

3745-30-10

Post-closure care of ~~residual waste~~ residual landfill or residual landfill facilities facility.

(A) ~~Following completion of final closure activities in accordance with rule 3745-30-09 of the Administrative Code the~~ The post-closure care period begins when the certification required by paragraph (H) of rule 3745-30-09 of the Administrative Code has been submitted for the industrial landfill or residual landfill facility. The owner, or operator, or permittee shall conduct post-closure care activities at the industrial landfill or residual waste-landfill facility for a minimum of fifteen years. If putrescible waste was accepted for disposal, the owner or operator shall conduct post-closure care activities for a minimum of thirty years.~~the following applicable time period:~~

~~(1) Thirty years if the facility is a class I residual waste landfill.~~

~~(2) Twenty years if the facility is a class II residual waste landfill.~~

~~(3) Fifteen years if the facility is a class III residual waste landfill.~~

~~The post-closure care period begins when the certification required by paragraph (H) of rule 3745-30-09 of the Administrative Code has been submitted for the residual waste landfill facility.~~

(B) ~~Any time during the post-closure period, based on such factors as the inspection or monitoring results required by paragraphs (C)(4) and (C)(5) of this rule and whether human health or safety or the environment is or will be protected, or whether a nuisance is or will be created, the director may do either of the following:~~

~~(1) Shorten the post-closure care period required by paragraph (A) of this rule, if a variance has been requested pursuant to rule 3745-30-15 of the Administrative Code and the director finds that the reduced period is sufficient to protect human health and the environment, based on such factors as the inspection and monitoring results required by paragraphs (C)(4) and (C)(5) of this rule.~~

~~(2) Extend the post-closure care period required by paragraph (A) of this rule, if the director finds that the extended period is necessary to protect human health and the environment, based on such factors as the inspection and monitoring results required by paragraphs (C)(4) and (C)(5) of this rule.~~

~~[Comment: If the landfill shows an improvement to leachate quality, the quantity of leachate generated will not cause an outbreak or slope failure, that ground water monitoring is no longer needed, that it is not generating explosive gas which has the potential to migrate underground, and that the cap system will maintain its integrity and stability if post-closure care activities cease, the director may release the owner, operator, or permittee from continuing post-closure care activities.]~~

~~(C)~~(B) Post-closure care activities for ~~all the industrial landfill or residual waste-landfill facilities~~facility shall include, but are not limited to the following:

- (1) Continuing operation and maintenance of ~~the leachate management system,~~ the surface water management system, any explosive gas extraction ~~and/or~~ control system, any explosive gas monitoring system, and the ground water monitoring system.
- (2) Maintaining the integrity and effectiveness of the access road, cap system, and stability of the industrial landfill or residual landfill facility including making repairs to the cap system as necessary to correct the effects of slope failure, settling, dead vegetation, subsidence, ponding, erosion, or other events, and preventing run-on and runoff from eroding or otherwise damaging the access road or cap system. If vegetation covers less than seventy-five per cent of the cap system, the owner or operator shall reseed and if appropriate, amend the soil.
- (3) Maintaining the sign stating that the industrial landfill or residual landfill facility no longer accepts IMW for two years after final closure activities have been completed.
- (4) Continuing operation and maintenance of the leachate management system. In addition, the owner or operator shall do the following:
 - (a) Replace or repair the lift station pump within twenty-four hours of discontinued operation.
 - (b) If leachate generation suddenly decreases, visually or physically inspect the collection pipe network of the leachate management system to ensure that clogging has not occurred.
 - (c) Not store leachate within the limits of waste placement unless authorized in writing by the director.
 - (d) If a substantial threat of water pollution exists from leachate entering surface waters, monitor the surface water upon orders from the director or health commissioner.
- ~~(3)~~(5) Repairing any leachate outbreaks detected at the industrial landfill or residual waste-landfill facility by doing the following:
 - (a) ~~Contain~~Containing and properly ~~manage~~managing the leachate at the industrial landfill or residual waste-landfill facility.

- (b) ~~If necessary, collect, treat~~Collecting, treating, and disposing of the leachate; including, ~~if necessary,~~ following the contingency plan for leachate storage and disposal prepared pursuant to rule 3745-30-14 of the Administrative Code, as necessary.
- (c) ~~Take~~Taking action to minimize, control, or eliminate the conditions ~~which~~that contribute to the production of leachate.
- ~~(4)~~(6) Quarterly inspection of the industrial landfill or residual waste-landfill facility during each year of the post-closure care period and submittal of a written summary to the appropriate Ohio EPA district office and approved board of health not later than fifteen days after the inspection date detailing the results of the inspection and a schedule of any actions to be taken to maintain compliance with paragraphs ~~(C)(1), (C)(2), and (C)(3)~~(B)(1) to (B)(5) of this rule. ~~The director may either increase the frequency of inspections, or, upon the request of the permittee, decrease the frequency of inspections if the results of past inspections justify either action.~~
- ~~(5)~~(7) Fulfilling all monitoring and reporting requirements in accordance with rule 3745-30-08 of the Administrative Code for ground water, ~~and, if necessary,~~ with any applicable explosive gas requirements contained in rule 3745-27-12 of the Administrative Code ~~for explosive gas,~~ and with any monitoring required by any orders or authorizing documents. The post-closure care period may be shortened for explosive gas monitoring, ~~as outlined in~~ accordance with paragraph (G) of rule 3745-27-12 of the Administrative Code.
- ~~(6)~~(8) Submitting a report to the appropriate Ohio EPA district office and approved health department not later than the first day of April of each year, which contains the following:
- (a) A summary of the quantity of leachate collected for treatment and disposal on a monthly basis during the year, and the location of leachate treatment ~~and/or~~or disposal.
- (b) Results of analytical testing of an annual grab sample of leachate for the parameters specified in paragraph (A) of rule 3745-30-03 of the Administrative Code. The grab sample shall be obtained from the leachate management system at a location before the leachate exits the limits of waste placement.
- (c) A summary of the condition and operation of the leachate management system, ground water monitoring system, explosive gas monitoring

system, and any other monitoring and control system installed at the industrial landfill or residual landfill facility.

~~(e)~~(d) The most recent updated post-closure care cost estimate ~~adjusted for inflation and for any change in the post-closure cost estimate required by~~ in accordance with rule 3745-27-16 of the Administrative Code.

(e) A statement that, to the best of the knowledge of the owner or operator, the information contained in the annual report is true and accurate.

~~(7)~~(9) Records Retaining of records and reports generated by paragraphs ~~(C)~~(4)(B)(6) to ~~(C)~~(6)(B)(8) of this rule ~~are to be kept~~ for the duration of the post-closure care period at a location where the records and reports are available for inspection by Ohio EPA or the approved board of health department or their authorized representative during normal working hours.

(10) Maintaining financial assurance for post-closure care activities, in accordance with rule 3745-27-16 of the Administrative Code.

~~(D)~~(C) Upon completion of the post-closure care period, the owner, ~~or operator, or~~ permittee shall submit to ~~the director~~Ohio EPA written certification that the industrial landfill or residual waste-landfill facility has completed post-closure activities in accordance with this rule and the "final closure/post-closure plan." This certification shall be accompanied by documentation ~~which that~~ demonstrates ~~that all the~~ post-closure care activities have been completed. ~~The certification shall~~ and be signed and sealed by a professional engineer registered in Ohio. The documentation shall include the following:

(1) A summary of changes to leachate quality and quantity.

(2) A summary of any on-going ground water assessment or corrective measures.

(3) A summary of explosive gas migration and generation by the landfill.

(4) An assessment of the integrity and stability of the cap system if post-closure care activities cease.

[Comment: If the owner or operator demonstrates an improvement to leachate quality, that the quantity of leachate generated will not cause an outbreak or slope failure, that ground water monitoring is no longer needed, that the facility is not generating explosive gas which has the potential to migrate through the subsurface, and that the cap system will maintain its integrity and stability if post-closure care activities cease, the director may release the owner or operator from continuing post-closure care activities.]

(D) The owner or operator may request to discontinue or revise any of the activities contained in paragraph (B) of this rule at any time during the post-closure care period by submitting a performance-based and risk-based demonstration that is based on such factors as the inspection or monitoring results or reports pursuant to this rule and whether human health or safety of the environment is or will be protected. If the director determines that discontinuance or revision of the post-closure care requirements is unlikely to adversely impact human health, safety, and the environment, the director may grant the request.

[Comment: A release by the director from any post-closure care obligations in accordance with this rule does not relieve the owner or operator from any applicable obligations under Chapter 3704., 3734., or 6111. of the Revised Code or any other state or federal rules and laws.]

(E) The board of health, commissioner and the director, or ~~their~~an authorized ~~representatives~~representative, upon proper identification, may enter any closed industrial landfill or residual waste-landfill facility at any time during the post-closure care period for the purpose of determining compliance with this rule.

Effective:

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.12
Rule Amplifies: 3734.02, 3734.12
Prior Effective Dates: 01/13/1992, 08/15/2003, 05/18/2015