

TO BE RESCINDED

3745-29-11 **Final closure of an industrial solid waste landfill facility.**

- (A) For all industrial solid waste landfill facilities, the owner or operator shall submit a "final closure/post-closure plan" containing the information specified in paragraph (B) of this rule to the director not later than one hundred eighty days prior to the anticipated date to cease accepting solid waste. The owner or operator of an industrial solid waste landfill facility that ceased acceptance of waste prior to June 1, 1994, as determined by the notification required by paragraph (E) of this rule, which has not submitted the final closure certification report in accordance with paragraph (J) of this rule, shall comply with paragraphs (F) and (G) to (L) of this rule, and rules 3745-29-10 and 3745-27-16 of the Administrative Code.
- (B) Final closure/post-closure plan. The owner or operator shall prepare a final closure/post-closure plan in accordance with this rule for the industrial solid waste landfill facility, which shall, at a minimum, contain all the items specified in paragraphs (B)(1) to (B)(10) of this rule.
- (1) The name and location of the facility.
 - (2) Any variances or exemptions from the requirements of this rule or rule 3745-29-14 of the Administrative Code or any alternative schedule for completing final closure activities.

[Comment: If a variance, exemption, or alternative schedule is identified, the request must be submitted to the director and must be received prior to approval; otherwise, the rule requirements are applicable and enforceable.]
 - (3) The name, address, and telephone number of the person or office to contact regarding the industrial solid waste landfill facility during the final closure and post-closure care periods.
 - (4) The following information to be presented in the same manner as outlined in rule 3745-29-06 of the Administrative Code:
 - (a) Plan drawings of the horizontal limits and top elevations of waste and the cap system; and surface water control structures including permanent ditches to control run-on and runoff; and sedimentation ponds including the inlet and outlet.
 - (b) Establish a grid system with northings and eastings not more than five hundred feet apart.

- (c) Detail drawings of the cap system including but not limited to the key trench, any penetrations, cap drainage structures, and surface water drainage structures.
 - (d) Detail drawings of sedimentation pond and discharge structures and surface water run-on and runoff control structures.
 - (e) Static and seismic stability analysis.
 - (f) The ground water detection monitoring plan.
 - (g) The financial assurance information in accordance with rules 3745-27-15 and 3745-27-16 of the Administrative Code.
- (5) Description of availability and suitability of cap material.
- (6) Quality assurance/quality control plan for cap system construction.
- (7) Explosive gas monitoring plan in accordance with rule 3745-27-12 of the Administrative Code if an occupied structure is located within one thousand feet of the limits of solid waste placement of the industrial solid waste landfill facility and the industrial solid waste facility does not meet one of the exclusions specified in paragraph (A)(7) of rule 3745-27-12 of the Administrative Code.
- (8) Schedule of installation of any explosive gas control systems.
- (9) Description of anticipated measures to control erosion.
- (10) Contingency plans for leachate, fire, differential setting.
- (C) Mandatory closure. The owner or operator shall begin final closure activities in accordance with the final closure/post-closure plan and paragraph (G) of this rule no later than seven days after any of the occurrences specified in this paragraph. Approval of the final closure/post-closure plan does not affect the owner's or operator's obligations to begin and complete final closure activities in accordance with paragraphs (G) and (H) of this rule. It is mandatory to begin closure activities for an industrial solid waste landfill facility upon the occurrence of any of the following:
- (1) A solid waste disposal license issued for the industrial solid waste landfill facility has expired, and another license has not been applied for in the manner prescribed in Chapter 3745-37 of the Administrative Code.

- (2) A solid waste disposal license issued for the industrial solid waste landfill facility has expired, and another license has been applied for and denied as a final action.
 - (3) A solid waste disposal license issued for the industrial solid waste landfill facility has been revoked as a final action.
 - (4) A solid waste disposal license issued for the industrial solid waste landfill facility has been suspended as a final action.
 - (5) The owner or operator declares that an industrial solid waste landfill facility will cease acceptance of waste for disposal by a date certain.
 - (6) All approved limits of solid waste placement have been reached, as specified in the plan approval, operational report, or permit to install, whichever is applicable, for an industrial solid waste landfill facility.
- (D) Notification of anticipated date to cease acceptance of solid waste.
- (1) The owner or operator shall provide notice by certified mail or any other form of mail accompanied by a receipt not less than ninety days prior to the anticipated date on which the industrial solid waste landfill facility will cease to accept solid waste if final closure is or will be triggered for the industrial solid waste landfill facility by any of the following occurrences:
 - (a) Paragraph (C)(1) of this rule.
 - (b) Paragraph (C)(5) of this rule.
 - (c) Paragraph (C)(6) of this rule.
 - (2) The owner or operator shall send a copy of the notice specified in paragraph (D)(1) of this rule to the following:
 - (a) The board of health having jurisdiction.
 - (b) The single or joint county solid waste planning district in which the facility is located.
 - (c) The director.
 - (3) Concurrently with the submission of the notice required by paragraph (D)(1) of this rule, the owner or operator shall commence publishing at three-week intervals, prominent notice of the anticipated date on which solid waste will

cease to be accepted at the industrial solid waste landfill facility. Such notice shall be published in the county in which the industrial solid waste landfill facility is located and in any other county which has been a source of at least twenty-five per cent of the solid wastes deposited at the industrial solid waste landfill facility over the previous twelve months of operation. Notice shall be provided to the director and the board of health having jurisdiction that affirms the notices have been published in accordance with this paragraph.

- (4) The public notice requirement shall not apply to an industrial solid waste landfill facility, owned by a generator, exclusively disposing of solid wastes generated at premises owned by the generator.
 - (5) Not less than thirty days prior to the anticipated date on which the facility will cease to accept solid waste, notice shall be provided by certified mail or any other form of mail accompanied by a receipt to the director of any changes to the information that identifies the facility's final closure contact person.
- (E) The owner or operator shall send notification by certified mail or any other form of mail accompanied by a receipt to the director and to the board of health having jurisdiction, as to the actual date that the industrial solid waste landfill facility ceased to accept solid waste. Notification shall be sent to the director and the board of health having jurisdiction not later than seven days after the date specified in the notification.
- (F) The owner or operator shall begin final closure activities of the industrial solid waste landfill facility, not later than seven days after any of the occurrences in paragraph (C) of this rule. Final closure activities for an industrial solid waste landfill facility shall include, at a minimum, the items specified in paragraphs (G) and (H) of this rule.
- (G) Cap system. The owner or operator shall construct a cap system in accordance with either of the following:
- (1) The design approved in the permit or in a subsequently approved alteration.
 - (2) If an industrial solid waste landfill facility has areas which have been capped, graded, and seeded in accordance with paragraphs (C)(1) to (C)(4) of rule 3745-27-10 of the Administrative Code, as effective July 29, 1976, or in accordance with paragraph (C)(16) of rule 3745-29-08 of the Administrative Code, effective June 1, 1994, those areas need not have a cap system as required by rule 3745-29-08 of the Administrative Code. Any area to which this provision applies shall be defined by detail engineering plans, to be submitted not later than May 1, 2001.
- (H) Other closure activities

- (1) The owner or operator shall continue to comply with rule 3745-29-19 of the Administrative Code and all monitoring and reporting activities required during the operating life of the industrial solid waste facility until closure certification is submitted and the post-closure care period begins.
- (2) The owner or operator shall install the required surface water control structures including permanent ditches to control run-on and runoff and sedimentation pond(s), as shown in the final closure/post-closure plan, and as necessary, grade all land surfaces to prevent ponding of water where solid waste has been placed and institute measures to control erosion.

[Comment: The minimum slope standard in OAC rule 3745-29-08 is a design standard. For closure certification, it is not necessary to regrade the site if there is not a ponding problem, even if the slope no longer meets the design in the closure/post-closure plan.]

- (3) The owner or operator shall design and install a ground water monitoring system in accordance with rule 3745-29-10 of the Administrative Code, if a system is not already in place.
- (4) The owner or operator shall bait for rodents and treat for other vectors as necessary.
- (5) The owner or operator shall record on the plat and deed to the industrial solid waste landfill facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that the land has been used as industrial solid waste landfill facility, a notation describing the impacted acreage, exact location, depth, volume, and nature of solid waste deposited in the industrial solid waste landfill facility.
- (6) After ceasing acceptance of waste at an industrial solid waste landfill facility, the owner or operator shall post signs, in such a manner as to be easily visible from all access roads leading onto the industrial solid waste landfill facility, stating in letters not less than three inches high that the industrial solid waste landfill facility no longer accepts solid waste. Signs shall be maintained in legible condition for not less than two years after final closure activities have been completed. This paragraph shall not apply to industrial solid waste landfill facilities owned and permitted by a generator of solid wastes if the industrial solid waste landfill facility exclusively disposes of solid wastes generated at the premises owned by the generator.

- (7) After ceasing acceptance of waste at an industrial solid waste landfill facility, the owner or operator shall block, by locked gates, fencing, or other sturdy obstacles, all entrances and access roads to the industrial solid waste landfill facility to prevent unauthorized access during the final closure and post-closure period.
- (I) Final closure activities shall be completed not later than one year after any of the occurrences in paragraph (C) of this rule, unless an alternate schedule has been approved by the director.
- (J) Final closure certification. Not later than ninety days after the completion of final closure activities, the owner or operator shall submit to the director, and to the board of health having jurisdiction, a written certification report. The final closure certification shall include verification that the industrial solid waste landfill facility has been closed in accordance with this rule and the "final closure/post-closure plan." The final closure certification shall at a minimum include the following:
- (1) A list of the construction certification reports for construction of the cap system with the date of submittal and a topograph map of the entire industrial waste landfill facility showing the areas certified by each report. The map shall also show the horizontal limits of waste placement and the surface water control structures including permanent ditches to control run-on and runoff, and the following if present: the sedimentation pond(s) including the inlet and outlet, the outlet of any permanent ground water control structures, and the explosive gas control system.
 - (2) A demonstration that the ground water monitoring system meets the requirements of rule 3745-29-10 of the Administrative Code.
 - (3) A copy of the plat and deed or other instrument which is normally examined during a title search, showing the notation required by paragraph (H)(5) of this rule and bearing the mark of recordation of the office of the county recorder for the county in which the property is located.
 - (4) A demonstration that the sign, if required by paragraph (H)(6) of this rule, has been posted, and that all entrances and access roads have been blocked as required by paragraph (H)(7) of this rule.
- (K) The health commissioner and the director, or their authorized representatives, upon proper identification, may enter any part of the industrial solid waste landfill facility at any time during the final closure period for the purpose of determining compliance with this rule.

- (L) It is the responsibility owner or operator to complete final closure of the industrial solid waste landfill facility in a manner that minimizes the need for further maintenance and minimizes post-closure formation and release of leachate and explosive gases to air, soil, ground water, or surface water to the extent necessary to protect human health and the environment.

Effective:

Five Year Review (FYR) Dates: 11/5/2020

Certification

Date

Promulgated Under: 119.03
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