



Ohio Administrative Code

Rule 3745-400-17 Procedures for issuance of an order extending the post-closure care period.

Effective: February 10, 2018

(A) The post-closure care period may be extended by order of the the director, the health commissioner of the licensing authority, or a court of competent jurisdiction if conditions at a construction and demolition debris facility are impacting public health or safety or the environment or if ground water assessment and ground water corrective measures are required to be conducted at the facility in accordance with rules adopted under Chapter 3714. of the Revised Code. The requirement to maintain financial assurance for post-closure care may be extended if the post-closure care period is extended pursuant to this rule.

(B) An order of the director or health commissioner of the licensing authority extending the post-closure care period shall contain at a minimum the following information:

(1) The identification and location of the facility for which the post-closure care period is extended.

(2) The effective date of the order.

(3) A description of the conditions at the facility that are impacting public health or safety or the environment or whether ground water assessment or ground water corrective measures are required to be conducted at the facility in accordance with rules adopted under Chapter 3714. of the Revised Code.

(4) The length of the extended post-closure care period established by the order.

(5) Any extension of the length of time that financial assurance for post-closure care is required to be maintained.

(6) A timeframe of at least forty-five days for the submittal of the revised cost estimate and a timeframe of at least ninety days for re-establishment of financial assurance.



(7) Any terms or conditions established by the order.

(8) A description of the post-closure care activities required by paragraph (E) of rule 3745-400-16 of the Administrative Code that are to be continued during the extended post-closure care period.

(C) When issuing an order extending the post-closure care period, the director shall act in accordance with Chapters 119., 3714., 3734., and 3745. of the Revised Code, as applicable.

(D) When issuing an order extending the post-closure care period, the health commissioner of the licensing authority shall act in accordance with Chapter 3714. and section 3709.20 of the Revised Code.

(E) Upon issuance of an order extending the post-closure care period, a copy of the order shall be retained by the director or health commissioner of the licensing authority and a copy of the order shall be distributed by certified mail or other form of mail accompanied by a receipt to the owner and operator.

(F) If an order issued pursuant to this rule establishes an extended post-closure care period of more than five years, the order shall be evaluated every five years by the director or health commissioner of the licensing authority. The evaluation shall assess whether, utilizing the standard set forth in paragraph (A) of this rule, the continuation of the order extending the post-closure care period is appropriate. If the director or health commissioner of the licensing authority concludes that the continuation of the order is appropriate, the director or health commissioner of the licensing authority shall notify the owner of its conclusion not later than thirty days prior to the end of the applicable five-year period. If the director or health commissioner of the licensing authority determines that continuation of the order is no longer appropriate or that the standards set forth in paragraph (A) of this rule are no longer met, the director or health commissioner of the licensing authority shall modify or revoke the order.

(G) The owner or operator may request to terminate an order extending the post-closure care period at any time after issuance.

(1) A request to terminate shall be submitted in writing to the director or health commissioner of the



licensing authority and include a demonstration of the following:

- (a) That all obligations in the order have been satisfied.
- (b) Utilizing the standard set forth in paragraph (A) of this rule, that continuation of the order is no longer appropriate.
- (2) The director or health commissioner of the licensing authority shall send the owner or operator a written acknowledgment of receipt of the termination request not later than fourteen days after the request is received.
- (3) The director or health commissioner of the licensing authority shall notify the owner of any deficiencies in the termination request not later than sixty days after receipt.
- (4) The director or health commissioner of the licensing authority may terminate an order issued pursuant to this rule if the termination request demonstrates to the satisfaction of the director or health commissioner of the licensing authority that all obligations in the order have been satisfied and, utilizing the standard set forth in paragraph (A) of this rule, continuation of the order is no longer appropriate.