

*** DRAFT – NOT FOR FILING ***

3745-512-60

Repair of damaged or failed engineered components.

(A) Immediately upon discovery of a damaged or failed engineered component and in accordance with applicable federal, state, and local statutes and rules, the owner or operator shall do the following:

(1) Notify the following:

(a) For a licensed facility, the licensing authority.

(b) For a permitted facility, the permitting authority.

(c) If a spill needs to be reported, the Ohio EPA emergency response twenty-four-hour telephone service for spill reporting.

(d) If necessary, emergency responders.

(2) Take all actions in accordance with all applicable federal, state, and local statutes and rules necessary to protect public health and safety and the environment including but not limited to the following:

(a) Prevent the release of pollution (such as waste, C&DD, and leachate) from the facility to waters of the state.

(b) Prevent the release of pollution (such as explosive gas, hydrogen sulfide gas, particulates, and fugitive dust) to the air or control such pollution such that the owner or operator is in compliance with all applicable air permits issued under Chapter 3704. of the Administrative Code.

(c) Prevent the occurrence of blowing litter, attraction of vectors, and fire.

(d) Prevent the damage or failure from worsening.

(e) Prevent future damage or another failure.

(f) Provide access to the responders, investigators, and the licensing and permitting authorities to the area with the failure.

(B) The owner or operator shall use all testing, analyses, observations, and calculations necessary to investigate the nature of and determine the cause of the damage or failure.

(C) The owner or operator shall repair or reconstruct the damaged or failed engineered component.

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- (D) The owner or operator shall reconstruct any engineered component in strict accordance with applicable authorizing documents and submit a construction certification report prepared in accordance with rule 3745-512-50 of the Administrative Code.
- (E) If the damage or failure of the engineered component was due to inadequate design, prior to reconstruction of the engineered component the owner or operator shall obtain authorization for another design from the permitting authority or, if the change is an alteration, from the concurring authority.
- (F) If the damage or failure of the engineered component was due to an inadequate material, the owner or operator shall reconstruct the failed engineered component with a material that will prevent a failure from occurring.
- (G) Not later than forty-five days after the date of discovery of the damaged or failed engineered component, the owner or operator shall submit to the concurring authority an investigation report that contains at a minimum the following information:
- (1) The name and location of the facility.
 - (2) The name, address, and telephone number of the owner and operator.
 - (3) A summary describing the activities taken by the owner or operator to investigate and respond to the damage or failure, including repair or reconstruction.
 - (4) The potential causes of the damage or failure and an assessment of whether the damage or failure was due to inadequate design or inadequate materials.
 - (5) A description and schedule of the following additional activities the owner or operator will conduct:
 - (a) To continue to respond to the damage or failure.
 - (b) To investigate the damage or failure.
 - (c) To prevent similar damage or failure from occurring in the future.
 - (6) All photographs and results of sampling, testing, and analyses conducted during the investigation.
- (H) The owner or operator may request an extension of the time frame in paragraph (G) of this rule. The request for an extension shall be submitted to the concurring authority. The concurring authority may grant an extension provided the following are met:

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- (1) The owner or operator is in compliance with paragraph (A) of this rule.
- (2) The owner or operator needs the extension of time to be able to comply with paragraph (B), (C), or (D) of this rule.
- (3) The owner or operator has conducted the response and investigation of the damage or failure in a timely manner.
- (4) The granting of the extension will not adversely affect public health or safety or the environment or cause or contribute to water pollution or air pollution.