

3745-69-01

General operating requirements and applicability- chemical, physical, and biological treatment.

- (A) Chemical, physical, or biological treatment of hazardous waste ~~must~~shall comply with paragraph (B) of rule 3745-65-17 of the Administrative Code.
- (B) Hazardous wastes or treatment reagents ~~must~~shall not be placed in the treatment process or equipment if ~~they~~the hazardous wastes or treatment reagents could cause the treatment process or equipment to rupture, leak, corrode, or otherwise fail before the end of the treatment process' or equipment's intended life.
- (C) Where hazardous waste is continuously fed into a treatment process or equipment, the process or equipment ~~must~~shall be equipped with a means to stop this inflow (e.g., a waste feed cut-off system or by-pass system to a standby containment device).

[Comment: ~~these~~These systems are intended to be used in the event of a malfunction in the treatment process or equipment.]

- (D) ~~The requirements in rules~~Rules 3745-69-01 to 3745-69-06 of the Administrative Code apply to owners and operators of facilities which treat hazardous wastes by chemical, physical, or biological methods in other than tanks, surface impoundments, and land treatment facilities, except as rule 3745-65-01 of the Administrative Code provides otherwise. Chemical, physical, and biological treatment of hazardous waste in tanks, surface impoundments, and land treatment facilities ~~must~~shall be conducted in accordance with rules 3745-66-90 to ~~3745-66-101~~3745-66-100, 3745-67-20 to 3745-67-30, and 3745-67-70 to 3745-67-82 of the Administrative Code, respectively.

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3745-69-02 Waste analysis and trial tests.

- (A) In addition to the waste analysis required by rule 3745-65-13 of the Administrative Code, whenever:
- (1) A hazardous waste which is substantially different from waste previously treated in a treatment process or equipment at the facility is to be treated in that process or equipment, or
 - (2) A substantially different process than any previously used at the facility is to be used to chemically treat hazardous waste;

The owner or operator shall, before treating the different waste or using the different process or equipment:

- (a) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests); or
- (b) Obtain written, documented information on similar treatment of similar waste under similar operating conditions;

To show that this proposed treatment will meet all applicable requirements of paragraphs (A) and (B) of rule 3745-69-01 of the Administrative Code.

- (B) As required by rule 3745-65-13 of the Administrative Code, the waste analysis plan shall include analyses needed to comply with rules 3745-69-05 and 3745-69-06 of the Administrative Code. As required by rule 3745-65-73 of the Administrative Code, the owner or operator shall place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.

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Prior effective dates: 04/15/1981

3745-69-03 Inspections.

- (A) The owner or operator of a treatment facility shall inspect, where present:
 - (1) Discharge control and safety equipment, including, but not limited to, waste feed cut-off systems, bypass systems, drainage systems, and pressure relief systems at least once each operating day, to ensure that such systems are in good working order;
 - (2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges), at least once each operating day, to ensure that the treatment process or equipment is being operated according to its design;
 - (3) The construction materials of the treatment process or equipment, at least weekly, to detect corrosion or leaking of fixtures or seams; and
 - (4) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes), at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).
- (B) As required by paragraph (C) of rule 3745-65-15 of the Administrative Code, the owner or operator shall remedy any deterioration or malfunction.

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3745-69-04 Closure.

At closure, all hazardous waste and hazardous waste residues shall be removed from treatment processes or equipment, discharge control equipment, and discharge confinement structures.

[Comment: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with paragraph (C) or (D) of rule 3745-51-03 of the Administrative Code, that any waste removed from the treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage such waste in accordance with all applicable requirements of the hazardous waste rules.]

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Prior effective dates: 04/15/1981

3745-69-05 Special requirements for ignitable or reactive waste.

Ignitable or reactive waste shall not be placed in treatment process or equipment unless:

- (A) The waste is treated, rendered, or mixed before or immediately after placement in the treatment process or equipment so that:
 - (1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under rule 3745-51-21 or 3745-51-23 of the Administrative Code, and
 - (2) Paragraph (B) of rule 3475-55-17 of the Administrative Code is complied with, or
- (B) The waste is treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react.

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3745-69-06 Special requirements for incompatible wastes.

- (A) Incompatible wastes, or incompatible wastes and materials (see the Appendix to rule 3745-66-99 of the Administrative Code for examples), shall not be placed in the same treatment process or equipment, unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.
- (B) Hazardous waste shall not be placed in unwashed treatment equipment which previously held an incompatible waste or material, unless paragraph (B) of rule 3745-65-17 of the Administrative Code is complied with.

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3745-69-30**Applicability- underground injection.**

Except as rule 3745-65-01 of the Administrative Code provides otherwise:

(A) The owner or operator of a facility which disposes of hazardous waste by underground injection is excluded from the requirements of rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code (closure and post-closure requirements, and financial requirements).

(B) This rule applies to owners and operators of wells used to dispose of hazardous wastes which are classified as "Class I" under 40 CFR 144.6(a) and "Class IV" under 40 CFR 144.6(d).

[Comment: Rules 3745-34-01 to 3745-34-62 of the Administrative Code apply to owners and operators of wells used to dispose of hazardous wastes which are classified as "Class I" under 40 CFR 144.6(a) and which are classified as "Class IV" under 40 CFR 144.6(d).]

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."

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TO BE RESCINDED

3745-69-30

Applicability- underground injection.

Except as rule 3745-65-01 of the Administrative Code provides otherwise, rules 3745-34-01 to 3745-34-62 of the Administrative Code apply to owners and operators of wells used to dispose of hazardous waste which are classified as "Class I" under 40 CFR 144.6(a) and which are classified as "Class IV" under 40 CFR 144.6(d).

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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12/07/2004, 09/05/2010, 03/24/2017

3745-69-40

Applicability- drip pad rulespads.

- (A) ~~The requirements of rules~~ Rules 3745-69-40 to 3745-69-45 of the Administrative Code apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, ~~and/or~~ surface water run-on to an associated collection system. Existing drip pads are those constructed before ~~the first effective date of this rule~~ September 2, 1997, and those for which the owner or operator has generated a design and has entered into binding financial or other agreements for construction prior to ~~the first effective date of this rule~~ September 2, 1997. All other drip pads are new drip pads. The requirement at paragraph (B)(3) of rule 3745-69-43 of the Administrative Code to install a leak collection system applies to only those drip pads that are constructed after ~~the first effective date of this rule~~ September 2, 1997 except for those constructed after ~~the first effective date of this rule~~ September 2, 1997 for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to ~~the first effective date of this rule~~ September 2, 1997.
- (B) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under paragraph (E) or (F) of rule 3745-69-43 of the Administrative Code, as appropriate.
- (C) ~~The requirements of rules~~ Rules 3745-69-40 to 3745-69-45 of the Administrative Code are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, the contingency plan shall describe how the owner or operator will do all of the following:
- (1) Clean up the drippage;
 - (2) Document the cleanup of the drippage;
 - (3) Retain documents regarding cleanup for three years, ~~and~~
 - (4) Manage the contaminated media in a manner consistent with the Revised Code and the Administrative Code.

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3745-69-41

Assessment of existing drip pad integrity.

- (A) For each existing drip pad as identified in rule 3745-69-40 of the Administrative Code, the owner or operator ~~shall~~must evaluate the drip pad and determine that it meets all of the requirements of rules 3745-69-40 to 3745-69-45 of the Administrative Code, except the requirements for liners and leak detection systems of paragraph (B) of rule 3745-69-43 of the Administrative Code. No later than ~~the first effective date of this rule~~September 2, 1997, the owner or operator ~~shall~~must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by ~~an independent,~~a qualified ~~registered~~ professional engineer that attests to the results of the evaluation. The assessment ~~shall~~must be reviewed, updated, and re-certified annually until all upgrades, repairs, or modifications necessary to achieve compliance with all ~~of~~ the standards of rule 3745-69-43 of the Administrative Code, are complete. The evaluation ~~shall~~must document the extent to which the drip pad meets each of the design and operating standards of rule 3745-69-43 of the Administrative Code, except the standards for liners and leak detection systems, specified in paragraph (B) of rule 3745-69-43 of the Administrative Code.
- (B) The owner or operator ~~shall~~must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of paragraph (B) of rule 3745-69-43 of the Administrative Code, and must submit the plan to the director no later than two years before the date that all repairs, upgrades, and modifications are complete. This written plan ~~shall~~must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of rule 3745-69-43 of the Administrative Code. The plan ~~shall~~must be reviewed and certified by ~~an independent,~~a qualified, ~~registered~~ professional engineer.
- (C) Upon completion of all, repairs, and modifications, the owner or operator ~~shall~~must submit to the director the as-built drawings for the drip pad together with a certification by ~~an independent,~~a qualified ~~registered~~ professional engineer attesting that the drip pad conforms to the drawings.
- (D) If the drip pad is found to be leaking or unfit for use, the owner or operator ~~shall~~must comply with the provisions of paragraph (M) of rule 3745-69-43 of the Administrative Code or close the drip pad in accordance with rule 3745-69-45 of the Administrative Code.

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3745-69-42 Design and installation of new drip pads.

Owners and operators of new drip pads shall ensure that the pads are designed, installed, and operated in accordance with one of the following:

- (A) All of the applicable requirements of rule 3745-69-43 [except paragraph (A)(4) of rule 3745-69-43], rule 3745-69-44, and rule 3745-69-45 of the Administrative Code; or
- (B) All of the applicable requirements of rule 3745-69-43 [except paragraph (B) of rule 3745-69-43], rule 3745-69-44, and rule 3745-69-45 of the Administrative Code.

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3745-69-43

Design and operating requirements for drip pads.(A) Drip pads ~~shall~~must:

- (1) Be constructed of non-earthen materials, excluding wood and non-structurally supported asphalt;
- (2) Be sloped to free-drain treated wood drippage, rain and other waters, or solutions of drippage and water or other wastes to the associated collection system;
- (3) Have a curb or berm around the perimeter;
- (4)
 - (a) Have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second, e.g., existing concrete pads ~~shall~~must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material ~~shall~~must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material ~~shall~~must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to existing drip pads and those drip pads for which the owner or operator elects to comply with paragraph ~~(A)~~(B) of rule 3745-69-42 of the Administrative Code instead of paragraph ~~(B)~~(A) of rule 3745-69-42 of the Administrative Code.
 - (b) The owner or operator ~~shall~~must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by ~~an independent,~~a qualified ~~registered~~ professional engineer that attests to the results of the evaluation. The assessment ~~shall~~must be reviewed, updated, and recertified annually. The evaluation ~~shall~~must document the extent to which the drip pad meets the design and operating standards of this rule, except for paragraph (B) of this rule.
- (5) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

[~~Note~~Comment: Ohio EPA will generally consider applicable standards established by professional organizations generally recognized by industry such as the American concrete institute (ACI) and the American society of testing materials (ASTM) in judging the structural integrity requirement of paragraph (A)(5) of this rule.]

(B) If an owner/operator elects to comply with paragraph ~~(B)~~(A) of rule 3745-69-42 of the Administrative Code instead of paragraph ~~(A)~~(B) of rule 3745-69-42 of the Administrative Code, the drip pad ~~shall~~must have:

(1) A synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the drip pad. the liner ~~shall~~must be constructed of materials that will prevent waste from being absorbed into the liner and prevent releases into the adjacent subsurface soil or ground water or surface water during the active life of the facility. The liner ~~shall~~must be:

(a) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from vehicular traffic on the drip pad);

(b) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(c) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and

(2) A leakage detection system immediately above the liner that is designed, constructed, maintained, and operated to detect leakage from the drip pad. The leakage detection system ~~shall~~must be:

(a) Constructed of materials that are:

(i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and

- (ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and
 - (b) Designed and operated to function without clogging through the scheduled closure of the drip pad.
 - (c) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.
- (3) A leakage collection system immediately above the liner that is designed, constructed, maintained, and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in this system and removed ~~shall~~must be documented in the operating log.
- (C) Drip pads ~~shall~~must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could hazardous waste to be released from the drip pad.

[~~Note~~Comment: See paragraph (M) of this rule for remedial action required if deterioration or leakage is detected.]
- (D) The drip pad and associated collection system ~~shall~~must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off.
- (E) Unless protected by a structure, as described in paragraph (B) of rule 3745-69-40 of the Administrative Code, the owner or operator ~~shall~~must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a twenty-four-hour, twenty-five-year storm unless the system has sufficient excess capacity to contain any run-on that might enter the system, or the drip pad is protected by a structure or cover, as described in paragraph (B) of rule 3745-69-40 of the Administrative Code.
- (F) Unless protected by a structure or cover, as described in paragraph (B) of rule 3745-69-40 of the Administrative Code, the owner or operator ~~shall~~must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

- (G) The drip pad ~~shall~~must be evaluated to determine that it meets the requirements of paragraphs (A) to (F) of this rule and the owner or operator ~~shall~~must obtain a written statement from ~~an independent,~~ a qualified ~~registered~~ professional engineer certifying that the drip pad design meets the requirements of this rule.
- (H) Drillage and accumulated precipitation ~~shall~~must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.
- (I) The drip pad surface ~~shall~~must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as hazardous waste, so as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator ~~shall~~must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log.
- (J) Drip pads ~~shall~~must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.
- (K) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes ~~shall~~must be held on the drip pad until drillage has ceased. The owner or operator ~~shall~~must maintain records sufficient to document that all treated wood is held on the pad following treatment in accordance with this requirement.
- (L) Collection and holding units associated with run-on and run-off control systems ~~shall~~must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- (M) Throughout the active life of the drip pad, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition ~~shall~~must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:
- (1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage by the leak detection system), the owner or operator ~~shall~~must:
 - (a) Enter a record of the discovery in the facility operating log;

- (b) Immediately remove the portion of the drip pad affected by the condition from service;
 - (c) Determine what steps ~~shall~~must be taken to repair the drip pad, remove any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;
 - (d) Within twenty-four hours after discovery of the condition, notify the director of the condition and, within ten working days, provide a written notice to the director with a description of the steps that will be taken to repair the drip pad, and clean up any leakage, and the schedule for accomplishing this work.
- (2) The director will review the information submitted, make a determination regarding whether the pad ~~shall~~must be removed from service completely or partially until repairs and clean up are complete, and notify the owner or operator of the determination and the underlying rationale in writing.
- (3) Upon completing all repairs and clean up, the owner or operator ~~shall~~must notify the director in writing and provide a certification, signed by an independent qualified, ~~registered~~ professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with paragraph (M)(1)(d) of this rule.
- (N) The owner or operator ~~shall~~must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This ~~shall~~must include identification of preservative formulations used in the past, a description of drippage management practices, and a description of treated wood storage and handling practices.

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3745-69-44

Inspections of drip pads.

- (A) During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) ~~shall~~must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners ~~shall~~must be inspected and certified as meeting the requirements of rule 3745-69-43 of the Administrative Code by ~~an independent~~a qualified, ~~registered~~ professional engineer. ~~The~~This certification ~~shall~~must be maintained at the facility as part of the facility operating record. After installation, liners and covers ~~shall~~must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.
- (B) While a drip pad is in operation, it ~~shall~~must be inspected weekly and after storms to detect evidence of any of the following:
- (1) Deterioration, malfunctions or improper operation of run-on and run-off control systems;
 - (2) The presence of leakage in and proper functioning of leakage detection system.
 - (3) Deterioration or cracking of the drip pad surface.

~~[Note: See paragraph (M) of rule 3745-69-43 of the Administrative Code for remedial action required if deterioration or leakage is detected.]~~

[Comment: See paragraph (M) of rule 3745-69-43 of the Administrative Code for remedial action required if deterioration or leakage is detected.]

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3745-69-45

Closure of drip pads.

- (A) At closure, the owner or operator ~~must~~shall 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.
- (B) 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 in paragraph (A) of this rule, the owner or operator finds that not all contaminated subsoils can be practically removed or decontaminated, ~~he must~~the owner or operator shall close the facility and perform post-closure care in accordance with closure and post-closure care requirements that apply to landfills (rule 3745-68-10 of the Administrative Code). For permitted units, the requirement to have a permit continues throughout the post-closure period.
- (C)
- (1) The owner or operator of an "existing drip pad," as defined in rule 3745-69-40 of the Administrative Code, that does not comply with the liner requirements of paragraph (B)(1) of rule 3745-69-43 of the Administrative Code ~~must~~shall:
- (a) Include in the closure plan for the drip pad under rule 3745-66-12 of the Administrative Code both a plan for complying with paragraph (A) of this rule and a contingent plan for complying with paragraph (B) of this rule in case not all contaminated subsoils can be practicably removed at closure; and
- (b) Prepare a contingent post-closure plan under rule 3745-66-18 of the Administrative Code for complying with paragraph (B) of this rule in case not all contaminated subsoils can be practicably removed at closure.
- (2) The cost estimates calculated under rules 3745-66-12 and ~~3745-6-44~~3745-66-44 of the Administrative Code for closure and post-closure care of a drip pad subject to ~~paragraphs (C)(1) to (C)(2)~~paragraph (C) of this rule ~~must~~shall include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under paragraph (A) of this rule.

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