



Ohio Administrative Code

Rule 3745-400-16 Post-closure care of a construction and demolition debris facility.

Effective: February 10, 2018

(A) Unless the owner or operator of the construction and demolition debris facility has complied with paragraph (B)(1) of this rule, an owner or operator of a facility that has accepted construction and demolition debris in calendar year 2006 or later shall conduct post-closure care activities at the construction and demolition debris facility upon the licensing authority's written concurrence with the final closure certification report for the facility.

(B) Post-closure care activities shall be conducted for five years unless the one of the following applies:

(1) With respect to a facility that permanently ceased acceptance of construction and demolition debris in calendar year 2006, the post-closure care and post-closure care financial assurance requirements do not apply, provided that the owner or operator of the facility gave written notice of the date of the cessation to the director or health commissioner of the licensing authority, the owner or operator of the facility did not submit a subsequent application for a license renewal for the facility after that cessation, and no order was issued by the director, health commissioner of the licensing authority, or a court of competent jurisdiction governing the post-closure care of and post-closure financial assurance for that facility prior to the date specified in the written notice.

(2) With respect to a facility that permanently ceased acceptance of construction and demolition debris in calendar year 2007, the required period of time for post-closure care and post-closure care financial assurance shall be one year after the final closure of the facility, provided that the owner or operator of the facility gave written notice of the date of the cessation to the director or health commissioner of the licensing authority, the owner or operator did not submit a subsequent application for a license renewal for the facility after that cessation, and no order was issued by the director, the health commissioner of the licensing authority, or a court of competent jurisdiction governing the post-closure care of and post-closure care financial assurance for that facility prior to the date specified in the written notice.



(C) The post-closure care period may be extended in accordance with rule 3745-400-17 of the Administrative Code except for facilities where either paragraph (B)(1) or (B)(2) of this rule applies.

(D) An owner or operator shall complete post-closure care of a construction and demolition debris facility in a manner that reasonably 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.

(E) Post-closure care activities. The owner or operator shall conduct post-closure care activities as follows:

(1) Complying with any orders and authorizing documents issued in accordance with Chapter 3714. of the Revised Code.

(2) Complying with applicable provisions of the following:

(a) Paragraph (E) of rule 3745-400-11 of the Administrative Code regarding maintaining the integrity of the engineered components of the facility and repairing any damage to or failure of the components.

(b) Paragraph (M) of rule 3745-400-11 of the Administrative Code regarding fire control.



- (c) Paragraph (O) of rule 3745-400-11 of the Administrative Code regarding leachate outbreaks.
- (d) Paragraph (P) of rule 3745-400-11 of the Administrative Code regarding leachate system management.
- (e) Paragraph (Q) of rule 3745-400-11 of the Administrative Code regarding surface and ground water management.
- (f) Paragraph (R) of rule 3745-400-11 of the Administrative Code regarding ground water monitoring and leachate sampling and analysis.
- (g) Paragraph (S) of rule 3745-400-11 of the Administrative Code regarding financial assurance for post-closure care.
- (3) Complying with the compliance disclosure requirements in section 3714.052 of the Revised Code when employing a new key employee.
- (4) Establishing and maintaining complete and dense vegetative cover as specified in paragraph (G)(2)(a)(iii) or (G)(2)(b)(ii) of rule 3745-400-07 of the Administrative Code in areas where seeding to establish vegetative cover is required during facility final closure in accordance with rule 3745-400-12 of the Administrative Code. Areas where a standard cap system is required in accordance with paragraph (G)(2)(a) of rule 3745-400-07 of the Administrative Code shall be mowed at least once per year.
- (5) Maintaining and complying with all applicable permits and authorizations required by Chapters 3704. and 6111. of the Revised Code.
- (6) Limiting access to the facility and maintaining access roads as follows:
- (a) Limiting access to authorized personnel only and excluding live domestic and live farm animals from the facility except those used for security or vector control.



(b) Maintaining the signs stating that the facility is closed required by rule 3745-400-12 of the Administrative Code such that the signs remain legible.

(c) Maintaining the gates, fencing, or other sturdy obstacles blocking each entrance to the construction and demolition debris facility required by rule 3745-400-12 of the Administrative Code.

(d) Maintaining access roads to allow for the inspection, maintenance, and repair of engineered components, ground water sampling, and other activities required under this rule.

(7) Annually submitting not later than each anniversary of commencing post-closure care updated post-closure care financial assurance documentation prepared in accordance with rule 3745-400-18 of the Administrative Code.

(8) Submitting a post-closure care evaluation report not later than the third anniversary of commencing the post-closure care period. The post-closure care evaluation report shall contain the following:

(a) An assessment of the integrity and long term stability of the cap system. The assessment shall consider observations, inspections, maintenance, repairs, and other information relating to the cap system since the commencement of post-closure care. The assessment shall identify needed maintenance and repair at the time of the evaluation report.

(b) A summary of changes to leachate quality and quantity since the commencement of post-closure care.

(c) The rate of leachate generation and quantity of leachate generated at the facility since the commencement of post-closure care, with an explanation of how these figures were derived.

(d) An assessment of hydrogen sulfide gas generation and emissions by the facility. The assessment shall consider observations, inspections, maintenance, repairs, and other information relating to hydrogen sulfide gas generation and emissions since the commencement of post-closure care. The assessment shall identify needed hydrogen sulfide gas emission controls at the time of the evaluation report.



(9) Retaining all authorizing documents and completed daily logs of operations at a location acceptable to the licensing authority where the documents are available for inspection by Ohio EPA or the approved health department during normal business hours.

(10) Maintaining all records and reports generated during final closure and the post-closure care period at a location acceptable to the licensing authority where the records and reports are available for inspection by Ohio EPA or the approved health department during normal business hours.

[Comment: The obligation under this rule to maintain the documents required under paragraphs (E)(9) and (E)(10) of this rule ends upon completion of the post-closure care period.]

(F) The owner or operator shall submit to the director or health commissioner of the licensing authority a post-closure care certification report during the last thirty days of the post-closure care period. The post-closure care certification report shall conform with the following:

(1) The post-closure care certification report shall be signed by a professional skilled in the appropriate discipline and shall certify that the owner or operator has completed post-closure care in accordance with this chapter.

(2) The post-closure care certification report shall contain at a minimum the documentation relied upon in the preparation of the post-closure care certification report.

(3) If applicable, the post-closure care certification report shall include information on the status of ground water monitoring wells. The status shall include the identification of intended use or anticipated time frame for well abandonment.

[Comment: Decommissioning of the ground water monitoring system and proper abandonment of ground water monitoring wells is required by Chapter 3745-09 of the Administrative Code.]

(4) If applicable, the post-closure care certification report shall include information on the status of any other environmental monitoring being conducted at the facility and any required environmental control systems. The status shall include the identification of the anticipated timeframe for cessation



of monitoring or abandonment of any environmental control systems that were required during post-closure care.