



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

May 5, 2010

**Re: Wastewater Pollution Control
Interested Party Review Comment Period
Proposed Rescinded and New Sewage Sludge/Biosolids Rules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 review of the seven rules in Chapter 3745-40 of the Administrative Code, governing sewage sludge. DSW is proposing to rescind all seven current rules and replace these rules with twelve new rules. The increase in the number of rules is being proposed to provide the reader with shorter rules, making information easier to find.

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

1. The Notice and Necessary Information requirements were relaxed to be applicable solely to permittees.
2. The Class A biosolids classification was eliminated, leaving Class B and EQ as the only two classes.
3. A new phosphorus index definition was added.
4. A requirement was added for agronomic rates to be based on the phosphorus concentration in the soil.
5. The definition of "bulk biosolids" was eliminated and the term "bulk exceptional quality biosolids" was added to provide clarification for beneficial users.
6. The 65 dry ton/acre limitation at land reclamation sites was removed.
7. The references and restrictions related to alkaline stabilized unstabilized biosolids were removed.
8. The restricted timeframe for winter surface application was reduced from 120 days (November 15th through March 15th) to 76 days (December 15th through March 1st).
9. The maximum allowable screen opening was increased from 3/8-inch to 5/8-inch.
10. The restriction on karst area application was removed.
11. The reduced original isolation distances for beneficial use were restored.
12. Reduced isolation distances were expanded to be applicable to immediate incorporation.
13. The dioxin monitoring requirements were eliminated.

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

DSW is seeking input from you on these proposed rules by **5:00 p.m. on June 7, 2010**. A public hearing is scheduled for 10:30 a.m. on June 7, 2010 in Room A at Ohio EPA's Central Office, located at 50 W. Town Street, Suite 700, Columbus, Ohio 43215. A copy of the public notice, which gives additional information, is enclosed.

You may view the proposed rules at <http://www.epa.state.oh.us/dsw>, or contact **Jacob Howdysshell at (614) 644-2018** or via email at jacob.howdysshell@epa.state.oh.us to obtain a copy. Please direct any questions regarding these rules to Jacob Howdysshell. In addition, please submit your comments by mail or by email to:

Jacob Howdysshell
Ohio EPA, DSW
PO Box 1049
Columbus, OH 43216-1049
Phone: (614) 644-2018
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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

Enclosure

GE:eb