



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

July 28, 2008

Re: Wastewater Pollution Control
Draft Rescinded and New Sewage Sludge/Biosolids Rules
Ohio Administrative Code Chapter 3745-40

Dear Interested Parties:

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. DSW is considering rescinding all seven current rules and replacing these rules with twelve new rules. The increase in the number of rules is being considered to provide the reader with shorter rules, making information easier to find. DSW has reviewed and drafted new language for the following draft new rules:

Rule Number	Draft Rule Title	Draft Action
3745-40-01	Definitions.	Rescind
3745-40-01	Definitions.	New
3745-40-02	Purpose, applicability and exclusions.	Rescind
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 land application site, site transfer requirements and site amendment requirements for class B biosolids; and requirements for bulk quantities of biosolids to be stored in rail cars or other mobile storage units.	New
3745-40-07	Other management practices; prohibition.	Rescind

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Kortleski, Director

3745-40-07	Requirements for the storage of biosolids: isolation distance requirements and requirements for field and regional 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

The following is a list of major changes, including new and reduced requirements being considered, to these rules:

1. Introducing two new "concepts": beneficial use and biosolids;
2. Reducing the frequency of monitoring for metals and total Kjeldahl nitrogen and ammonia nitrogen to agree with 503 Regulations;
3. Eliminating monitoring frequency requirements for potassium and pH for the sewage sludge itself. (We will still require pH monitoring of the soil at authorized land application sites.);
4. Eliminating the cumulative pollutant loading rate (CPLR) requirements for metals in new or renewal NPDES permits;
5. Defining the metal concentration limits solely as ceiling concentration limits. [This will be accomplished by eliminating Table 1 (from the 503 Regulations) and, in effect, making Table 3 (from the 503 Regulations) the new Table 1.];
6. Reducing monitoring requirements for dioxin;
7. Requiring additional sampling to meet Pathogen Reduction Alternative 1: Geometric Mean of Seven Samples;
8. Prohibiting the land application of bulk biosolids to land that is frozen or snow-covered, unless written authorization is requested and obtained from the director prior to such land application;
9. Allowing an emergency application of biosolids on frozen or snow covered ground, provided the NRCS Waste Utilization Code 633 is utilized for application rates;
10. Clarifying notice and necessary information (NANI) requirements;
11. Including set back requirements for the land application of all biosolids classifications;
12. Removing Class A Pathogen Reduction Alternative 3 and Alternative 4 (Other processes and Unknown Processes);
13. Including additional "stockpiling" restrictions to guard against impacts to human health and the environment;

14. Requiring the use of best management practices (BMPs) to mitigate runoff and protect surface waters of the state; and
15. Clarifying the signage requirements.

DSW is seeking input from you on these draft rules by **5:00 p.m. on October 10, 2008**. You may view the draft rules at <http://www.epa.state.oh.us/dsw>, or contact **Jacob Howdysshell at (614) 644-2018** or via email at jacob.howdysshell@epa.state.oh.us to obtain a copy. Please direct any questions regarding these rules to Jacob Howdysshell. In addition, please submit your comments by mail or by email to:

Elizabeth Bailik, PE, Rule Coordinator
Ohio EPA, DSW
PO Box 1049
Columbus, OH 43216-1049
Phone: (614) 644-2039
(email): elizabeth.bailik@epa.state.oh.us

Thank you for your interest and we look forward to hearing from you.

Sincerely,



George Elmaraghy, P.E., Chief
Division of Surface Water

GE:eb