

3745-40-03 **NPDES permit requirements and management plan requirements.**

[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) NPDES permit requirements.

- (1) Except as provided in paragraph (C) of this rule, the treatment, storage, transfer, or disposal of sewage sludge or biosolids shall be in compliance with this chapter and, as applicable, the conditions of an NPDES permit.
- (2) Except as provided in paragraph (C) of this rule, the beneficial use of biosolids shall be in compliance with this chapter and, as applicable, the conditions of an NPDES permit. Unless otherwise determined by the director, any person who receives exceptional quality biosolids for beneficial use is not required to obtain an NPDES permit.
- (3) To protect public health or the environment, the director may specify in any NPDES permit:
 - (a) Requirements for the net volume, net weight, quality, or pollutant concentration of the sewage sludge or biosolids;
 - (b) The manner or frequency of the treatment, storage, transfer, or disposal of sewage sludge or biosolids;
 - (c) The manner or frequency of the beneficial use of the biosolids;
 - (d) Schedules of compliance; and
 - (e) Permit conditions:
 - (i) To minimize the creation of nuisance odors;
 - (ii) To implement treatment, storage, transfer, or disposal of the sewage sludge or biosolids;
 - (iii) To implement the beneficial use of biosolids;
 - (iv) Requiring the filing of periodic reports on the amounts, composition and quality of the sewage sludge or biosolids; and

- (v) That are more stringent than the requirements in this chapter because of site specific concerns or unique factors relevant to the disposal system or the permittee's operation or maintenance of the disposal system.

(B) Special requirements for land reclamation sites. The beneficial use at a land reclamation site shall:

- (1) Be in accordance with an approved management plan as described in paragraph (C) of this rule; and
- (2) For any land reclamation site that is under the jurisdiction of the Ohio department of natural resources, division of mineral resources management, have a land reclamation plan, approved by the Ohio department of natural resources, division of mineral resources management, where this approval is obtained by the applicant and submitted to the director prior to the delivery of the biosolids to any land reclamation site.

(C) Management plan requirements.

- (1) The director may allow the treatment, storage, transfer or disposal of sewage sludge or biosolids to be in accordance with an approved management plan.
- (2) The director may allow the beneficial use of biosolids in accordance with an approved management plan.
- (3) The director may require that any person who is not a permittee to obtain a management plan prior to the beneficial use of biosolids.
- (4) A management plan:
 - (a) Is effective for up to five years; and
 - (b) Shall be in narrative form, shall be on forms approved by the director and shall include:
 - (i) A detailed description of the method or methods used for the treatment, storage, transfer or disposal of sewage sludge or biosolids and, as applicable, the beneficial use of biosolids;
 - (ii) Information on how any site specific management practices to prevent runoff will be maintained; and
 - (iii) The intended beneficial use, including the documented rationale for the rate at which the biosolids will be beneficially used.

[Comment: A management plan application includes permit to install form A, permit to install form C2, antidegradation addendum, and any additional written information the director or an authorized representative deems necessary. These forms can be found on the Ohio environmental protection agency web site at the following link: www.epa.ohio.gov/dsw/sludge/biosolid.aspx.]

- (5) Any management plan that was approved less than five years prior to the effective date of this rule, shall expire five years after the effective date of the approved management plan. An application for renewal of a management plan must be submitted one hundred eighty days prior to the expiration date of the plan. As long as a renewal application is submitted one hundred eighty days prior to the expiration date of the management plan, the permittee may continue to operate under the current plan until a new management plan is issued.
- (6) Any management plan that was approved five years or more prior to the effective date of this rule shall expire one year after the effective date of this rule. An application for renewal of a management plan must be submitted one hundred eighty days prior to the expiration date of the plan. As long as a renewal application is submitted one hundred eighty days prior to the expiration date of the plan, the permittee may continue to operate under the current plan until a new management plan is issued.

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Rule Amplifies: R.C. 6111.03, 6111.042

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