

3745-66-18

Post-closure plan; and amendment of plan.

- (A) Written plan. On April 15, 1981, the owner or operator of a hazardous waste disposal unit must have a written post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure must prepare a post-closure plan and submit it to the director within ninety days ~~of~~after the date that the owner or operator or director determines that the hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of rules 3745-66-17 to 3745-66-20 of the Administrative Code.
- (B) Until final closure of the facility, a copy of the most current post-closure plan must be furnished to the director upon request, including request by mail. In addition, for facilities without approved post-closure plans, it must also be provided during site inspections, on the day of inspection, to any officer, employee, or representative of the agency who is duly designated by the director. After final closure has been certified, the person or office specified in paragraph (C)(3) of this rule must keep the approved post-closure plan during the post-closure period.
- (C) For each hazardous waste management unit subject to the requirements of this rule, the post-closure plan must identify the activities that will be carried on after closure of each disposal unit and the frequency of these activities, and include at least:
- (1) A description of the planned monitoring activities and frequencies at which they will be performed to comply with rules 3745-65-90 to 3745-66-94, 3745-67-20 to 3745-67-30, 3745-67-50 to 3745-67-60, 3745-67-70 to 3745-67-82, and 3745-68-01 to 3745-68-16 of the Administrative Code during the post-closure care period;
 - (2) A description of the planned maintenance activities and frequencies at which they will be performed, to ensure:
 - (a) The integrity of the cap and final cover or other containment systems in accordance with the requirements in rules 3745-67-20 to 3745-67-30, 3745-67-50 to 3745-67-60, 3745-67-70 to 3745-67-82, and 3745-68-01 to 3745-68-16 of the Administrative Code; and
 - (b) The function of the monitoring equipment in accordance with the requirement of rules 3745-65-90 to 3745-65-94, 3745-67-20 to 3745-67-30, 3745-67-50 to 3745-67-60, 3745-67-70 to 3745-67-82, and 3745-68-01 to 3745-68-16 of the Administrative Code.
 - (3) The name, address, and telephone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

- (4) For facilities subject to rule 3745-66-21 of the Administrative Code, provisions that satisfy the requirements of paragraphs (A)(1) and (A)(3) of rule 3745-66-21 of the Administrative Code.
 - (5) 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~~document that contains those requirements.
- (D) Amendment of plan. The owner or operator may amend the post-closure plan any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure plan must submit a written request to the director to authorize a change to the approved plan. The written request must include a copy of the amended post-closure plan for approval by the director.
- (1) The owner or operator must amend the post-closure plan whenever:
 - (a) Changes in operating plans or facility design affect the post-closure plan;
 - (b) Events which occur during the active life of the facility, including partial and final closures, affect the post-closure plan; or
 - (c) 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 post-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 post-closure plan.
 - (3) An owner or operator with an approved post-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 post-closure plan. If an owner or operator of a surface impoundment or a waste pile who intended to remove all hazardous wastes at closure in accordance with paragraph (B) of rule 3745-67-28 or paragraph (A) of rule 3745-67-58 of the Administrative Code is required to close as a landfill in accordance with rule 3745-68-10 of the

Administrative Code, the owner or operator must submit a post-closure plan within ninety days ~~of~~after the determination by the owner or operator or director that the unit must be closed as a landfill. If the amendment to the post-closure plan is a "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 (F) of this rule.

- (4) The director may request modifications to the plan under the conditions described in paragraph (D)(1) of this rule. An owner or operator with an approved post-closure plan must submit the modified plan no later than sixty days after the request from the director. If the amendment to the plan is considered a "Class 2" or "Class 3" modification according to the criteria in rule ~~3745-50-51~~3745-50-51 of the Administrative Code, the modifications to the post-closure plan will be approved in accordance with the procedures in paragraph (F) of this rule. If the director determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit a post-closure plan for approval to the director within ninety days ~~of~~after the determination.
- (E) The owner or operator of a facility with hazardous waste management units subject to these requirements must submit his post-closure plan to the director at least one hundred eighty days before the date he expects to begin partial or final closure of the first hazardous waste disposal unit. The date he "expects to begin closure" of the first hazardous waste disposal unit must be either within thirty days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste 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 wastes. The owner or operator must submit the post-closure plan to the director no later than fifteen days after:
- (1) Termination, revocation, or withdrawal of a "Part A" permit, except when a "Part B" permit is issued to the facility simultaneously with termination, revocation, or withdrawal of a "Part A" permit; or
 - (2) Issuance of a judicial decree or the issuance by the director of an order for compliance to cease receiving wastes or to close.
- (F) The director will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the post-closure plan and request modifications to the plan no later than thirty days ~~from~~after the date of the notice. He 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 post-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 post-closure plan. The director will ensure that the approved post-closure plan is consistent with rules 3745-66-17 to 3745-66-20 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.

- (G) The post-closure plan and length of the post-closure care period may be modified any time prior to the end of the post-closure care period in either of the following two ways:
- (1) The owner or operator or any member of the public may petition the director to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.
 - (a) The petition must include evidence demonstrating that:
 - (i) The secure nature of the hazardous waste management unit or facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure plan (e.g., leachate or ground water monitoring results, characteristics of the wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the facility is secure); or
 - (ii) The requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).
 - (b) These petitions will be considered by the director only when they present

new and relevant information not previously considered by the director. Whenever the director is considering a petition, he will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within thirty days ~~of~~after the date of the notice. He will also, in response to a request or at his own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure plan. The director will give the 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 written public comments, and the two notices may be combined.) After considering the comments, he will issue a final determination, based upon the criteria set forth in paragraph (G)(1) of this rule.

- (c) If the director denies the petition, he will send the petitioner a brief written response giving a reason for the denial.
- (2) The director may tentatively decide to modify the post-closure plan if he deems it necessary to prevent threats to human health and the environment. He may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause or alter the requirements of the post-closure care period based on cause.
- (a) The director will provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within thirty days ~~of~~after the date of the notice and the opportunity for a public hearing as in paragraph (G)(1)(b) of this rule. After considering the comments, he will issue a final determination.
 - (b) The director will base his final determination upon the same criteria as required for petitions under paragraph (G)(1)(a) of this rule. A modification of the post-closure plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the director would then determine whether the requirements should be permanently discontinued or reinstated to prevent threats to human health and the environment.

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CERTIFIED ELECTRONICALLY

Certification

03/06/2012

Date

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