

3745-55-12

Closure plan- amendment of plan.**(A) Written plan.**

- (1) The owner or operator of a hazardous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by paragraph (C)(1)(a) of rule 3745-56-28 and paragraph (C)(1)(a) of rule 3745-56-58 of the Administrative Code to have contingent closure plans. The plan must be submitted with the permit application, in accordance with paragraph (A)(13) of rule 3745-50-44 of the Administrative Code and approved by the director as part of the permit issuance procedures. The approved closure plan will become a condition of the Ohio hazardous waste permit.
- (2) The director's approval of the plan must ensure that the approved closure plan is consistent with rules 3745-55-11 to 3745-55-15 of the Administrative Code and the applicable requirements of rules 3745-54-90 to 3745-54-101, 3745-55-78, 3745-55-97, 3745-56-28, 3745-56-58, 3745-56-80, 3745-57-10, 3745-57-51, 3745-57-91, and 3745-205-102 of the Administrative Code. Until final closure is completed and certified in accordance with rule 3745-55-15 of the Administrative Code, a copy of the approved plan and all approved revisions must be furnished to the director upon request, including request by mail.

(B) Content of plan. The closure plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include, at least:

- (1) A description of how each hazardous waste management unit at the facility will be closed in accordance with rule 3745-55-11 of the Administrative Code; and
- (2) A description of how final closure of the facility will be conducted in accordance with rule 3745-55-11 of the Administrative Code. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and
- (3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of the off-site hazardous waste management units to be used, if applicable; and

- (4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and
 - (5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control; and
 - (6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, an estimate of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included); and
 - (7) For facilities that use trust funds to establish financial assurance under rule 3745-55-43 or 3745-55-45 of the Administrative Code and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.
 - (8) For facilities where the director has applied alternative requirements at a regulated unit under paragraph (F) of rule 3745-54-90, paragraph ~~(D)~~(C) of rule 3745-55-10, and/or paragraph (D) of rule 3745-55-40 of the Administrative Code, either the alternative requirements that apply to the regulated unit or a reference to the enforceable document that contains those alternative requirements.
- (C) Amendment of plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in rules 3745-50-40 to ~~3745-50-66~~3745-50-235 of the Administrative Code. The written notification or request must include a copy of the amended closure plan for review or approval by the director.
- (1) The owner or operator may submit a written notification of or request for a

permit modification to the director to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

- (2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:
 - (a) Changes in operating plans or facility design affect the closure plan; or
 - (b) There is a change in the expected year of closure, if applicable; or
 - (c) In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan; or
 - (d) The owner or operator requests the director to apply alternative requirements to a regulated unit under paragraph (F) of rule 3745-54-90, paragraph (C) of rule 3745-55-10, and/or paragraph (D) of rule 3745-55-40 of the Administrative Code.
- (3) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must submit a written permit modification no later than thirty days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under paragraph (C)(1)(a) of rule 3745-56-28 or paragraph (C)(1)(a) of rule 3745-56-58 of the Administrative Code, must submit an amended closure plan to the director no later than sixty days from the date that the owner or operator or director determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of rule 3745-57-10 of the Administrative Code, or no later than thirty days from that date if the determination is made during partial or final closure. The director will approve, disapprove, or modify this amended plan in accordance with the procedures in rules 3745-50-40 to ~~3745-50-66~~3745-50-235 of the Administrative Code. The approved closure plan will become a condition of the Ohio hazardous waste permit.
- (4) The director may request modifications to the plan under the conditions described in paragraph (C)(2) of this rule. The owner or operator must submit the modified plan within sixty days of the director's request, or within thirty

days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the director will be approved in accordance with procedures in rule 3745-50-51 of the Administrative Code.

(D) Notification of partial closure and final closure.

- (1) The owner or operator must notify the director in writing at least sixty days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the director in writing at least forty-five days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the director in writing at least forty-five days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.
- (2) The date when he "expects to begin closure" must be either:
 - (a) No later than thirty days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit can demonstrate to the director that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and he has taken all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements in the hazardous waste rules, the director may approve an extension to this one-year limit; or
 - (b) For units meeting the requirements of paragraph (D) of rule 3745-55-13 of the Administrative Code, no later than thirty days after the date on which the hazardous waste management unit receives the known final volume of nonhazardous waste, or if there is a reasonable possibility that the hazardous waste management unit will receive additional nonhazardous waste, no later than one year after the date on which the unit received the most recent volume of nonhazardous waste. If the owner or operator can demonstrate to the director that the hazardous waste management unit has the capacity to receive additional nonhazardous waste and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements in the hazardous

waste rules, the director may approve an extension to this one-year limit.

- (3) If the facility's permit is terminated, or if the facility is otherwise ordered, by issuance of a judicial decree or the issuance by the director of an order for compliance to cease receiving hazardous wastes or to close, then the requirements of paragraphs (D) to (D)(3) of this rule do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in rule 3745-55-13 of the Administrative Code.
- (E) Removal of wastes and decontamination or dismantling of equipment. Nothing in this rule shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

Effective: 02/16/2009

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

01/13/2009

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 01/07/1983, 05/29/1985 (Emer.), 08/29/1985,
12/28/1987, 12/30/1989, 02/11/1992, 10/20/1998,
12/07/2000, 03/13/2002, 12/07/2004