and as structural fill, generated by Sabre Industries, managed in accordance with this LAMP Permit. This authorization shall not be construed to authorize any other use of Black Beauty sand.
3. Only Black Beauty sand that is not a hazardous waste as defined by ORC Chapter 3734, Ohio Administrative Code (OAC) Rule 3745-50-10(A), and OAC Rule 3745-51-03, are eligible for land application under this LAMP Permit. All other Black Beauty sand land applications must be separately approved for use by Ohio EPA. Generator knowledge and totals analysis submitted to Ohio EPA by Spyker on November 11, 2020, demonstrated Black Beauty sand is not a hazardous waste.
4. Ohio EPA's jurisdiction is limited to determining whether the use of Black Beauty sand as road construction sub-base and as structural fill is unlikely to harm public health, safety, or the environment.
5. The Black Beauty sand shall be stored and used as road construction sub-base and as structural fill in accordance with the conditions of this LAMP Permit.

Approval of this LAMP Permit does not constitute an assurance that use of Black Beauty sand in accordance with the approved LAMP Permit will be in compliance with all Ohio laws and regulations.

6. Spyker is responsible for identifying and obtaining any additional authorizations necessary to use Black Beauty sand as described in this LAMP Permit. Except for the applicable solid waste provisions of ORC Chapter 3734 and rules adopted thereunder exempted by this LAMP Permit, issuance of this LAMP Permit to Spyker neither relieves Spyker of the duty to comply with nor authorizes Spyker to conduct activities in violation of any applicable federal, state, or local laws, ordinances, or regulations. All activities shall be accomplished in compliance with all federal, state, or local 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.
7. Spyker shall ensure that Black Beauty sand intended for use under this LAMP Permit is analyzed at a minimum annually in accordance with this LAMP Permit. When collecting and analyzing samples pursuant to this LAMP Permit, Spyker shall ensure the following requirements are satisfied:
 - a. One representative sample shall be collected of Black Beauty sand intended for use under this LAMP Permit;
 - b. The sample(s) are analyzed for the constituents listed in Table 1 of this LAMP Permit and constituents added pursuant to Condition Number 8, using the following methods:
 - a. Each sample shall be analyzed for total metals, as described in U.S. EPA SW-846, for the constituents listed in Table 1; and
 - b. Each sample shall be analyzed for leaching potential using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 or the Synthetic Precipitation Leaching Procedure (SPLP) Method 1312 as described in U.S. EPA SW-846, for each constituent specified in Table 1.
 - c. The reported detection limit for the analysis shall be below the limit specified for each constituent in Table 1 or set for constituents added pursuant to Condition Number 8; and
 - d. The analytical methods employed for constituents added pursuant to Condition Number 8 shall be the same analytical methods as stated in Condition Number 7b and the units of the limits set in accordance with Condition Number 8.
8. Ohio EPA reserves the right to add constituents to Table 1 and set limits for those newly added constituents as it deems necessary to protect public health, safety,

or the environment, without modifying this LAMP Permit, by providing 30-days written notice to Spyker. At the conclusion of the 30-day notice period, each constituent added, together with its related limits, shall be considered part of Table 1.

Table 1: Constituent Limits

Constituent^{1 2}	Totals Analysis (mg/kg)	Leaching Analysis (mg/L)
Aluminum (Al)	77000	4
Antimony (Sb)	31	0.12
Barium (Ba)	15000	40
Cadmium (Cd)	39	0.1
Copper (Cu)	1500	26
Iron (Fe)	55000	6
Lead (Pb)	300	0.3
Selenium (Se)	100	0.2
Zinc (Zn)	200 ⁴	100

9. Spyker shall not make available or distribute for use any Black Beauty sand that contains constituents at levels that exceed any of the constituent concentration limits specified in Table 1 or any constituent concentration limit for any additional constituent that Ohio EPA has identified to Spyker as requiring testing. Analysis submitted to Ohio EPA by Spyker on November 11, 2020 demonstrated no constituents in the sample analyzed exceeded the Table 1 limits.

STORAGE CONDITIONS

10. Spyker shall use Best Management Practices when storing Black Beauty sand. The Best Management Practices shall include, at a minimum, all of the following:
- Minimizing the exposure of Black Beauty sand to rain, snow, snowmelt, and runoff throughout the storage, processing, and staging of the Black Beauty sand (including loading and unloading, cleaning, and maintenance operations);
 - The use of grading, berming, or curbing to prevent Black Beauty sand runoff and divert run-on away from storage areas;

¹ Al, Sb, Ba, Fe: US EPA Regional Screening Levels, Residential Soil; Cd, Cu, Pb, Se, Zn: US EPA 40 Code of Federal Regulations Part 503 Pollutant Concentrations (Table 3 of 503.13).

² Al, Sb, Ba, Cd, Cu, Fe, Pb, Zn: TCLP Analysis limits are 20 times the drinking water standard (Maximum Contaminant Levels MCLs) or Secondary MCLs (SMCLs)); Se is 5 times the drinking water standard.

- c. Providing and maintaining a 50-foot undisturbed natural buffer around surface waters of the state, directing storm water to vegetated areas to increase sediment removal and maximize storm water infiltration;
 - d. Locating all Black Beauty sand storage areas at least 300 feet from occupied buildings unless a reduction in this distance is approved, in writing, by the landowner and, if applicable, the resident of the occupied building;
 - e. Locating all Black Beauty sand storage areas at least 300 feet from wells and surface waters used for drinking water or watering livestock and at least 100 feet from other surface waters of the state as defined in ORC Section 6111.01(H);
 - f. Unless otherwise provided in a permit issued under ORC Chapter 6111, create surface water diversions to catch any solids in runoff and to divert runoff away from waters of the state at each site where Black Beauty sand is stored on land;
 - g. Taking measures to control fugitive dust and other air emissions that may result from activities authorized through this LAMP Permit;
 - h. Not storing Black Beauty sand in areas that are either over or within a sensitive groundwater area, including any of the following:
 - a. Karst terrain;
 - b. A sand and gravel pit;
 - c. A limestone or sandstone quarry;
 - d. A drinking water source protection area with less than ten feet of low permeability clayey glacial till between the bottom of the fill material and the ground water;
 - e. An aquifer designated on an Ohio Department of Natural Resources Ground Water Resources map for the county in which the land application activity will take place as capable of yielding one hundred gallons-per minute or more, which has less than ten feet of separation between the bottom of the fill material and the ground water.
11. Spyker shall store Black Beauty sand used as road construction sub-base or as structural fill in the area specified on the attached site map.
12. Spyker shall store no more than 500 tons of Black Beauty sand.

LAND APPLICATION CONDITIONS

13. Spyker shall not place Black Beauty sand 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 that lies within the boundaries of a national park or recreation area that is located in this state, or any candidate area located in this state and identified for potential inclusion in the national park system.
14. Spyker shall use Best Management Practices when using Black Beauty sand for placement on the ground pursuant to this LAMP Permit including, at a minimum, all of the following:
 - a. Black Beauty sand shall not be land applied within 300 feet of public water system wells and surface waters used for drinking water or watering livestock or within 100 feet of wells and surface waters used for drinking water or watering livestock if there is a 100-foot grass buffer between the land application area and wells and surface waters used for drinking water or watering livestock;
 - b. Black Beauty sand shall not be land applied within 33 feet from surface waters of the state that are not referenced in Condition D.14.a; and
 - c. Measures shall be taken to control fugitive dust and other air emissions that may result from activities authorized through this LAMP Permit.
15. Spyker shall not use Black Beauty sand in areas that are either over or within a sensitive groundwater area, including any of the following:
 - a. Karst terrain;
 - b. A sand and gravel pit;
 - c. A limestone or sandstone quarry;
 - d. A drinking water source protection area with less than ten feet of low permeability clayey glacial till between the bottom of the fill material and the ground water;
 - e. An aquifer designated on an Ohio Department of Natural Resources Ground Water Resources map for the county in which the land application activity will take place as capable of yielding one hundred gallons-per minute or more, which has less than ten feet of separation between the bottom of the fill material and the ground water.

RECORD KEEPING AND REPORTING

16. The following records shall be maintained by Spyker for a minimum of five years after use of Black Beauty sand pursuant to this LAMP Permit, and shall be made available to Ohio EPA upon request:
 - a. Records of the annual volume of Black Beauty sand generated for use and the volume of Black Beauty sand used.
 - b. Records of the location(s) where Black Beauty sand was stored or placed on the land;
 - c. All laboratory reports of all sampling results and analyses;
 - d. Documentation demonstrating that the Black Beauty sand is not a hazardous waste as defined by ORC Section 3734.01, OAC Rule 3745-50-10(A), and OAC Rule 3745-51-03.
17. Not later than April 1st of each year Spyker shall submit to Ohio EPA an annual report. Spyker shall send the annual report to the address listed in Condition 18 of this LAMP Permit, and shall include the following information for the previous calendar year:
 - a. Amount (in tons) of Black Beauty sand used under this LAMP Permit;
 - b. Amount (in tons) of Black Beauty sand stored under this LAMP Permit as of the date of the annual report; and
 - c. Results of sampling analyses of Black Beauty sand used under this LAMP Permit.
18. Unless otherwise directed by Ohio EPA in writing, Spyker shall submit the annual report via the Division of Materials of Waste Management's virtual dropbox: https://fileshare.epa.ohio.gov/filedrop/co_dmwm_submittals.

GENERAL OPERATING CONDITIONS

19. Spyker shall store and place Black Beauty sand only in a manner that neither creates a nuisance nor adversely affects public health or safety or the environment. The Director may revoke this LAMP Permit if the Director determines that a nuisance condition or a threat to public health or safety or the environment exists. Immediately upon the effective date of any written notification from the Director of revocation of this LAMP Permit, Spyker shall cease use of Black Beauty sand under this LAMP Permit. The Director may require Spyker to remove the material, remediate the site, or to take other action as appropriate to eliminate the nuisance or threat.

20. Spyker shall conduct all activities in compliance with all federal, state, or local laws, ordinances, or 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 groundwater and surface water.
21. Black Beauty sand is a solid waste and would require Spyker to obtain a permit and license under ORC Chapter 3734 and the rules promulgated thereunder for disposal. The Director has determined that granting an exemption from the applicable solid waste provisions of ORC Chapter 3734 to use Black Beauty sand in the quantities and under the circumstances specifically authorized in this LAMP Permit is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), Spyker is hereby exempted from the applicable solid waste provisions of ORC Chapter 3734 and the rules adopted thereunder except as specifically stated in Condition 14, when the Black Beauty sand is stored or used as authorized in this LAMP Permit subject to compliance with all conditions in this LAMP Permit.
22. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Spyker is hereby exempt from the requirement to collect and remit the state solid waste disposal fee levied under ORC Section 3734.57(A) for use of Black Beauty sand in accordance with this LAMP Permit.
23. Nothing in this LAMP 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 LAMP Permit shall not be interpreted to release Spyker 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.
24. Spyker shall not cause pollution or place or cause to be placed any Black Beauty sand where it causes pollution to any waters of the state, except in accordance with an effective National Pollutant Discharge Elimination System permit. Any unauthorized discharge to waters of the state shall be reported to Ohio EPA within 24 hours of discovery.
25. Spyker shall provide written notice to the Director within seven days of discovering noncompliance with this LAMP Permit.
26. The Director may add, delete, or change any conditions of this LAMP Permit to protect public health or safety or the environment.
27. Spyker shall furnish to the Director, or an authorized representative of Ohio EPA, within 30 days of receiving a written request, any information that the Director or an authorized representative of Ohio EPA requests to determine whether cause

exists for revoking coverage under or determining compliance with this LAMP Permit.

28. This LAMP Permit and the authorization to land apply Black Beauty sand shall expire at midnight on the expiration date shown above. In order to receive authorization to use Black Beauty sand by placement on the land beyond the above date of expiration, Spyker shall submit such information and forms as are required by Ohio EPA not later than 180 days prior to the above date of expiration.
29. Spyker shall allow the Director or an authorized representative of Ohio EPA to enter upon the property where Spyker stores or has placed Black Beauty sand, conducts other activities under this LAMP Permit, or retains records under the terms and conditions of this LAMP Permit, for the following purposes:
 - a. To inspect and copy records that must be kept under the terms and conditions of this LAMP Permit.
 - b. 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 this LAMP Permit.
 - c. 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 grounds 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

Questions concerning this LAMP Permit should be directed to Ohio EPA's Beneficial Use Unit at (614) 644-2621.

Sincerely,

A handwritten signature in blue ink that reads "Laurie A. Stevenson". The signature is written in a cursive, flowing style.

Laurie A. Stevenson
Director

LS/MU

**Ohio EPA Land Application Management Plan
Permit Application for Spyker Contracting, Inc.**

Storage Site Location Map

Spyker Contracting, Inc.

1263 Integrity Drive, Ohio 43512

Facility Contact – (419)-782-5895

