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Final Analysis
Legislative Service Commission

Sub. S.B. 15

124th General Assembly
(As Passed by the General Assembly)

Sens. Mumper, Carnes, DiDonato, White

Reps. Collier, Core, Niehaus, Damschroder, Krupinski, Faber, Reinhard, Lendrum, Flowers, Willamowski, Schmidt, Fessler, DeWine, Carey, Hagan, Kearns, Reidelbach, Webster, Young, Clancy

Effective date: October 8, 2001

ACT SUMMARY

- Provides that the beneficial use of lime mining wastes does not constitute establishing a solid waste disposal facility or a wastewater disposal system.
- Requires the Chief of the Division of Mineral Resources Management in the Department of Natural Resources to adopt rules establishing standards and requirements for the beneficial use of lime mining wastes and for ground water monitoring associated with the beneficial use of those wastes.
- Exempts the beneficial use of lime mining wastes from specified requirements of certain state environmental laws.

CONTENT AND OPERATION

The act provides that the beneficial use of lime mining wastes does not constitute establishing a solid waste disposal facility or a disposal system (sec. 1514.081(C)). It defines "lime mining wastes" as residual solid or semisolid materials generated from lime or limestone mining and processing operations, including lime kiln dust, scrubber sludge from lime kiln operations, lime or limestone materials not meeting product specification, lime hydrating materials, and other lime or limestone mining, processing, or calcining materials associated with lime or limestone mining or processing. The term does not include materials generated from the manufacture of cement. (Sec. 1514.081(A)(1).) "Beneficial use" means the use of lime mining wastes within a lime mining and reclamation

area for land application when it is utilized for agronomic purposes at standard agronomic rates as determined by standard soil testing, for land reclamation in accordance with the Surface Mining Law and rules adopted under it, including use as fill material in quarries, and for any other purposes designated by the Chief of the Division of Mineral Resources Management in the Department of Natural Resources, including demonstration projects approved by the Chief (sec. 1514.081(A)(2)). "Solid waste disposal facility" is defined as a facility for the disposal of solid wastes that is licensed under the Solid, Infectious, and Hazardous Wastes Law (sec. 1514.081(A)(3)). "Disposal system" has the same meaning as in the Water Pollution Control Law, that is, a system for disposing of sewage, sludge, sludge materials, industrial waste, or other wastes, including sewage systems and treatment works (sec. 1514.081(A)(4)).

Within 270 days after the act's effective date, the Chief must adopt, and may amend, suspend, or rescind, rules in accordance with the Administrative Procedure Act establishing standards and requirements for both of the following: (1) the beneficial use of lime mining wastes, including the beneficial use of lime mining wastes at lime mining and reclamation operations governed by the Surface Mining Law, and (2) the monitoring of ground water associated with the beneficial use of lime mining wastes and the taking of corrective action in the event of a subsurface discharge of leachate from the beneficial use of lime mining wastes or of contamination of ground water resulting from the beneficial use of lime mining wastes, in order to protect human health and environment. The beneficial use of lime mining wastes is subject to any applicable standards and requirements established under the Surface Mining Law and rules adopted under it. Until such time as the Chief adopts rules under the act, the beneficial use of lime mining wastes requires the prior written approval of the Chief in a surface mining permit issued under that law. (Sec. 1514.081(B).)

A beneficial use of lime mining wastes that is authorized under the act is not subject to any of the following: (1) permit and license requirements for solid waste facilities established under the Solid, Infectious, and Hazardous Wastes Law, (2) the prohibition against open dumping of solid wastes established under that law, (3) solid waste disposal and generation fees established under that law, and (4) permit to install and plan approval requirements and prohibitions established under the Water Pollution Control Law (sec. 1514.081(C)).

Nothing in the act must be construed to limit any other requirements that are applicable to the beneficial use of lime mining wastes under the Agricultural Additives, Lime, and Fertilizer Law, Air Pollution Control Law, Construction and Demolition Debris Law, Solid, Infectious, and Hazardous Wastes Law, or Water Pollution Control Law or any local or federal laws, including requirements governing air pollution control permits, hazardous waste installation and operation

permits, national pollutant discharge elimination system permits, and water quality certifications issued under section 401 of the federal Clean Water Act (sec. 1514.081(C)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-01	p. 92
Reported, S. Agriculture	04-10-01	p. 283
Passed Senate (33-0)	05-01-01	p. 320
Reported, H. Agriculture & Natural Resources	06-13-01	pp. 659-660
Passed House (98-0)	06-28-01	pp. 772-773

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