



Ohio Administrative Code

Rule 3745-267-110 Closure - standardized permitting.

Effective: [March 7, 2025](#)

(A) Applicability. This rule applies to owners or operators of facilities that treat or store hazardous waste under a standardized permit pursuant to rules 3745-50-250 to 3745-50-320 of the Administrative Code, except as provided in paragraph (B) of rule 3745-267-01 of the Administrative Code.

(B) General standards upon cessation of operation of a unit. Owners or operators shall close the storage and treatment units in a manner that:

(1) Minimizes the need for further maintenance;

(2) Controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and

(3) Meets the closure requirements of this rule, and the requirements of paragraph (G) of rule 3745-267-170, and rules 3745-267-201 and 3745-267-908 of the Administrative Code. If the owner or operator determines that, when applicable, the closure requirements of rule 3745-267-201 of the Administrative Code (tanks) or rule 3745-267-908 of the Administrative Code (containment buildings) cannot be met, then the owner or operator shall close the unit in accordance with the requirements that apply to landfills (rule 3745-57-10 of the Administrative Code). In addition, for the purposes of post-closure and financial responsibility, such a tank system or containment building, is then considered to be a landfill, and the owner or operator shall apply for a post-closure care permit in accordance with Chapter 3745-50 of the Administrative Code.

(C) Procedures for closure.

(1) To close a facility, the owner or operator shall follow the approved closure plan, and follow



notification requirements.

(a) The closure plan shall be submitted at the same time the "Notice of Intent" to operate under a standardized permit is submitted. Final issuance of the standardized permit constitutes approval of the closure plan, and the closure plan becomes a condition of the standardized hazardous waste management permit.

(b) The director's approval of the closure plan shall ensure that the approved closure plan is consistent with paragraphs (B) to (E) of this rule, paragraph (G) of rule 3745-267-170, 3745-267-201, and 3745-267-908 of the Administrative Code.

(2) Satisfy the requirements for content of closure plan. The closure plan shall identify steps necessary to perform partial and final closure of the facility. The closure plan shall include at least:

(a) A description of how each hazardous waste management unit at the facility subject to this rule will be closed in accordance with paragraph (B) of this rule;

(b) A description of how final closure of the facility will be conducted in accordance with paragraph (B) of this rule. The description shall identify the maximum extent of the operations which will be unclosed during the active life of the facility;

(c) An estimate of the maximum inventory of hazardous wastes ever on-site during the active life of the facility and a detailed description of the methods the owner or operator will use during partial and final closure, such as methods for removing, transporting, treating, storing, or disposing of all hazardous waste, and identification of the types of off-site hazardous waste management units to be used, if applicable;

(d) 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 or final closure. These steps might include procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination that are required to satisfy the closure performance standard;



- (e) A detailed description of other activities necessary during the closure period to ensure that partial or final closure satisfies the closure performance standards;
- (f) A schedule for closure of each hazardous waste management unit, and for final closure of the facility. The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities that allow tracking of progress of partial or final closure; and
- (g) For facilities that use trust funds to establish financial assurance under rule 3745-267-143 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.
- (3) The owner or operator may submit a written notification to the director for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility, following the applicable procedures in paragraph (A) of rule 3745-50-711 of the Administrative Code.
- (a) Events leading to a change in the closure plan, and therefore requiring a modification, may include:
- (i) A change in the operating plan or facility design;
 - (ii) A change in the expected year of closure, if applicable; or
 - (iii) In conducting partial or final closure activities, an unexpected event requiring a modification of the approved closure plan.
- (b) The written notification or request shall include a copy of the amended closure plan for review or approval by the director. The director shall approve, disapprove, or modify the amended closure plan in accordance with the procedures in paragraph (A) of rule 3745-50-711 and rule 3745-50-320 of the Administrative Code.
- (4) Notification before final closure.



(a) The owner or operator shall notify the director in writing at least forty-five days before the date that the owner or operator expects to begin final closure of a treatment or storage tank, container storage area, or containment building.

(b) The date when the owner or operator "expects to begin closure" shall be no later than thirty days after the date that any hazardous waste management unit receives the known final volume of hazardous wastes.

(c) If the facility's permit is terminated, or if the owner or operator is otherwise ordered, by judicial decree or final order under Section 3008 of RCRA, to cease receiving hazardous wastes or to close, then the requirements of paragraph (C)(4) of this rule do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in paragraph (E) of this rule.

(D) Public's opportunity to comment on the closure plan.

(1) The director will provide owners or operators and the public, when the draft standardized permit is public noticed, the opportunity to submit written comments on the closure plan and to the draft permit as allowed by paragraph (B) of rule 3745-50-707 of the Administrative Code. The director, in a response to a request at the director's own discretion, also will hold a public hearing whenever such a hearing might clarify one or more issues concerning the closure plan, and the permit.

(2) The director will give public notice of the hearing thirty days before the public hearing occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.

(E) Timeframe after cessation of operation.

(1) Within ninety days after the final volume of hazardous waste is sent to a unit, the owner or operator shall treat or remove from the unit all hazardous wastes following the approved closure plan.

(2) The owner or operator shall complete final closure activities in accordance with the approved



closure plan within one hundred-eighty days after the final volume of hazardous wastes is sent to the unit. The director may approve an extension of one hundred-eighty days to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrate that:

- (a) The final closure activities will take longer than one hundred-eighty days to complete due to circumstances beyond the owner or operator's control, excluding ground water contamination; and
- (b) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed, but not operating hazardous waste management unit or facility, including compliance with all applicable permit requirements; and
- (c) The demonstration shall be made at least thirty days prior to the expiration of the initial one hundred-eighty day period.

(3) Nothing in paragraph (E) of this rule precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved final closure plan at any time before or after notification of final closure.

(F) Disposition of contaminated equipment, structure, and soils. Owners or operators shall properly dispose of or decontaminate all contaminated equipment, structures, and soils during the partial and final closure periods. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and shall handle that hazardous waste following all applicable requirements of Chapter 3745-52 of the Administrative Code.

(G) Certification of closure. Within sixty days after the completion of final closure of each unit under a standardized permit in rules 3745-50-250 to 3745-50-320 of the Administrative Code, the owner or operator shall submit to the director, by registered mail, a certification that each hazardous waste management unit or facility, as applicable, has been closed following the specifications in the closure plan. Both the owner or operator and an independent registered professional engineer shall sign the certification. The owner or operator shall furnish documentation supporting the independent registered professional engineer's certification to the director upon request, until the director releases



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the owner or operator from the financial assurance requirements for closure under paragraph (I) of rule 3745-267-143 of the Administrative Code.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]