

***** DRAFT – NOT FOR FILING *****

3745-512-30

Construction activities - general requirements.

- (A) The owner or operator shall construct engineered components in compliance with the authorizing document and with the requirements in this chapter. Except as provided in rule 3745-512-50 of the Administrative Code, an engineered component cannot be altered without obtaining prior written concurrence from the concurring authority. If an engineered component is altered and concurrence is not obtained, the owner or operator shall reconstruct the engineered component to meet the requirements in this chapter and the specifications in the authorizing document.
- (B) Until the construction certification report has been concurred with by the concurring authority, the owner or operator shall keep copies of construction activity logs at the facility. These logs shall be made available upon request to Ohio EPA and the approved board of health.
- (C) If any oil or gas well is discovered within the disposal limits, the owner or operator shall demonstrate that the well was properly plugged and abandoned in accordance with Chapter 1509. of the Revised Code prior to construction of any engineered component above the well. The demonstration shall be included in the construction certification report required under rule 3745-512-50 of the Administrative Code.
- (D) If any underground mine was required to be filled, the owner or operator shall demonstrate that the underground mine was filled to eliminate the potential for subsidence in accordance with rule 3745-512-35 of the Administrative Code prior to construction of any engineered component within the angle of draw of the underground mine. The demonstration shall be included in the construction certification report required under rule 3745-512-50 of the Administrative Code.
- (E) The owner or operator shall employ measures to attain compliance with applicable laws and authorizing documents for erosion control of all disturbed soils.
- (F) The owner or operator shall clear naturally occurring vegetation only to the extent necessary for proper construction of the facility.
- (G) Not later than one year after having constructed one of the following engineered components, the owner or operator shall establish a complete and dense vegetative cover of healthy grasses or other non-woody vegetation on that engineered component if a vegetated surface is specified in the authorizing document:
- (1) Structural fill.
 - (2) Embankment.
 - (3) Vegetated earthen berm. Woody vegetation is acceptable.

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(4) Transitional cover.

(5) Cap protection layer.

[Comment: Pursuant to rule 3745-39-04 of the Administrative Code, the owner or operator may have other requirements for storm water erosion control.]

(H) Any permanent or temporary ground water control structure shall be installed by the owner or operator in a timely manner so that the effect of the control measure is fully evident at the time the ground water is needed to be controlled. If the control structure is necessary for construction, construction cannot begin until the ground water is adequately controlled.