

\*\*\* DRAFT - NOT YET FILED \*\*\*

TO BE RESCINDED

3745-40-03 **Permits, plans and authorizations.**

[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) Except as provided in paragraph (D) of this rule, no person shall engage in the disposal, use, storage, or treatment of sewage sludge for which requirements are established in this chapter, except pursuant to a valid NPDES permit or under an approved sewage sludge management plan, and such permit or plan identifies and regulates the specific disposal, use, storage, or treatment of that sewage sludge.
- (B) A permittee is responsible that any disposal, use, storage, or treatment of sewage sludge is in compliance with this chapter and the conditions of its NPDES permit or sewage sludge management plan.
- (C) A permittee of an approved sewage sludge management plan for the land application of sewage sludge issued by the director under paragraph (A)(2) of rule 3745-42-02 of the Administrative Code, shall either:
  - (1) Cease operations; or
  - (2) Continue operations under the sewage sludge management plan until such time as an NPDES permit is issued or, if said permittee possesses an NPDES permit, said permit is modified or renewed and such issuance, modification, or renewal identifies and regulates the specific disposal, use, storage, or treatment of sewage sludge.
- (D) NPDES permits shall contain terms and conditions which are consistent with this chapter.
- (E) The director may specify in NPDES permits the net volume, net weight, quality, and pollutant concentration of the sewage sludge, and the manner and frequency of the disposal, use, storage, or treatment of the sewage sludge, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other permit conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and in doing so shall consider whether the permit conditions are consistent with the goal of encouraging the beneficial reuse of sewage sludge.

- (F) The director may condition permits on the implementation of disposal, use, storage, treatment, distribution, or land application agronomic management methods and the filing of periodic reports on the amounts, composition, and quality of sewage sludge.
- (G) The director may specify in NPDES permits or impose in orders, any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter.
- (H) The director may specify in NPDES permits or impose in orders, any terms and conditions which are more stringent than the requirements in this chapter when the director has determined that such are necessary to protect public health and the environment.
- (I) Upon written request from a permittee, which request shall contain supporting documentation, the director may, by order, grant a variance from any requirement of this chapter or impose a less stringent requirement than that imposed by this chapter, provided that such variance or less stringent requirement shall, in the determination of the director, not adversely affect the public health or the environment and such variance or less stringent requirement shall not be less stringent than a similar requirement in 40 C.F.R. 503.
- (J) Prior to the land application of bulk sewage sludge, permittees shall obtain from the division a specific site authorization for the site to which the land application of bulk sewage sludge is to occur. This requirement for specific site authorization does not apply to the land application of exceptional quality sewage sludge. Applications for specific site authorizations shall be on forms prepared by the division.
- (K) A specific site authorization is valid only for the conditions stated in the authorization, including the source or generator of the bulk sewage sludge, land application practices, and acreage authorized. If a change in source or generator of the bulk sewage sludge, land application practices, or acreage is proposed, the requested change shall be submitted to, and approval obtained from, the division before a permittee shall initiate such change.

Effective:

R.C. 119.032 review dates:

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Certification

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Date

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