

3745-400-57

**Three year transition for final closure financial assurance for construction and demolition debris processing facilities.**

(A) Notwithstanding paragraph (B)(1) of rule 3745-400-56 of the Administrative Code, the owner or operator of a processing facility for the license year 2022 may use a three year transition period for funding financial assurance by submitting a written notice each year of the transition period that complies with the following:

- (1) The initial written notice is submitted to the licensing authority and the director concurrently with the initial license application and, for a processing facility that was in operation on the effective date of this rule, the initial license application and notice are submitted within the time frame set forth in rule 3745-400-50 of the Administrative Code.
- (2) The written notices for the second and third years of the transition period are submitted to the licensing authority and the director concurrently with a timely processing facility license application.
- (3) The notice includes a statement affirming the intention to use the three year transition period and is signed and certified by the owner or operator in accordance with rule 3745-500-50 of the Administrative Code.
- (4) The notice includes the calculations and the final closure transition amount applicable to the year of the transition period for which the license is sought.

(B) For the purposes of this rule, "final closure transition amount" means the amount calculated by multiplying the final closure cost estimate by the appropriate transition year percentage as follows:

- (1) Forty per cent for license year 2022.
- (2) Seventy per cent for license year 2023.
- (3) One hundred per cent for license year 2024.

(C) The owner or operator shall annually fund final closure financial assurance for each year of the three year transition period as follows:

- (1) In an amount not less than the final closure transition amount prior to issuance of the license for which the final closure transition amount applies.
- (2) Using a financial assurance mechanism specified in paragraphs (B) to (E) of rule 3745-400-13 of the Administrative Code.

- (3) If the owner or operator receives a modification to the approved permit to install authorizing an increase in the horizontal limits of construction and demolition debris processing or an increase in the maximum volume in cubic yards of mixed construction and demolition debris the processing facility may accumulate at any time during the transition period, such that one hundred per cent of the portion of the final closure cost estimate necessary to close the increased acreage or volume, respectively, is funded not later than thirty days after the date of issuance.
- (D) If the owner or operator fails to maintain financial assurance for the processing facility in an amount not less than the final closure transition amount or fails to timely provide notice as specified in paragraph (A) of this rule, the owner or operator shall fully fund the final closure cost estimate in accordance with paragraph (B) of rule 3745-400-56 of the Administrative Code prior to issuance of a subsequent license.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
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Rule Amplifies: 3714.022, 3714.051, 3714.06, 3714.09