

**3745-66-21 Post-closure requirements for facilities that obtain enforceable documents in lieu of post-closure permits.**

- (A) Owners and operators who are subject to the requirement to obtain a post-closure permit under rule 3745-50-45 of the Administrative Code, but who obtain enforceable documents in lieu of post-closure permits, as provided under paragraph (G) of rule 3745-50-45 of the Administrative Code, must comply with the following requirements:
- (1) The requirements to submit information about the facility in paragraph (C)(14) of rule 3745-50-44 of the Administrative Code;
  - (2) The requirements for facility-wide corrective action in rule 3745-54-101 of the Administrative Code;
  - (3) The requirements of rules 3745-54-91 to 3745-54-100 of the Administrative Code.
- (B)
- (1) The director, in issuing enforceable documents under this rule in lieu of permits, will assure a meaningful opportunity for public involvement which, at a minimum, includes public notice and opportunity for public comment:
    - (a) When Ohio EPA becomes involved in a remediation at the facility as a regulatory or enforcement matter;
    - (b) On the proposed preferred remedy and the assumptions upon which the remedy is based, in particular those related to land use and site characterization; and
    - (c) At the time of a proposed decision that remedial action is complete at the facility. These requirements must be met before the director may consider that the facility has met the requirements of paragraph (G) of rule 3745-50-45 of the Administrative Code, unless the facility qualifies for a modification to these public involvement procedures under paragraph (B)(2) or (B)(3) of this rule.
  - (2) If the director determines that even a short delay in the implementation of a remedy would adversely affect human health or the environment, he may delay compliance with the requirements of paragraph (B)(1) of this rule and implement the remedy immediately. However, the director will assure involvement of the public at the earliest opportunity, and, in all cases, upon making the decision that additional remedial action is not needed at the facility.

- (3) The director may allow a remediation initiated prior to October 22, 1998 to substitute for corrective action required under a post-closure permit even if the public involvement requirements of paragraph (B)(1) of this rule have not been met, so long as he assures that notice and comment on the decision that no further remediation is necessary to protect human health and the environment takes place at the earliest reasonable opportunity after the first effective date of this rule.

Effective: 12/07/2004  
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