



## Early Stakeholder Outreach — Sewage Sludge OAC Chapter 3745-40

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

### What does (OAC Chapter 3745-40) cover?

Chapter 3745-40 of the Ohio Administrative Code (OAC) contains rules for the disposal, use, storage, transfer, and treatment of sewage sludge and biosolids and the beneficial use of biosolids, where:

- “Biosolids” is defined as sewage sludge or mixtures containing sewage sludge that have been treated for beneficial use; and
- “Beneficial use” is defined as the placement of class B or bulk exceptional quality biosolids onto a beneficial use site through the spraying or spreading of biosolids onto the surface of the beneficial use site, the injection of biosolids below the surface of the beneficial use site, the incorporation of biosolids into the soil, for the purpose of providing an agronomic benefit, or the distribution of exceptional quality biosolids that do not satisfy the definition of bulk exceptional quality biosolids.

### Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

### What changes are being considered?

Ohio EPA is reviewing this chapter as part of the five year rule review requirements in Ohio Revised Code 119.032. At this time, the Agency is considering the following revisions:

#### General

- Adding complaint notification requirements that if a land applier receives a complaint they need to notify Ohio EPA.
- Updates to reference citations and rule format, including adding clarifying language and reorganization to the following rules:
  - 3745-40-01 Definitions
  - 3745-40-05 Notice and necessary information requirements for biosolids and other notification requirements
  - 3745-40-10 Facility storage requirements
  - 3745-40-11 Signage requirements for beneficial use sites receiving class B biosolids

### How can I provide input?

The Agency is seeking stakeholder input on the rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business January 14, 2016. Please submit input to:

By email: [dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)

By fax: (614) 644-2745

By postal mail: Rule Coordinator, Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049

### What if I have questions?

For more information about the rules please contact:

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## Early Stakeholder Outreach — Sewage Sludge Rules

- 3745-40-12 Compliance and enforcement; and spill notification requirements

### 3745-40-02 Purpose, applicability, general requirements, exclusions and prohibitions

- Listing inert sampling as a way to meet the screening requirements in OAC 3745-40-02(C)(3). Sampling results and methods would mirror Table 3 in OAC 3745-560-330.

### 3745-40-03 NPDES permit requirements and management plan requirements

- Adding more detailed requirements to management plans, including the requirement for a spill contingency plan to be submitted. The rule would detail the information that would need to be included in the spill contingency plan.
- Changing the name of management plans to “land application management plan”

### 3745-40-04 Biosolids classifications

- Removing the comment that specifies that seven bacteria samples need taken over a 2-week period. Instead, bacteria samples should be taken according to the facility’s standard operating procedure.
- Removing the requirement from OAC 3745-40-04 (B)(16)(a) that permittees must obtain an equivalency recommendation from the pathogen equivalency committee of US EPA. It will instead be determined by the permitting authority.
- Adding that for SOUR testing, it is required to take the arithmetic mean of at least seven successive SOUR tests over a two to three week period.

### 3745-40-06 Authorization for a beneficial use site, site transfer requirements and site amendment requirements for class B biosolids.

- Changing the rule to consider a parent company of multiple facilities as a single generator.
- Adding that site applications must include the locations of potential stockpiles.

### 3745-40-07 Requirements for the storage of biosolids: isolation distance requirements and requirements for beneficial use sites and regional facility storage

- Adding an isolation distance for stockpiles from neighboring homes.
- Specifying that storage needs to be at an authorized site.

### 3745-40-08 Requirements for the beneficial use of biosolids: general requirements, prohibitions, isolation distance requirements, site specific requirements, and additional site restrictions for the beneficial use of class B biosolids.

- Prohibiting night time land application between the hours of 11:00 PM and 5:00 AM, unless GIS equipment is being used to ensure isolation distances are being met.

### 3745-40-09 Approved sampling methods, monitoring frequency requirements, record retention and annual reporting requirements

- Stating that fecal coliform sampling procedures shall be specified in facilities’ standard operating procedure documents.
- Stating the standard operating procedures need to be developed if drag lines and frac tanks will be utilized at authorized beneficial use sites.
- Adding that standard operating procedures need to be developed detailing how a beneficial user will ensure that leaks, spills and hose ruptures will be monitored and addressed if the user will be applying at night.

## Who will be regulated by these rules?

Generators of biosolids and beneficial users of biosolids. For example cities that operate treatment works, companies that provide sludge treatment, contract haulers, and beneficial users of biosolids.

## What is the rulemaking schedule?

The Agency is planning to release a draft version of the rules for interested party review and comment in the spring of 2016.

## What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules?

## Early Stakeholder Outreach — Sewage Sludge Rules

- Is there any information or data the Agency should be aware of when developing new or amended language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by this program.

- Does this regulatory program have a positive impact on your business? Please explain how.
- Does this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

### How can I get more information?

- This factsheet is available on the Division of Surface Water website at [www.epa.ohio.gov/dsw/dswrules.aspx](http://www.epa.ohio.gov/dsw/dswrules.aspx).
- For additional background information on the biosolids program, please visit the biosolids web page at: <http://www.epa.ohio.gov/dsw/sludge/biosolid.aspx>.
- The existing rules in OAC Chapter 3745-40 are available at: <http://www.epa.ohio.gov/dsw/dswrules.aspx>.