



## Ohio Administrative Code

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

Effective: March 1, 2026

---

[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 all of the following:

- (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.
- (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 thereunder.

#### (B) Applicability.

(1) Except as provided in paragraph (B)(3) of this rule and as noted within other rules in this chapter, this chapter is applicable to both of the following:

- (a) The treatment, storage, transfer, or disposal of sewage sludge or biosolids.



(b) The beneficial use of biosolids.

(2) The director, or an authorized representative, may authorize a biosolids pilot study that abides by, at a minimum, the following:

(a) Utilizes less than or equal to twenty-five per cent of the total annual sewage sludge or biosolids generated by a facility regulated by an NPDES or biosolids management permit.

(b) The sewage sludge and biosolids generated in the pilot study are disposed of in a landfill, retreated at the existing permitted facility, or transferred to an NPDES permitted treatment works.

(c) Does not exceed a time frame of twelve months.

(d) Is not intended to be permanent.

(3) 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 that all of the following are abided by:

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

(b) Waiving the requirement will not adversely affect public health or the environment.

(c) The permittee has requested a waiver 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. A complete waiver request includes, at a minimum, the following:

(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.

(v) An explanation of why the waiver being requested is necessary.

(C) General requirements.

(1) In accordance with Chapter 3745-33 of the Administrative Code, an NPDES permit is required prior to the discharge of any pollutant to surface waters of the state.

(2) General requirements for sewage sludge and biosolids.

(a) The treatment, storage, transfer, or disposal of sewage sludge and biosolids in Ohio, including sewage sludge and biosolids generated outside of Ohio, shall comply with this chapter and the conditions of an NPDES permit or a biosolids management permit.

(b) The beneficial use of biosolids in Ohio, including biosolids generated outside of Ohio, shall comply with this chapter and the conditions of an NPDES permit or a biosolids management permit.

(c) The beneficial use of biosolids shall be performed under the direction of a beneficial user certified in accordance with rule 3745-40-13 of the Administrative Code.

(d) Sewage sludge and biosolids that are disposed of in a landfill shall be in compliance with the requirements of this chapter and rules adopted under Chapter 3734. of the Revised Code.

(e) Sewage sludge and biosolids may be transferred to another treatment works for treatment provided that said treatment works has an NPDES permit or a biosolids management permit for the treatment, storage, transfer, or disposal of sewage sludge or biosolids, or for the beneficial use of biosolids. The transferred sewage sludge shall only be accepted through the headworks of the



receiving treatment works. Alternatively, sewage sludge may be added directly to aerobic digestion or anaerobic digestion units if the treatment works utilizes aerobic digestion or anaerobic digestion in accordance with rule 3745-40-04 of the Administrative Code.

(f) The treatment, storage, transfer, or disposal of sewage sludge and biosolids, and the beneficial use of biosolids, shall be done in a manner as to minimize odors.

(3) General requirements for acceptance of non-traditional or alternative feedstocks (NTFs) for anaerobic digestion. NTFs may only be accepted for anaerobic digestion utilizing pathogen reduction alternative P-4 or P-8 in accordance with rule 3745-40-04 of the Administrative Code. NTFs shall be approved for a treatment works by the director prior to use in anaerobic digestion.

(a) A request for approval to accept an NTF shall be submitted to Ohio EPA and include, at a minimum, the following:

(i) The name of the treatment works where the NTF will be accepted.

(ii) The source or generator of the NTF and the current disposal method of the NTF.

(iii) A detailed description of the NTF including analytical data that identifies any known or potential parameters of concern (POC) that may cause or threaten to cause an adverse effect on the anaerobic digestion process or to public health and safety or the environment. At a minimum, a Priority Pollutant analysis shall be provided with the request. The analytical data should be sufficient to characterize representative conditions of the generation of the NTF. Ohio EPA may request additional analytical data after an initial review of the request for approval.

(iv) A description and flow diagram of the facility and process that generates the NTF.

(v) For the treatment works where the NTF will be accepted, provide a mass balance that includes, at a minimum, the total anaerobic digester tank volume, the category and amount of each feedstock accepted per week, the maximum amount of the NTF included in the request for approval, the frequency of acceptance, and the average amount expected at that frequency.



- (vi) A copy of any safety data sheets (SDS) and hazardous waste determinations for the NTF, if applicable.
  
- (vii) Results of pilot scale digester studies using the proposed maximum amount of the NTF that include, at a minimum, the following:
  - (a) A description of the operational conditions used during the study that simulates typical digester conditions, including mixing the NTF with other feedstocks expected to be present to determine how feedstocks may interact.
  
  - (b) A measure of the biodegradability of the NTF and its potential to produce methane via anaerobic digestion.
  
  - (c) The degree to which the NTF may inhibit methane production.
  
  - (d) The concentration of each POC before and after digestion.
  
  - (e) A determination of the potential for odor generation from the acceptance and management of the NTF.
  
- (viii) A detailed description of any impacts, and the method to control the those impacts, which acceptance of the NTF may cause to the following:
  - (a) Operation of the anaerobic digester.
  
  - (b) Beneficial use of biosolids generated during anaerobic digestion of the NTF.
  
  - (c) Odor management processes and equipment.
  
- (ix) A detailed description of any special management or storage requirements due to the physical, biological or chemical characteristics of the NTF.
  
- (x) Any other information deemed necessary by Ohio EPA.



(b) A request for approval to accept an NTF that fails to provide Ohio EPA with information described in paragraph (C)(3)(a) of this rule is considered incomplete. Ohio EPA may either request additional information or return the application with the deficiency noted to the applicant without further processing.

(c) The director or an authorized representative shall not approve an NTF request submitted in accordance with this rule unless all of the following are determined:

(i) The use of the NTF is technically feasible for anaerobic digestion.

(ii) Methane production is improved in the anaerobic digester with the addition of NTF.

(iii) The permittee is in substantial compliance with this chapter and all other applicable laws and regulations.

(iv) The applicant has demonstrated that the acceptance and processing of the NTF and subsequent beneficial use of biosolids will not cause or threaten to cause an adverse impact on public health and safety or the environment, or generate nuisance odors.

(v) The acceptance and processing of the NTF is unlikely to cause violations of this chapter, Chapter 6111., 3704., or 3734. of the Revised Code, or any other applicable federal or state laws or regulations.

(d) The director or an authorized representative may establish additional conditions in the approval of the NTF, including but not limited to, the following:

(i) Additional monitoring for any POCs before and after digestion.

(ii) Additional monitoring of the beneficial use of biosolids containing the digested NTF (e.g. soil, field tile runoff after rain event).

(iii) Periodic reporting of the volume of NTF accepted and the results of any additional monitoring.



- (iv) Minimizing odor generation and preventing nuisance odors.
  
- (v) Conditions on acceptance of the NTF that address any of the following:
  - (a) Volume or proportion of the NTF to be accepted.
  
  - (b) Frequency of acceptance of the NTF.
  
  - (c) Anaerobic digester operational conditions, when the NTF is included.
  
  - (d) Potential interactions of the NTF with other feedstocks.
  
  - (e) POC concentrations in the NTF.
  
  - (f) Changes in the NTF generating facility or process.
  
  - (g) Other conditions determined by the director or an authorized representative to be necessary to protect public health or safety or the environment.
  
- (e) The director may revoke approval of the acceptance of the NTF if any of the following have occurred:
  - (i) Acceptance of the NTF has caused or is causing adverse effects on the anaerobic digestion process or on public health or safety or the environment.
  
  - (ii) Acceptance of the NTF has caused or is causing nuisance odors.
  
  - (iii) Acceptance of the NTF has caused or is causing violations of this chapter or any applicable state or federal laws or regulations, conditions of the NPDES permit or biosolids management permit, or the NTF approval.
  
- (D) Exclusions. This chapter does not establish requirements for any of the following:



- (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 either of the following apply:
  - (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.  
  
[Comment: Sewage sludge is to be analyzed in accordance with United States environmental protection agency method 8082A "PCBs by Gas Chromatography," for purposes of this exclusion.]
  - (b) The sewage sludge or biosolids are determined to be hazardous waste as defined in section 3734.01 of the Revised Code.
- (6) Sludge, where the sludge is either of the following:
  - (a) Generated at an industrial facility during treatment of the facility's industrial wastewater with or without sewage present.
  - (b) Generated during the treatment of drinking water.
- (7) The treatment, storage, transfer, beneficial use or disposal of any of the following:
  - (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 or biosolids management permit.

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

(b) Grease trap waste.

(c) Final effluent.

(E) Prohibitions.

(1) The surface disposal of sewage sludge or biosolids is prohibited.

(2) Sewage sludge or class B biosolids shall not be placed on any location that is not, as applicable, authorized for beneficial use, facility storage, field storage or a regional storage facility. Locations that would not be authorized for beneficial use, facility storage, field storage or a regional storage facility include, but are not limited to, public or private roadways, parking lots and sidewalks.

(3) The distribution of biosolids that are not exceptional quality is prohibited.