

3745-40-02 **Purpose, applicability, general requirements, exclusions and prohibitions.**

[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) Purpose.

(1) The purpose of this chapter is:

- (a) To establish standards applicable to the treatment, storage, transfer or disposal of sewage sludge or biosolids;
- (b) To establish standards applicable to the beneficial use of biosolids;
- (c) To reasonably protect public health and the environment;
- (d) To encourage the beneficial use of biosolids; and
- (e) To minimize the creation of nuisance odors.

(2) Said standards under this chapter are consistent with section 405 of the federal "Water Pollution Control Act" and regulations adopted under it.

(B) Applicability.

(1) Except as provided in paragraphs (B)(2) to (B)(2)(c)(v) of this rule and as noted within other rules in this chapter, this chapter is applicable to:

- (a) The treatment, storage, transfer, or disposal of sewage sludge or biosolids; and
- (b) The beneficial use of biosolids.

(2) The director, or an authorized representative, may waive any requirement of this chapter or impose a less stringent requirement than that imposed by this chapter, provided:

- (a) The authorization to waive a requirement will not result in a less stringent requirement than required in 40 C.F.R. 503;

- (b) Waiving the requirement will not adversely affect public health or the environment; and
- (c) The permittee has requested and received authorization from the director, or an authorized representative, prior to treatment, storage, transfer, or disposal of the sewage sludge or biosolids or the beneficial use of biosolids. The letter requesting authorization shall include:
 - (i) The specific requirement of these rules for which the waiver is being requested;
 - (ii) The volume of sewage sludge or biosolids affected by the waiver being requested;
 - (iii) If applicable, the location, including the county, township and the latitude and longitude, where the waiver is being requested;
 - (iv) An explanation of why the waiver being requested will not adversely affect the public health or the environment; and
 - (v) An explanation of why the waiver being requested is necessary.

(C) General requirements.

- (1) An NPDES permit, in accordance with Chapter 3745-33 of the Administrative Code, is required prior to the discharge of any pollutant to surface waters of the state.
- (2) General requirements for sewage sludge.

[Comment: "Sewage sludge" is defined in rule 3745-40-01 of the Administrative Code.]

- (a) The treatment, storage, transfer, or disposal of sewage sludge shall be in compliance with this chapter and the conditions of an NPDES permit or a management plan.
- (b) Sewage sludge that is disposed of in a landfill, in accordance with rules adopted under section 3734.03 of the Revised Code and licensed under section 3734.05 of the Revised Code, shall be in compliance with the requirements of this chapter, and shall be in compliance with the rules adopted under Chapter 3734. of the Revised Code.
- (c) Sewage sludge may be transferred to another treatment works provided that said treatment works has an NPDES permit or a management plan for the

treatment, storage, transfer, or disposal of sewage sludge or biosolids, or for the beneficial use of biosolids.

(3) General requirements for biosolids.

[Comment: "Biosolids" is defined in rule 3745-40-01 of the Administrative Code.]

- (a) By July 1, 2015, prior to the beneficial use of biosolids, influent wastewater and septage, or sewage sludge at a treatment works must be treated by a process such as physical screening or another method to significantly remove manufactured inerts. Meeting this requirement may be accomplished by either of the following:
- (i) Screening influent wastewater and influent septage through a bar screen with a maximum aperture of five-eighths inch (1.59 centimeters) designed to screen the average daily design flow;
 - (ii) Screening all biosolids through a bar screen with a maximum aperture of five-eighths inch (1.59 centimeters) prior to beneficial use; or
 - (iii) Obtaining approval from the director for an alternative method that achieves a removal rate equal to or greater than that achieved by the screening standards in paragraph (C)(3)(a)(i) or (C)(3)(a)(ii) of this rule.

[Comment: Manufactured inerts are considered solid waste and should not be part of a beneficial use application. Manufactured inerts should be disposed of within a landfill. When a treatment works is cleaning out a digester or other sewage sludge treatment unit that contains sewage sludge from a time period when influent wastewater or septage was not screened, the treatment works should inspect the biosolids to determine if screening to remove manufactured inerts is needed.]

- (b) The treatment, storage, transfer, disposal, or beneficial use of biosolids shall be in compliance with this chapter and the conditions of an NPDES permit or a management plan.
- (c) Biosolids that are disposed of in a landfill, in accordance with rules adopted under section 3734.03 of the Revised Code and licensed under section 3734.05 of the Revised Code shall be in compliance with the requirements of this chapter, and shall be in compliance with the rules adopted under Chapter 3734. of the Revised Code.
- (d) Biosolids may be transferred to another treatment works provided that said treatment works has an NPDES permit or a management plan for the

treatment, storage, transfer, or disposal of sewage sludge or biosolids, or the beneficial use of biosolids.

- (e) Biosolids, when beneficially used, shall be done so in a manner as to minimize odors.

(D) Exclusions. This chapter does not establish requirements for:

- (1) The ash generated during incineration of sewage sludge or biosolids;
- (2) The ash generated during the incineration of sewage sludge or biosolids and other wastes;
- (3) Sewage sludge or biosolids co-fired in an incinerator with other wastes or for the incinerator in which sewage sludge or biosolids and other wastes are co-fired;
- (4) The use or disposal of grit or screenings;
- (5) Sewage sludge or biosolids, where:

- (a) There is a concentration of polychlorinated biphenyls equal to or greater than one milligram per kilogram of total solids on a dry weight basis; or

[Comment: Sewage sludge shall be analyzed in accordance with United States environmental protection agency method 8082A "PCBs by Gas Chromatography, revised February 2007," for purposes of this exclusion. This method can be found on the internet at: www.epa.gov/osw/hazard/testmethods/sw846/pdfs/8082a.pdf.]

- (b) It is determined to be hazardous waste as defined in section 3734.01 of the Revised Code;

(6) Sludge, where the sludge:

- (a) Is generated at an industrial facility during treatment of industrial wastewater with or without sewage present; or
- (b) Is generated during the treatment of drinking water; or

(7) The treatment, storage, transfer or disposal of:

- (a) Domestic, commercial or industrial septage, unless septage from multiple sources is combined at a single treatment works prior to treatment, storage, transfer, disposal or beneficial use. In this case, the treatment works shall be installed in accordance with Chapter 3745-42 of the Administrative Code

and operated in compliance with this chapter and the conditions of an NPDES permit;

[Comment: For the purpose of this rule, treatment works does not include vehicles used for the transportation of septage.]

(b) Grease trap waste; or

(c) Final effluent.

(E) Prohibitions.

- (1) The surface disposal of sewage sludge or biosolids is prohibited. Any site that was authorized for surface disposal prior to the effective date of these rules shall terminate the operation and use of the surface disposal site no later than six months after the effective date of this rule.
- (2) Sewage sludge or class B biosolids shall not be placed on any site that is not, as applicable, dedicated as an authorized beneficial use site, as facility storage, as field storage or as a regional facility storage site. Sites that would not be dedicated as an authorized beneficial use site, as facility storage, as field storage or as a regional facility storage site include, but are not limited to, public or private roadways, parking lots and sidewalks.
- (3) The distribution of biosolids that are not exceptional quality, as described in rule 3745-40-04 of the Administrative Code, is prohibited.

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