

3745-27-20 Prohibitions and closure.

(A) Prohibitions.

- (1) After June 1, 1994, no owner or operator shall place municipal solid waste in any unfilled areas of an existing unit of a sanitary landfill facility unless the unfilled areas are at a minimum provided with an interim composite liner/leachate collection system in accordance with paragraph (B) of rule 3745-27-08 of the Administrative Code. The owner or operator shall place a copy of the design for the interim composite liner/leachate collection system into the operating record in accordance with rule 3745-27-09 of the Administrative Code.

[Comment: Paragraph (C) of rule 3745-27-19 of the Administrative Code, requires strict compliance with the applicable authorizing documents and specifies the circumstances in which the "interim composite liner/leachate collection system" may be used in lieu of the system approved in the applicable authorizing documents.

- (2) After June 1, 1994, no owner or operator shall place municipal solid waste in any new unit of sanitary landfill that is not at a minimum provided with an interim composite liner/leachate collection system in accordance with paragraph (B) of rule 3745-27-08 of the Administrative Code. The owner or operator shall place a copy of the design for the interim composite liner/leachate collection system into the operating record in accordance with rule 3745-27-09 of the Administrative Code.

[Comment: Paragraph (C) of rule 3745-27-19 of the Administrative Code, requires strict compliance with the applicable authorizing documents and specifies the circumstances in which the "interim composite liner/leachate collection system" may be used in lieu of the system approved in the applicable authorizing documents.

- (3) After June 1, 1994, no owner or operator shall place municipal solid waste in any new units unless the owner or operator has demonstrated compliance with all of the following location restrictions and placed a copy of the demonstration into the operating record of the sanitary landfill facility in accordance with rule 3745-27-09 of the Administrative Code:

- (a) Paragraph (C)(1) of this rule (airports).
- (b) Paragraph (C)(2) of this rule (floodplains).
- (c) Paragraph (C)(3) of this rule (fault areas).
- (d) Paragraph (C)(4) of this rule (seismic impact zone).
- (e) Paragraph (C)(5) of this rule (unstable areas).

- (4) After June 1, 1994, no owner or operator shall construct or operate new units or unfilled areas of an existing unit of a sanitary landfill facility such that the construction or operation occurs in a wetland, unless the owner or operator has obtained any necessary permits and approvals required pursuant to sections 401 or 404 of the Clean Water Act (July 11, 2006) (33 United States Code section 1341 and 1344). The "Clean Water Act" can be found at <https://www.gpo.gov/fdsys/browse/collectionUSCode.action?collectionCode= USCODE>.

(B) Existing unit closure for failure to demonstrate compliance with location restrictions.

(1) The owner or operator of an existing unit of sanitary landfill facility must complete closure activities pursuant to rule 3745-27-11 of the Administrative Code by October 9, 1996, if the owner or operator cannot demonstrate compliance with all of the following location restrictions:

- (a) Paragraph (C)(1) of this rule (airports).
- (b) Paragraph (C)(2) of this rule (floodplains).
- (c) Paragraph (C)(5) of this rule (unstable areas).

The owner or operator shall place a copy of the demonstrations into the operating record in accordance with rule 3745-27-09 of the Administrative Code.

(2) The director may extend the deadline for closure for up to two years if the owner or operator of the existing unit demonstrates both of the following:

- (a) There is no available regional disposal capacity and closure of the sanitary landfill would cause a local disposal capacity crisis.
- (b) There is no immediate threat to human health and the environment. In determining whether there is a threat to human health and the environment from the continued operation of the existing unit the director may consider but is not limited to the following:
 - (i) The impact of the existing unit on ground water including the results and status of detection monitoring, assessment monitoring, or corrective measures programs.
 - (ii) Operations at the existing unit including compliance with daily, intermediate, and final cover requirements and leachate management.

(C) Location restriction demonstrations.

- (1) The limits of solid waste placement of the sanitary landfill facility are not located within ten thousand feet (three thousand forty-eight meters) of any airport runway end used by turbojet aircraft or within five thousand feet (one thousand five hundred twenty-four meters) of any airport runway end used by only piston-type aircraft, unless the owner or operator can demonstrate that the sanitary landfill facility will be so designed and operated that the sanitary landfill facility will not pose a bird hazard to aircraft.
- (2) The limits of solid waste placement of the sanitary landfill facility are not located in a "regulatory floodplain" unless the owner or operator can demonstrate that the units of the sanitary landfill facility will not restrict the flow of the one hundred year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment.
- (3) The sanitary landfill facility is not located within two hundred feet of a fault that has had displacement in Holocene time unless the owner or operator can demonstrate that a distance less than two hundred feet will prevent damage to the structural integrity of the sanitary landfill facility and will be protective of human health and the environment. For the purposes of this rule, "fault," "displacement," and "Holocene" have the following meanings:

- (a) "Fault" means a fracture along which strata on one side of the fracture have been displaced with respect to strata on the other side of the fracture.
 - (b) "Displacement" means the relative movement of any two sides of a fault measured in any direction.
 - (c) "Holocene" means the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.
- (4) The sanitary landfill facility is not located in a seismic impact zone, unless the owner or operator demonstrates that all containment structures, including liners, leachate collections systems, sedimentation ponds, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.
- (5) The sanitary landfill facility is not located in an unstable area, unless the owner or operator demonstrates that engineering measures have been incorporated into the design of the sanitary landfill facility to ensure that the integrity of the structural components will not be disrupted; except, that for an area of potential subsidence resulting from underground mining, the demonstration must show that the voids are filled or removed if the sanitary landfill facility is located above an underground mine or within the angle of draw of an underground mine. All of the following factors shall be considered when determining whether an area is unstable:
- (a) On-site or local soil type and hydraulic conditions.
 - (b) On site or local geologic or geomorphologic features.
 - (c) On site or local human-made features (both surface and subsurface).
 - (d) On site or local events (both surface and subsurface).

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Certification

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Date

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