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3745-520-710

Closure of a C&DD facility.

(A) An owner or operator shall complete closure of a C&DD facility in a manner that accomplishes the following:

- (1) Minimizes the need for maintenance at the facility.
- (2) Prevents the failure of final slopes.
- (3) Protects public health and safety and the environment.
- (4) Does not create a nuisance or fire hazard.
- (5) Does not cause or contribute to air or water pollution.
- (6) Minimizes erosion; infiltration of surface water; production of leachate; production of hydrogen sulfide, other gases, and odors; and accumulation and runoff of contaminated surface water.

(B) An owner or operator shall provide to the licensing authority written notice of the intent and anticipated date to permanently cease acceptance of material for disposal at the C&DD facility at least ninety days prior to the anticipated date.

(C) Closure of a C&DD facility shall begin when any of the following occurs:

- (1) The license issued for the facility has expired and a renewal license has not been applied for in accordance with Chapter 3745-501 of the Administrative Code.
- (2) The license issued for the facility has expired, a renewal license has been applied for, and the renewal license application has been denied as a final action.
- (3) The license issued for the facility has been revoked as a final action.
- (4) All final elevations of the authorized disposal limits have been reached.
- (5) The owner or operator ceases accepting material for disposal at the facility for a period greater than one year and all final elevations of the authorized disposal limits have not been reached.

(D) Closure activities shall include but are not limited to an owner or operator doing the following:

- (1) Complying with rule 3745-520-700 of the Administrative Code (general closure and post-closure care activities).

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- (2) Complying with the financial assurance requirements for closure in rule 3745-520-910 of the Administrative Code.
- (3) In addition to paragraph (C)(15) of rule 3745-520-700 of the Administrative Code, the annual report during closure shall contain closure financial assurance documentation prepared in accordance with rule 3745-520-905 of the Administrative Code using forms prescribed by the director. The cost estimates shall be revised to account for any changes at the C&DD facility and shall be adjusted for inflation. If no changes have occurred since the last update, then the cost estimates shall only be adjusted for inflation. The adjustment shall be made using an inflation factor derived from the annual implicit price deflator for gross domestic product as published by the United States department of commerce in the February issue of "Survey of Current Business" as described in rule 3745-500-03 of the Administrative Code.
- (4) Conducting facility inspections in accordance with rule 3745-520-615 of the Administrative Code with the following exceptions:

 - (a) An inspection pursuant to paragraph (A)(1) of rule 3745-520-615 of the Administrative Code shall be performed on each day that facility personnel are at the C&DD facility.
 - (b) The odor inspection need only be performed once during the day that the inspection required by paragraph (D)(2)(a) of this rule is performed.
- (5) Reclaiming each borrow area within the C&DD facility boundary in accordance with the following:

 - (a) An owner or operator shall grade, contour, or terrace final slopes, wherever needed, sufficient to achieve soil stability and control landslides, erosion, and sedimentation. Highwalls may remain if the highwalls are compatible with future uses and measures will be taken to ensure public safety.
 - (b) Where ponds, impoundments, or other resulting bodies of water are intended for recreational use, the owner or operator shall establish banks and slopes that will provide safe access to those bodies of water. Where such bodies of water are not intended for recreation, the owner or operator shall include measures to ensure public safety, but access need not be provided.
 - (c) The owner or operator shall resoil the area of land affected, wherever needed, with topsoil or suitable subsoil, fertilizer, lime, or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.

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(d) Except in borrow areas being used to obtain soil for closure activities, the owner or operator shall establish a diverse vegetative cover of grass and legumes or trees, grasses, and legumes capable of self-regeneration and plant succession.

(6) Completing the following activities within the time required:

(a) Prior to or on the date that acceptance of material for disposal ceases, the owner or operator shall permanently cease leachate recirculation if leachate is being recirculated.

(b) Prior to the completion of closure, the owner or operator shall properly remove or abandon all leachate recirculation equipment.

(c) Not later than seven days after ceasing to accept material for disposal, the owner or operator shall do the following:

(i) Provide written notification to the licensing authority of the date the C&DD facility ceased accepting material for disposal.

(ii) Block each entrance to the C&DD facility by locked gates, fencing, or other sturdy obstacles to prevent unauthorized access during the closure and post-closure care period.

(iii) Cover disposed combustible material pursuant to rule 3745-520-670 of the Administrative Code.

(d) Not later than thirty days after ceasing to accept material for disposal, the owner or operator shall post signs at each entrance to the C&DD facility stating that the facility is closed. The signs shall include the telephone numbers of the owner, emergency personnel including the local fire department, the approved board of health, and the appropriate district office of Ohio EPA. The signs shall be readable from vehicles arriving at the C&DD facility.

(e) Not later than ninety days after ceasing to accept material for disposal, the owner or operator shall submit a final annual operational report that conforms to rule 3745-520-695 of the Administrative Code.

(f) Construction of cap system in uncapped areas as follows:

(i) Not later than one year after ceasing to accept material for disposal, the owner or operator shall complete construction of a cap system over all areas of the authorized disposal limits not previously certified for the construction of a cap system.

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(ii) If the owner or operator appeals the final denial or final revocation of a license to the environmental review appeals commission in accordance with section 3745.04 of the Revised Code and the commission grants a de novo hearing with respect to the appeal in accordance with section 3745.05 of the Revised Code, the owner or operator may elect to postpone the construction of a cap system. In order to postpone construction under this rule, the following shall be satisfied:

(a) The owner or operator complies and will continue to comply with all applicable financial assurance requirements.

(b) The owner or operator is in compliance with and will continue to comply with all other applicable closure requirements set forth in this chapter.

(c) The C&DD facility is not the subject of an emergency order requiring the capping or placement of cover over the facility issued pursuant to division (B) of section 3714.12 of the Revised Code.

(d) A court of competent jurisdiction has not ordered the C&DD facility to cease acceptance of material for disposal or to commence closure activities.

(e) Postponement of construction of the cap system will not create a nuisance or fire hazard, or cause or contribute to air or water pollution.

(f) The owner or operator has undertaken a continuing program of cap construction or has entered into a binding contractual obligation to complete construction of a cap system within one hundred eighty days after an entry of the commission's decision affirming the final action.

Not later than ten days after the commission grants a de novo hearing, the owner or operator shall provide written notice to the licensing authority and the director stating that the construction of the cap system will be postponed in accordance with this rule. The written notice must be accompanied by an affidavit certifying that all of the conditions required for postponement are satisfied.

Postponement under this rule shall automatically terminate upon the failure of the owner or operator to comply with any part of this rule; or the dismissal of the appeal by the commission; or the issuance of an order by the commission affirming the denial or revocation. The owner or operator shall complete construction of a cap system as required by

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this rule not later than one hundred eighty days after the termination of the postponement.

(g) Prior to submitting the closure certification report, the owner or operator shall file with the appropriate county recorder the following:

(i) A plat of the C&DD facility and information describing the acreage, location, depth, volume, and nature of the disposed material.

(ii) A notice that the property was previously used as a C&DD facility. The notice shall be filed in the same manner as a deed to the property. The notice shall include an engineering drawing attachment showing the vertical and lateral extent of disposed material, an indication of the volumes of disposed material, and an indication of the depth of the final cover material.

(h) Not later than ninety days after the completion of closure activities, the owner or operator shall submit to Ohio EPA and the approved board of health a closure certification report that conforms to rule 3745-520-720 of the Administrative Code.

[Comment: Rule 3745-512-30 addresses time frames for establishing complete and dense vegetation on the cap protection layer. "Completion of closure activities" includes construction of the cap system but does not include the seeding and establishment of complete and dense vegetation. Failure to achieve complete and dense vegetation within the time frames established by rule 3745-512-30 would be a violation of that rule and not this rule.]

(E) Post-closure care of a C&DD facility shall begin when one of the following occurs:

(1) The concurring authority concurs with the closure certification report in accordance with rule 3745-520-720 of the Administrative Code.

(2) Both of the following:

(a) Twelve months have passed after the closure certification report was submitted to Ohio EPA and the approved board of health.

(b) The owner and operator are in substantial compliance with the facility's authorizing documents and applicable rules.