

3745-66-13

**Time allowed for closure.**

(A) Within ninety days after receiving the final volume of hazardous wastes, or the final volume of nonhazardous wastes if the owner or operator complies with all applicable requirements in paragraphs (D) and (E) of this rule, at a hazardous waste management unit or facility, or within ninety days after approval of the closure plan, whichever is later, the owner or operator must treat, remove from the unit or facility, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan. The director may approve a longer period if the owner or operator demonstrates that:

(1)

(a) The activities required to comply with paragraphs (A) to (A)(2) of this rule will, of necessity, take longer than ninety days to complete; or

(b)

(i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive nonhazardous wastes if the facility owner or operator complies with paragraphs (D) and (E) of this rule; and

(ii) There is a reasonable likelihood that he or another person will recommence operation of the hazardous waste management unit or the facility within one year; and

(iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the hazardous waste management unit or facility; and

(2) He has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable requirements in Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.

(B) The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within one hundred eighty days after receiving the final volume of hazardous wastes, or the final volume of nonhazardous wastes if the owner or operator complies with all applicable requirements in paragraphs (D) and (E) of this rule, at the hazardous waste management unit or facility, or one hundred eighty days after approval of the closure plan, if that is later. The director may approve an extension to the closure

period if the owner or operator demonstrates that:

- (1)
  - (a) The partial or final closure activities will, of necessity, take longer than one hundred eighty days to complete; or
  - (b)
    - (i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive nonhazardous wastes if the facility owner or operator complies with paragraphs (D) and (E) of this rule; and
    - (ii) There is a reasonable likelihood that he or another person will recommence operation of the hazardous waste management unit or facility within one year; and
    - (iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and
  - (2) He 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 requirements in Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.
- (C) The demonstrations referred to in paragraphs (A)(1) and (B)(1) of this rule must be made as follows:
  - (1) The demonstrations referred to in paragraph (A)(1) of this rule must be made at least thirty days prior to the expiration of the ninety-day period in paragraph (A) of this rule; and
  - (2) The demonstrations in paragraph (B)(1) of this rule must be made at least thirty days prior to the expiration of the one-hundred-eighty-day period in paragraph (B) of this rule, unless the owner or operator is otherwise subject to the deadlines in paragraph (D) of this rule.
- (D) The director may allow an owner or operator to receive nonhazardous waste in a landfill, land treatment, or surface impoundment unit after the final receipt of

hazardous wastes at that unit if:

- (1) The owner or operator submits an amended "Part B" application, or a "Part B" application, if not previously required, and demonstrates that:
  - (a) The unit has the existing design capacity as indicated on the "Part A" application to receive nonhazardous wastes; and
  - (b) There is a reasonable likelihood that the owner or operator or another person will receive nonhazardous waste in the unit within one year after the final receipt of hazardous wastes; and
  - (c) The nonhazardous wastes will not be incompatible with any remaining wastes in the unit or with the facility design and operating requirements of the unit or facility under Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code; and
  - (d) Closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and
  - (e) The owner or operator is operating and will continue to operate in compliance with all applicable requirements in the hazardous waste rules; and
- (2) The "Part B" application includes an amended waste analysis plan, ground water monitoring and response program, human exposure assessment required under RCRA ~~section~~Section 3019, and closure and post-closure plans, and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate to reflect any changes due to the presence of hazardous constituents in the nonhazardous wastes, and changes in closure activities, including the expected year of closure if applicable under paragraph (B)(7) of rule 3745-66-12 of the Administrative Code, as a result of the receipt of nonhazardous wastes following the final receipt of hazardous wastes; and
- (3) The "Part B" application is amended, as necessary and appropriate, to account for the receipt of nonhazardous wastes following receipt of the final volume of hazardous wastes; and
- (4) The "Part B" application and the demonstrations referred to in paragraphs (D)(1) and (D)(2) of this rule are submitted to the director no later than one hundred eighty days prior to the date on which the owner or operator of the

facility receives the known final volume of hazardous wastes, or no later than ninety days after February 11, 1992, whichever is later.

(E) In addition to the requirements in paragraph (D) of this rule, an owner or operator of a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C. 3004(o)(1) and 3005(j)(1) or 42 U.S.C. 3004(o)(2) or 3004(o)(3) or 3005(j)(2), 3005(j)(3), 3005(j)(4) or 3005(j)(13) must:

(1) Submit with the "Part B" application:

(a) A contingent corrective measures plan; and

(b) A plan for removing hazardous wastes in compliance with paragraph (E)(2) of this rule; and

(2) Remove all hazardous wastes from the unit by removing all hazardous liquids and removing all hazardous sludges to the extent practicable without impairing the integrity of the liner(s), if any.

(3) Removal of hazardous wastes must be completed no later than ninety days after the final receipt of hazardous wastes. The director may approve an extension to this deadline if the owner or operator demonstrates that the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health and the environment.

(4) If a release that is a statistically significant increase (or decrease in the case of pH) in hazardous constituents over background levels is detected in accordance with the requirements in rules 3745-65-90 to 3745-65-94 of the Administrative Code, the owner or operator of the unit:

(a) Must implement corrective measures in accordance with the approved contingent corrective measures plan required by paragraph (E)(1) of this rule no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later;

(b) May receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

(c) May be required by the director to implement corrective measures in less

than one year or to cease receipt of wastes until corrective measures have been implemented if necessary to protect human health and the environment.

- (5) During the period of corrective action, the owner or operator must provide ~~semi-annual~~annual reports to the director ~~that describe~~describing the progress of the corrective action program, compile all ground water monitoring data, and evaluate the effect of the continued receipt of nonhazardous wastes on the effectiveness of the corrective action.
- (6) The director may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in paragraph (E)(4) of this rule, or fails to make substantial progress in implementing corrective action and achieving the facility's background levels.
- (7) If the owner or operator fails to implement corrective measures as required in paragraph (E)(4) of this rule, or if the director determines that substantial progress has not been made pursuant to paragraph (E)(6) of this rule he will:
  - (a) Notify the owner or operator in writing that the owner or operator must begin closure in accordance with the deadline in paragraphs (A) and (B) of this rule and provide a detailed statement of reasons for this determination, and
  - (b) Provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than twenty days after the date of the notice.
  - (c) If the director receives no written comments, the decision will become final five days after the close of the comment period. The director will notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, must be submitted within fifteen days ~~of~~after the final notice and that closure must begin in accordance with the deadlines in paragraphs (A) and (B) of this rule.
  - (d) If the director receives written comments on the decision, he will make a final decision within thirty days after the end of the comment period, and provide the owner or operator in writing and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the director determines that substantial progress has not been made, closure must be initiated in accordance with the deadlines in paragraphs

(A) and (B) of this rule.

~~[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."]~~

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Effective: 09/05/2010

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

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Certification

07/23/2010

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Date

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