

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

3745-40-12

Compliance and enforcement; and spill notification requirements.

(A) The director:

- (1) May pursue enforcement action against any person who is in non-compliance with Chapter 3745-40 of the Administrative Code;
- (2) May deny any NPDES permit or management plan application not in compliance with this chapter and require the submittal of a new NPDES permit or management plan application, including all applicable fees, to be submitted to Ohio EPA within thirty days;
- (3) May specify in NPDES permits or impose in orders, any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter;
- (4) May specify in NPDES permits or impose in orders, any terms and conditions that are more stringent than the requirements in this chapter when the director has determined that such are necessary to protect public health or the environment;
- (5) May revoke any NPDES permit or management plan approved in accordance with Chapter 3745-40 of the Administrative Code;
- (6) May require any person who beneficially uses biosolids that have resulted in a nuisance odor to cease land application and may de-authorize any land application site for repeated nuisance odors determined by the director or an authorized representative, or violations of Chapter 3745-40 of the Administrative Code. If the director or an authorized representative determines that the land application of biosolids results in nuisance odors:
  - (a) The permittee shall cease delivery of biosolids to the authorized land application site; and
  - (b) No additional biosolids shall be delivered to the site until the creation of such nuisance odors has been minimized, as determined by the director or an authorized representative;
- (7) May modify any NPDES permit;
- (8) May require any non-permittee who fails to comply with the notice and necessary information requirements in rule 3745-40-05 of the Administrative Code to obtain a management plan;

(9) May de-authorize any land application site; or

(10) To ensure the protection of human health or the environment, may require sampling and monitoring for additional pollutants beyond the requirements in Chapter 3745-40 of the Administrative Code.

(B) Spill notification requirements.

(1) The permittee shall notify Ohio EPA by calling 1-800-282-9378 as soon as possible, but no later than twenty-four hours following the first discovery by the permittee or the permittee's contractor or representative that sewage sludge or applied biosolids have entered waters of the state.

(2) Within fourteen days after the sewage sludge or biosolids are discharged into waters of the state, the permittee shall submit a report to the director or an authorized representative that includes:

(a) The reasons for the discharge;

(b) The location of the discharge and the distance downstream that waters of the state were affected;

(c) The location of any downstream surface water intake that could be impacted;

(d) An estimate of the quantity and duration of the discharge to waters of the state;

(e) If applicable, records of the quantity and duration of any precipitation leading to the event; and

(f) Any measures taken to clean up and eliminate the discharge and prevent another occurrence of the discharge.

Effective:

R.C. 119.032 review dates:

---

Certification

---

Date

Promulgated Under:	119.03
Statutory Authority:	6111.03, 6111.042
Rule Amplifies:	6111.03, 6111.042