LARGE QUANTITY GENERATOR CLOSURE REQUIREMENTS

**This Policy Does Not Have the Force of Law**

*This document is intended to provide guidance to Large Quantity Generators (LQGs) who accumulate hazardous wastes in units (containers, tanks, drip pads, and containment buildings) on the requirements they are subject to prior to closing a unit at the facility, or prior to closing the entire facility.*

**Am I Subject to Closure?**

Any generator who meets the definition of a LQG, as defined in OAC rule 3745-50-10(L)(5) and accumulates hazardous waste in containers, tanks, drip pads or containment buildings, on or after the October 5, 2020 effective date of OAC rule 3745-52-17 is subject to the closure requirements. Former LQGs that are no longer LQGs as of October 5, 2020 are still subject to the applicable closure performance standards for the hazardous waste management units which accumulated hazardous waste.

**What are the Notification Requirements?**

LQGs are required to prepare and/or submit certain documents prior to closure per OAC rule 3745-52-17(A)(8). The documentation type will depend on whether a generator is closing a unit or the entire facility.

**Closure of a Unit**

LQGs have the option of placing a notice in the operating record within 30 days of closure of a waste accumulation unit that identifies the location of the unit within the facility, to address applicable closure performance standards later when the entire facility closes; or the LQG can conduct closure on the unit and meet the applicable closure performance standards for the container, tank, or containment building waste accumulation unit and submit notification to Ohio EPA within 90 days after closing the unit. If a LQG needs longer than 90 days to comply with the closure performance standards, they must submit an extension request to the director no later than 75 days after closure.

**Closure of a Facility**

When closing an entire facility, LQGs are required to submit a notification to Ohio EPA, using EPA Form 9029 no later than 30 days prior to closing the facility. LQGs must submit an additional notification to Ohio EPA, using EPA Form 9029, within 90 days after closing the facility certifying that the facility has complied with the applicable closure performance standards for all hazardous waste accumulation units subject to closure. It’s possible to ask for an extension to clean close, using EPA Form 9029, but the extension needs to be requested within 75 days after the original closing date provided in the initial notification. If the facility is not able to meet the closure performance standards then the notification must acknowledge compliance with OAC rule 3745-52-17(A)(8)(c) has not been met and the LQG will need to close as a landfill under OAC rule 3745-68-10.

**Form Submittal**

For notifications that are required to be submitted to Ohio EPA, it is recommended generators submit the notification form electronically using MyRCRAid. More information can be found on DERR’s Notification of Regulated Waste Activity webpage.

**What are Closure Performance Standards?**

When a LQG closes either an accumulation unit or entire facility, it must be done in a certain manner.

For closure of containers, tanks systems, and containment buildings, the following standards must be met:
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- Minimize the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground water or surface water or to the atmosphere.

- Remove or decontaminate all contaminated equipment, structures, and soil, and any remaining hazardous waste residues from waste accumulation units including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste.

- Any hazardous waste generated in the process of closing either the generator’s facility or units accumulating hazardous waste shall be managed in accordance with all applicable standards of OAC Chapters 3745-52, 3745-53, 3745-65 to 3745-69, 3745-256, and 3745-270, including removing any hazardous waste contained in these units within 90 days after generating the hazardous waste, and managing these wastes in a hazardous waste permitted treatment, storage and disposal facility or a facility operating under permit by rule.

- If a LQG demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required, then the waste accumulation unit is considered to be a landfill and the LQG will need to close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills in OAC rule 3745-68-10.

For closure of drip pads, the following standards must be met:

- Minimize the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground water or surface water or to the atmosphere.

- Any hazardous waste generated in the process of closing either the generator’s facility or units accumulating hazardous waste shall be managed in accordance with all applicable standards of OAC Chapters 3745-52, 3745-53, 3745-65 to 3745-69, 3745-256, and 3745-270, including removing any hazardous waste contained in these units within 90 days after generating the hazardous waste, and managing these wastes in a hazardous waste permitted treatment, storage and disposal facility or a facility operating under permit by rule.

- Remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.

- If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required, the LQG finds that not all contaminated subsoils can be practically removed or decontaminated, the LQG must close the facility and perform post/closure post-closure care in accordance with closure and post-closure care requirements that apply to landfills (OAC rule 3745-68-10).

Generators are encouraged to reach out to their District Office for assistance with closure activities.

Note: The closure requirements do not apply to satellite accumulation areas.

When should Closure Occur?
Ohio EPA recommends that generator accumulation areas (particularly hazardous waste accumulation areas which are comprised of or are located directly on soil) be closed as soon as possible in order to avoid future problems. If a generator decides not to close an accumulation area when it is no longer used to store hazardous waste, any future contamination, which occurs in that area, may be attributed to the accumulation of hazardous waste. The longer a generator waits to close a hazardous waste accumulation area, the more complicated the closure may become due to the possibility of contamination spreading into or out of the unit. Therefore, in the best interest of the generator and
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the environment, the accumulation area should be closed as soon as possible when hazardous wastes are no longer managed in the area.

Note: If a generator has conducted activities that would constitute unauthorized treatment, storage or disposal practices in the accumulation area without a hazardous waste permit, the generator closure rules do not apply to the closure of the accumulation area because of the unlawful treatment, storage and/or disposal of hazardous waste. Under such circumstances, the generator would be subject to and may be required to close the hazardous waste management unit in accordance with the requirements of OAC Chapters 3745-54 and 3745-55. A generator that needs information regarding formal closure should consult their Ohio EPA District Office DERR contact.

Contact
For more information, contact the Hazardous Waste Compliance Assurance Section of the Division of Environmental Response and Revitalization at 614-644-2924.

Additional Resources

USEPA FAQs
Closure Plan Review Guidance