



State of Ohio Environmental Protection Agency

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April 10, 2009

**Re: Wastewater Pollution Control
Second Interested Party Review Comment Period
Draft Rescinded and New Sewage Sludge/Biosolids Rules
Ohio Administrative Code Chapter 3745-40**

Dear Interested Parties:

The Division of Surface Water (DSW) is in the process of conducting a second interested party review of the seven rules in Chapter 3745-40 of the Administrative Code, governing sewage sludge. DSW is considering rescinding all seven current rules and replacing these rules with twelve new rules. The increase in the number of rules is being considered to provide the reader with shorter rules, making information easier to find. DSW has reviewed and drafted new language for the following draft new rules:

Rule Number	Draft Rule Title	Draft Action
3745-40-01	Definitions.	Rescind
3745-40-01	Definitions.	New
3745-40-02	Purpose, applicability and exclusions.	Rescind
3745-40-02	Purpose, applicability, general requirements, exclusions and prohibitions.	New
3745-40-03	Permits, plans and authorizations.	Rescind
3745-40-03	NPDES permit requirements and management plan requirements.	New
3745-40-04	Land application agronomic management.	Rescind
3745-40-04	Biosolids classifications.	New
3745-40-05	Land application restrictions.	Rescind
3745-40-05	Notice and necessary information requirements for biosolids and other notification requirements.	New
3745-40-06	Land application monitoring and reporting.	Rescind
3745-40-06	Authorization for a beneficial use site, site transfer requirements and site amendment requirements for class B biosolids.	New
3745-40-07	Other management practices; prohibition.	Rescind

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

3745-40-07	Requirements for the storage of biosolids: isolation distance requirements and requirements for field and regional facility storage.	New
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.	New
3745-40-09	Approved sampling methods, monitoring frequency requirements, record retention and annual reporting requirements.	New
3745-40-10	Facility storage requirements.	New
3745-40-11	Signage requirements for beneficial use sites receiving class B biosolids.	New
3745-40-12	Compliance and enforcement; and spill notification requirements.	New

The following is a list of major changes, including new and reduced requirements being considered, to these rules:

1. The definition of bulk biosolids will be revised to:
 - o Any quantity of class B or class A biosolids;
 - o Greater than one thousand cubic yards of exceptional quality cake biosolids beneficially used at a single beneficial use site; or
 - o The beneficial use of exceptional quality biosolids at rates equal to or greater than ten dry tons per acre at a beneficial use site.
2. Introducing two new “concepts”: beneficial use and biosolids;
3. Reducing the frequency of monitoring for metals and total Kjeldahl nitrogen and ammonia nitrogen to agree with Federal 503 Regulations;
4. Eliminating monitoring frequency requirements for potassium and pH for the sewage sludge itself. (We will still require pH monitoring of the soil at authorized land application sites.);
5. Reducing monitoring requirements for dioxin;
6. Requiring additional recordkeeping to meet the requirements of Class B Pathogen Reduction Alternative 1: Geometric Mean of Seven Samples;
7. Prohibiting the surface application of bulk biosolids from November 15 through March 15 and requiring the surface application of bulk biosolids to frozen or snow covered ground during the rest of any year to be in accordance with the NRCS Waste Utilization Code 633 application requirements;
8. Clarifying notice and necessary information (NANI) requirements and requiring each person who provides biosolids to another person to notify the initial person receiving the material that the material is or contains biosolids;
9. Including set back requirements for the land application of all biosolids classifications;
10. Removing Class A Pathogen Reduction Alternative 3 and Alternative 4 (Other processes and Unknown Processes);
11. Including additional “stockpiling” restrictions to guard against impacts to human health

- and the environment;
12. Requiring the use of best management practices (BMPs) to mitigate runoff and protect surface waters of the state, including additional requirements for agricultural sites that are tile drained;
 13. Requiring 3/8 inch or smaller screening at all treatment plants that intend to beneficially use their biosolids; and
 14. Requiring signs to be placed at Class B biosolids beneficial use sites a minimum of one week in advance of any delivery of Class B biosolids to the site.

DSW is seeking input from you on these draft rules by **5:00 p.m. on May 22, 2009**. You may view the draft rules at <http://www.epa.state.oh.us/dsw>, or contact **Jacob Howdyshell at (614) 644-2018** or via email at jacob.howdyshell@epa.state.oh.us to obtain a copy. Please direct any questions regarding these rules to Jacob Howdyshell. In addition, please submit your comments by mail or by email to:

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Thank you for your interest and we look forward to hearing from you.

Sincerely,



George Elmaraghy, P.E., Chief
Division of Surface Water