

**3745-27-53 Final closure of solid waste incinerator or solid waste energy recovery facilities.**

- (A) Final closure is mandatory for solid waste incinerator or solid waste energy recovery facilities when:
- (1) The facility owner or his authorized representative declares the facility will cease accepting waste. Final closure will be completed in accordance with paragraphs (B) to (E) of this rule; or
  - (2) A solid waste facility license held by the solid waste facility owner expires, and no further license has been applied for in the manner prescribed in Chapter 3745-37 of the Administrative Code. Final closure will be completed in accordance with paragraphs (B) to (E) of this rule; or
  - (3) A solid waste facility license held by the solid waste facility owner has expired, a further license has been applied for and denied, and all remedies for such denial have either been exhausted, or waived by failure to pursue such remedies in a timely manner. Final closure will be completed in accordance with paragraphs (C) to (E) of this rule; or
  - (4) A solid waste facility license held by the facility has been suspended or revoked, and all remedies for such revocation or suspension have either been exhausted or waived by failure to pursue such remedies in a timely manner. Final closure will be completed in accordance with paragraphs (C) to (E) of this rule; or
  - (5) Detail plans, specifications, and information submitted as required by division (A)(5) of section 3734.05 of the Revised Code are disapproved, and all remedies for such disapproval have either been exhausted or waived by failure to pursue such remedies in a timely manner. Final closure shall be completed in accordance with paragraphs (C) to (E) of this rule.
- (B) The facility owner or his authorized representative shall provide notice by certified mail of the anticipated date on which the facility will cease to accept waste to the board of health having jurisdiction, to the single or joint county solid waste planning district in which the facility is located, and to the director. Such notice shall be provided not less than ninety days prior to that anticipated date. Concurrently, prominent notice of the anticipated date on which the facility will cease to accept waste shall be published at three-week intervals. Such notice shall be published in the county in which the facility is located and in any other county which has been the source of twenty-five percent or more of the solid wastes processed at the facility over the previous twelve months. The facility owner or his authorized representative shall provide written notice by certified mail to the director and to the board of health having jurisdiction that affirms the notice has been published in accordance with this paragraph. Not less than thirty days prior to the anticipated date on which the facility will cease to accept solid waste, written notice will be provided by certified mail to the director of any changes to the information that identifies the facility's final closure contact person required by paragraph (C)(4)(d)(ii) of rule 3745-27-50 of the Administrative Code.
- (C) Not later than sixty days after the facility has ceased to accept solid waste, the facility owner or his authorized representative shall:
- (1) Thoroughly clean all waste handling facilities, equipment, and areas on the premises. For purposes of this rule, final cleaning of a solid waste incinerator, or solid waste energy recovery facility, at a minimum, must include the following actions:
    - (a) All solid wastes shall be removed from the facility, and
    - (b) All areas of the facility and any appurtenances, including, but not limited to all, containers, equipment, machines, floors and facility surfaces that were in contact with solid wastes at any time during the operation of the facility and that are not to be removed during the final cleaning, shall be

washed or otherwise subjected to procedures that substantially reduce or eliminate any remaining constituents or contaminants derived from contact with solid wastes, and

(c) All leachate remaining on the site shall be removed and disposed properly; the leachate collection system shall be thoroughly flushed of all materials derived from or that has contacted solid wastes; and

(2) Post signs in such a manner as to be easily visible at all access gates leading into the facility, stating that the facility is closed for all solid waste facility activities. These signs shall be maintained in legible condition for not less than six months after closing the facility. The text of the signs, in letters not less than three inches high, required by this paragraph shall be:

"This facility is closed for solid waste activities."

The following text shall be included on the signs required by this paragraph:

"Depositing solid wastes at this facility constitutes open dumping which is a violation of Chapter 3734. of the Ohio Revised Code. Whoever recklessly violates Chapter 3734. of the Revised Code is guilty of a felony, punishable by a fine of at least \$10,000 but not more than \$25,000 or imprisoned for at least two years but not more than four years, or both."

(D) Not later than sixty days after the facility has ceased to accept solid waste, the facility owner or his authorized representative shall complete the following actions:

(1) The leachate collection system must be modified, removed or sealed, as necessary, to prevent filling or overflow of leachate conveyance and storage structures or to prevent discharges from the system to waters of the state unless such discharges are otherwise regulated in accordance with Chapter 6111. of the Revised Code; and

(2) The closed facility shall be baited for rodents, and treated for other vectors, as necessary; and

(E) Within thirty days of completing the requirements as outlined in paragraphs (C) and (D) of this rule or before the closed facility may be converted to other uses, whichever occurs first, the facility owner or his authorized representative must demonstrate to the licensing board of health, or, if the director has assumed the licensing function pursuant to section 3734.08 of the Revised Code, to the director, that the facility has been thoroughly cleaned and closed pursuant to paragraphs (C) and (D) of this rule.

(F) The health commissioner or the director or their authorized representatives, upon presenting proper identification, may enter any closed solid waste incinerator or solid waste energy recovery facility at any reasonable time for the purpose of determining compliance with this rule.

Five Year Review (FYR) Dates: 07/08/2014 and 07/08/2019

CERTIFIED ELECTRONICALLY

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Certification

07/08/2014

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Date

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