

3745-40-12

Compliance and enforcement; and spill notification requirements.

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

(A) The director or an authorized representative:

- (1) May pursue enforcement action against any person who is in non-compliance with this chapter;
- (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 the Ohio environmental protection agency within thirty days;
- (3) May specify in an NPDES permit or management plan, any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter;
- (4) May specify in NPDES permits or management plan, 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 this chapter;
- (6) May require any person who beneficially uses biosolids that have resulted in a nuisance odor to cease beneficial use and may de-authorize any beneficial use site for repeated nuisance odors or violations of this chapter, as determined by the director or an authorized representative. If the director or an authorized representative determines that the beneficial use of biosolids results in nuisance odors:
 - (a) The permittee shall cease delivery of biosolids to the authorized beneficial use 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 or management plan;
- (8) May deny a beneficial use site authorization request;
- (9) May de-authorize any beneficial use 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 this chapter.

(B) Spill notification requirements.

(1) The permittee shall notify the appropriate Ohio environmental protection agency district office 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 biosolids have been placed on any private or public roadway, any parking lot or any sidewalk, or any other area not authorized by this chapter for placement of sewage sludge or biosolids.

(2) The permittee shall notify the Ohio environmental protection agency 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 beneficially used biosolids have entered waters of the state. 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
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Rule Amplifies:	6111.03, 6111.042