

*** DRAFT - NOT YET FILED ***

3745-40-02

Purpose, applicability, general requirements, exclusions and prohibitions.

[Comment: Definitions relevant to this chapter can be found in rule 3745-40-01 of the Administrative Code.]

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-40-01 of the Administrative Code.]

(A) Purpose.

(1) The purpose of this chapter is:

- (a) To establish standards applicable to the treatment, disposal, transfer to another NPDES permitted treatment works or the storage of sewage sludge or biosolids;
- (b) To establish standards applicable to the beneficial use of biosolids;
- (c) To reasonably protect public health and the environment;
- (d) To encourage the beneficial reuse of biosolids; and
- (e) To minimize the creation of nuisance odors

(2) Said standards under this chapter are consistent with section 405 of the federal "Water Pollution Control Act" and regulations adopted under it.

(B) Applicability.

(1) Except as provided in paragraphs (B)(2) to (B)(2)(c)(iv) of this rule, this chapter is applicable to:

- (a) The treatment, disposal, transfer or storage of sewage sludge or biosolids; and
- (b) The beneficial use of biosolids.

(2) The director, or an authorized representative, may grant authorization to waive any requirement of this chapter or impose a less stringent requirement than that imposed by this chapter, provided:

- (a) The authorization to waive a requirement will not result in a less stringent requirement than required in 40 C.F.R. 503;

- (b) Waiving the requirement will not adversely affect public health or the environment; and
- (c) The permittee has requested and received authorization from the director, or an authorized representative, prior to disposal, transfer, storage or treatment of the biosolids or sewage sludge or the beneficial use of biosolids. The letter requesting authorization shall include:
 - (i) The authorization being requested;
 - (ii) The volume of biosolids or sewage sludge applicable to the authorization being requested;
 - (iii) The location, including the county and township, where the authorization is being requested, including, the latitude and longitude; and
 - (iv) An explanation of why the request will not adversely affect the public health or the environment.

(C) General requirements.

(1) An effective NPDES permit, in accordance with the requirements of Chapter 3745-33 of the Administrative Code, is required prior to the discharge of any pollutant to waters of the state.

(2) General requirements for sewage sludge.

[Comment: "Sewage sludge" is defined in rule 3745-40-01 of the Administrative Code.]

(a) The treatment, disposal, storage, or transfer of sewage sludge shall be in compliance with this chapter and the conditions of an effective NPDES permit or a sewage sludge management plan.

(b) Sewage sludge that is disposed of in a landfill, in accordance with rules adopted under section 3734.03 of the Revised Code and licensed under section 3734.05 of the Revised Code, shall be in compliance with the requirements of Chapter 3745-40 of the Administrative Code, and shall be in compliance with the rules adopted under Chapter 3734. of the Revised Code.

(c) Sewage sludge may be transferred to another treatment works provided that said treatment works has an effective NPDES permit for the treatment, disposal, transfer or storage of sewage sludge or biosolids, or for the beneficial use of biosolids.

(d) When sewage sludge is removed from a treatment lagoon, the disposal, storage or treatment shall be in accordance with this chapter.

(3) General requirements for biosolids.

[Comment: "Biosolids", is defined in rule 3745-40-01 of the Administrative Code.]

(a) Unless otherwise authorized by the director, between November fifteenth and March fifteenth of two consecutive calendar years, the beneficial use of bulk biosolids shall be accomplished by either same day incorporation or through injection.

(b) Unless otherwise authorized by the director, the beneficial use of bulk biosolids shall occur no earlier than one half hour before sunrise and no later than one half hour after sunset.

(c) By July 1, 2012, or at the time of final disposition if the material will not be managed prior to July 1, 2012, all biosolids must be treated by a process such as physical screening or another method to significantly remove manufactured inerts prior to final disposition. Meeting this requirement may occur at any point in the wastewater treatment or biosolids manufacturing process and may be accomplished by either of the following.

(i) Screening through a bar screen with a maximum aperture of three-eighths inch (0.95 cm); or

(ii) Obtaining approval from the director for an alternative method that achieves a removal rate equal to or greater than that achieved by the screening standard in paragraph (C)(3)(c)(i) of this rule.

(d) The treatment, disposal, storage, beneficial use or transfer of biosolids shall be in compliance with this chapter and the conditions of an effective NPDES permit or a biosolids management plan.

(e) Biosolids that are disposed of in a landfill, in accordance with rules adopted under section 3734.03 of the Revised Code and licensed under section 3734.05 of the Revised Code shall be in compliance with the requirements of this chapter, and shall be in compliance with the rules adopted under Chapter 3734. of the Revised Code.

(f) Biosolids may be transferred to another treatment works provided that said treatment works has an effective NPDES permit for the treatment, disposal, transfer or storage of sewage sludge or biosolids or the beneficial use of biosolids.

- (g) When biosolids are removed from a treatment lagoon, the disposal, storage, beneficial use or further treatment shall be in accordance with this chapter.
- (h) Biosolids, when beneficially used, shall be done so in a manner as to minimize odors.
- (i) No person shall sell or give away in a bag or other container biosolids that are not exceptional quality, as described in rule 3745-40-04 of the Administrative Code.

(D) Exclusions. This chapter does not establish requirements for:

- (1) The ash generated during incineration of sewage sludge;
- (2) The ash generated during the incineration of sewage sludge and other wastes;
- (3) Sewage sludge co-fired in an incinerator with other wastes or for the incinerator in which sewage sludge and other wastes are co-fired;
- (4) The use or disposal of grit or screenings;
- (5) Sewage sludge or biosolids, where:
 - (a) There is a concentration of polychlorinated biphenyls equal to or greater than one milligram per kilogram of total solids on a dry weight basis; or
[Comment: Sewage sludge shall be analyzed in accordance with United States environmental protection agency method 8082A "PCBs by Gas Chromatography", for purposes of this exclusion.]
 - (b) It is determined to be hazardous waste as defined in section 3734.01 of the Revised Code;
- (6) Sludge, where the sludge:
 - (a) Is generated at an industrial facility during treatment of industrial wastewater with or without sewage present; or
 - (b) Is generated during the treatment of drinking water; or
- (7) The disposal, transfer, storage or treatment of:
 - (a) Domestic, commercial or industrial septage;
 - (b) Grease trap waste; or

(c) Final effluent.

(E) Prohibitions.

- (1) The surface disposal of sewage sludge or biosolids is prohibited.
- (2) Sewage sludge or biosolids shall not be placed on any site that is not, as applicable, dedicated as a beneficial use site, as facility storage, as field storage or as a regional facility storage site. Sites that would not be dedicated as a beneficial use site, as a facility storage, as field storage or as a regional facility storage site include, but are not limited to, public or private roadways, parking lots and sidewalks.

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Certification

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