

3745-66-12

**Closure plan; amendment of plan.**

- (A) Written plan. On April 15, 1981, the owner or operator of a hazardous waste management facility must have a written closure plan. Until final closure is completed and certified in accordance with rule 3745-66-15 of the Administrative Code, a copy of the most current closure plan must be furnished to the director upon request, including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections, on the day of inspection, to any officer, employee, or representative of Ohio EPA who is duly designated by the director.
- (B) Content of plan. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include, at least:
- (1) A description of how each hazardous waste management unit at the facility will be closed in accordance with rule 3745-66-11 of the Administrative Code; and
  - (2) A description of how final closure of the facility will be conducted in accordance with rule 3745-66-11 of the Administrative Code. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility; and
  - (3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous waste, identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; and
  - (4) 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 and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and
  - (5) A detailed description of other activities necessary during the partial and final closure ~~period~~periods to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control; and

- (6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure (for example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included); and
  - (7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under rule 3745-66-43 or 3745-66-45 of the Administrative Code and whose remaining operating life is less than twenty years, and for facilities without approved closure plans; and
  - (8) For facilities where the director has applied alternative requirements at a regulated unit under paragraph (F) of rule 3745-54-90, paragraph (D) of rule 3745-66-10, and/or paragraph (D) of rule 3745-66-40 of the Administrative Code, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document that contains those alternative requirements.
- (C) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan must submit a written request to the director to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the director.
- (1) The owner or operator must amend the closure plan whenever:
    - (a) Changes in operating plans or facility design affect the closure plan; or
    - (b) There is a change in the expected year of closure, if applicable; or
    - (c) In conducting partial or final closure activities, unexpected events require a modification of the closure plan; or
    - (d) The owner or operator requests the director to apply alternative requirements to a regulated unit under paragraph (F) of rule 3745-54-90, paragraph (D) of rule 3745-66-10, and/or paragraph (D) of rule 3745-66-40 of the Administrative Code.

- (2) The owner or operator must amend the closure plan at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must amend the closure plan no later than thirty days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with rule 3745-68-10 of the Administrative Code.
- (3) An owner or operator with an approved closure plan must submit the modified plan to the director at least sixty days prior to the proposed change in facility design or operation, or no more than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator must submit the modified plan no more than thirty days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with rule 3745-68-10 of the Administrative Code. If the amendment to the plan is a ~~class 2 or class 3~~ "Class 2" or "Class 3" modification according to the criteria in rule 3745-50-51 of the Administrative Code, the modification to the plan will be approved according to the procedures in paragraph (D)(4) of this rule.
- (4) The director may request modifications to the plan under the conditions described in paragraph (C)(1) of this rule. An owner or operator with an approved closure plan must submit the modified plan within sixty days ~~or after~~ the request from the director, or within thirty days if the unexpected event occurs during partial or final closure. If the amendment is considered a ~~class 2 or class 3~~ "Class 2" or "Class 3" modification according to the criteria in rule 3745-50-51 of the Administrative Code, the modification to the plan will be approved in accordance with the procedures in paragraph (D)(4) of this rule.

(D) Notification of partial closure and final closure.

- (1) The owner or operator must submit the closure plan to the director at least one hundred eighty days prior to the date on which he expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier. The owner or operator must submit the closure plan to the director at least forty-five days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace. The owner or operator must submit the closure

plan to the director at least forty-five days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units. Owners or operators with approved closure plans must notify the director in writing at least sixty days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit. Owners or operators with approved closure plans must notify the director in writing at least forty-five days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace. Owners or operators with approved closure plans must notify the director in writing at least forty-five days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

- (2) The date when he "expects to begin closure" must be either:
- (a) Within thirty days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit can demonstrate to the director that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all requirements in Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code, the director may approve an extension to this one-year limit; or
  - (b) For units meeting the requirements of paragraph (D) of rule 3745-66-13 of the Administrative Code, no later than thirty days after the date on which the hazardous waste management unit receives the known final volume of nonhazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional nonhazardous wastes, no later than one year after the date on which the unit received the most recent volume of nonhazardous wastes. If the owner or operator can demonstrate to the director that the hazardous waste management unit has the capacity to receive additional nonhazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all requirements in Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code, the director may approve an extension to this one-year limit.

- (3) The owner or operator must submit his closure plan to the director no later than fifteen days after:
- (a) Notice of failure to qualify for a permit by rule, revocation, or withdrawal of a permit by rule, except when a "Part B" permit is issued simultaneously with revocation or withdrawal of a permit by rule; or
  - (b) Issuance of a judicial decree or the issuance by the director of an order for compliance to cease receiving hazardous wastes or close.
- (4) The director will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications to the plan no later than thirty days ~~from~~after the date of the notice. The director will also, in response to a request or at his own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The director will give public notice of the hearing at least thirty days before it 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.) The director will approve, modify, or disapprove the plan within ninety days ~~of~~after its receipt. If the director does not approve the plan he will provide the owner or operator with a detailed written statement of reasons for the refusal and the owner or operator must modify the plan or submit a new plan for approval within thirty days after receiving such written statement. The director will approve or modify this plan in writing within sixty days. If the director modifies the plan, this modified plan becomes the approved closure plan. The director will assure that the approved plan is consistent with rules 3745-66-11 to 3745-66-15 of the Administrative Code and the applicable requirements of rules 3745-65-90 to 3745-65-94, 3745-66-97, 3745-67-28, 3745-67-58, 3745-67-80, 3745-68-10, 3745-68-51, 3745-68-81, 3745-69-04, and ~~3745-205-102~~3745-256-102 of the Administrative Code. A copy of the modified plan with a detailed statement of reasons for the modifications will be mailed to the owner or operator.
- (E) Removal of wastes and decontamination or dismantling of equipment. Nothing in this rule ~~shall preclude~~precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

Effective: 09/05/2010

R.C. 119.032 review dates: 04/14/2010 and 08/25/2014

CERTIFIED ELECTRONICALLY

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Certification

07/23/2010

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Date

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