

Surface Water Quality

Proposed Rules for Biosolids/Sewage Sludge (OAC 3745-40)

What does this chapter of the OAC cover?

Chapter 3745-40 of the Administrative Code includes rules governing the treatment or disposal of sewage sludge or biosolids, the transfer of sewage sludge or biosolids to another National Pollutant Discharge Elimination System (NPDES) permitted treatment works, the storage of sewage sludge or biosolids, and the beneficial use of biosolids, where:

- “Biosolids” is defined as sewage sludge that has been treated for beneficial use; and
- “Beneficial use” is defined as the placement of biosolids onto a beneficial use site through the spraying or spreading of biosolids onto the surface of the beneficial use site, the injection of biosolids below the surface of the beneficial use site, or the incorporation of biosolids into the soil for the purpose of providing an agronomic benefit.

Why are the rules under review and what changes are being considered?

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 and biosolids. DSW is proposing to rescind all **seven rules** and replace these rules with **twelve 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 the current rules the Agency is proposing to rescind:

- [3745-40-01](#) Definitions.
- [3745-40-02](#) Purpose, applicability and exclusions.
- [3745-40-03](#) Permits, plans and authorizations.
- [3745-40-04](#) Land application agronomic management.
- [3745-40-05](#) Land application restrictions.
- [3745-40-06](#) Land application monitoring and reporting.
- [3745-40-07](#) Other management practices; prohibition.

The following is a list of the proposed new rule titles:

- [3745-40-01](#) Definitions.

- [3745-40-02](#) Purpose, applicability, general requirements, exclusions and prohibitions.
- [3745-40-03](#) NPDES permit requirements and management plan requirements.
- [3745-40-04](#) Biosolids classifications.
- [3745-40-05](#) Notice and necessary information requirements for biosolids and other notification requirements.
- [3745-40-06](#) Authorization for a beneficial use site, site transfer requirements and site amendment requirements for class B biosolids.
- [3745-40-07](#) Requirements for the storage of biosolids: isolation distance requirements and requirements for field and regional facility storage.
- [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.
- [3745-40-09](#) Approved sampling methods, monitoring frequency requirements, record retention and annual reporting requirements.
- [3745-40-10](#) Facility storage requirements.
- [3745-40-11](#) Signage requirements for beneficial use sites receiving class B biosolids.
- [3745-40-12](#) Compliance and enforcement; and spill notification requirements.

The Agency is proposing the following major changes following the second interested party review, including new and reduced requirements:

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

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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.

How are proposed revisions formatted in the rules?

All text in the new rules is under consideration and is underlined.

How will the revisions affect the regulated community?

The changes being proposed to these rules include administrative and technical changes.

One administrative change being proposed by the Agency is the increase in the number of rules to allow for shorter rules. Another administrative change being proposed is the addition of tables and graphics. Both of these changes are being proposed to enhance the reader's understanding of the rules.

Overall the technical changes being proposed include a balance of "more stringent" and "less stringent" requirements, all of which are designed to be protective of public health and the environment.

In some cases, the Agency is proposing more stringent requirements, such as prohibiting the surface application of bulk biosolids to land during times of the year when frozen or snow-covered ground conditions are more likely to occur. The Agency feels that this more stringent requirement is necessary to ensure that runoff of pollutants does not enter surface waters of the state. The prohibition of surface applying bulk biosolids on frozen or snow covered ground will require a person to improve the storage management of biosolids.

In other cases, the Agency is proposing less stringent requirements, such as reducing the frequency of monitoring for metals, dioxin and total Kjeldahl nitrogen and ammonia nitrogen to agree with Federal 503

Regulations. These less stringent requirements will result in lower monitoring costs for the permittee, while being designed to be protective of public health and the environment.

The Agency is also proposing requiring screening of all beneficially used biosolids. This will create an up-front cost for some treatment plants to install screening capability at the plant, however; the quality of biosolids produced at their facilities will increase as waste inert materials that do not degrade in the treatment process will be removed.

What is the rulemaking schedule?

At this time the Agency is proposing to file the rules with the Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission and Secretary of State. 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. After the close of that public comment period, the Agency will review the comments, make any necessary changes to the rules and then adopt **final** rules. Final rules could be adopted by August 2010.

How can I provide input on the proposed revisions?

Comments should be sent to the attention of **Jacob Howdyshell** at Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049. Comments may also be emailed to the following address: jacob.howdyshell@epa.state.oh.us. Comments on the proposed rules must be received by **5:00 p.m. on June 7, 2010**. A copy of this fact sheet is also available on the Division of Surface Water web page at www.epa.ohio.gov/dsw.

How can I get a copy of the proposed rules or more information?

Go to the Division of Surface Water's web site at: www.epa.ohio.gov/dsw, or contact **Jacob Howdyshell** by email at jacob.howdyshell@epa.state.oh.us or by phone at (614) 644-2018.

Rules in OAC Chapter 3745-40

Rule Number	Proposed Rule Title	Proposed Action
3745-40-01	Definitions.	Rescind
3745-40-01	Definitions.	New
3745-40-02	Purpose, applicability and exclusions.	Rescind

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Rule Number	Proposed Rule Title	Proposed Action
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
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