



GUIDANCE DOCUMENT #626

Division of Materials & Waste Management
October 2014 (originally published on January 27, 2004)¹

Landfill Closure and Post-Closure Care

Applicable Rules

MSW: OAC 3745-27-11
OAC 3745-27-14
ISW: OAC 3745-29-11
OAC 3745-29-14
RSW: OAC 3745-30-09
OAC 3745-30-10
Tires: OAC 3745-27-73
OAC 3745-27-74

Purpose

This document presents frequently asked questions about closure and post-closure care requirements.

Applicability

This document is applicable to permitted municipal (OAC 3745-27, including scrap tire monofills), industrial (OAC 3745-29), and residual (OAC 3745-30) solid waste landfills.

Frequently Asked Questions

Does a facility in closure or post-closure care still need to obtain a license, comply with the operating rules, or comply with their permit?

The license is needed only to operate the landfill. When the facility permanently ceases to accept solid waste for disposal, a license is no longer necessary.

Note: if the facility does not have a license, closure is mandatory.

The facility is subject to the operating rules until the closure certification is submitted.

Once the facility has submitted the closure certification, the post-closure care period begins and the facility is subject to both the post-closure care rules and permit requirements.

Can a closed facility reopen?

No. Any attempt to reopen after closure is considered establishment of a new facility.

When does the post-closure care period begin?

The post-closure care period begins on submittal of the final closure certification report for all units in the landfill facility. However, if the certification report is incomplete or contains erroneous information, the Agency may take enforcement action.

When does the post-closure care period end?

Upon reaching the end of the post-closure care period, the owner or operator must submit written certification that the facility has completed the post-closure care activities. The owner or operator will continue to follow the

¹ Note: This document was originally published on the date noted above. DMWM re-issued the document to make it consistent with current formatting and publication standards after evaluating the content and determining it is still relevant and appropriate. No substantive changes were made to the document.

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post-closure care requirements until the director determines that human health or safety or the environment will be protected if care is discontinued.

For municipal and industrial landfills, the post-closure care period is 30 years, which the director may extend if deemed necessary.

For residual landfills, the duration of the post-closure care period depends on the class of the facility.

Class I = 30 years

Class II = 20 years

Class III = 15 years

Class IV = 5 years

The director may extend or shorten the post-closure care period for residual landfills.

For scrap tire monofills, the post-closure care period is 15 years, which the director may extend if deemed necessary.

What if the closure timeframes are not met?

If a facility triggers mandatory closure, the rules establish specific timeframes to begin and complete closure activities. If the closure timeframes are not met, the Agency may take enforcement action. The rules allow for an extended closure period if authorized by the director.

When does the cap need to be repaired?

The integrity and effectiveness of the cap system is to be maintained. Repairs are to be made as necessary to correct the effects of settling, dead vegetation, subsidence, ponding, leachate outbreaks, or other events, and to prevent run-on and run-off from eroding or otherwise damaging the cap system.

The owner, operator, or permittee is to inspect the landfill quarterly. Not later than 15 days after the inspection, the owner, operator or permittee is required to submit a written summary detailing the results of the inspection and a schedule of any actions to be taken to maintain the integrity and effectiveness of the cap system.

What are the financial assurance requirements?

Each facility must estimate the worst case cost for closure and post-closure care and provide financial assurance. The owner or operator must review the estimates annually and update the financial assurance instrument as appropriate.

If ground water contamination occurs at a municipal solid waste landfill, and the director either selects a corrective measure or requires interim measures, the owner or operator must provide corrective measures financial assurance.

What happens to the financial assurance if the director decides that post-closure care is to be extended?

The director will delay release of the remaining financial assurance until the director determines that no further monitoring or maintenance is necessary. The cost estimate should be updated as usual.

Where should the facility records be stored during the post-closure care period?

Records must be kept at a location where they are available for inspection by personnel of Ohio EPA and the approved health department during normal working hours. The records must be stored for the duration of the post-closure care period. On-site structures are often removed on closure. In this instance, records may be kept elsewhere in the county, or perhaps in a neighboring county. The owner or operator may use a storage facility or hire a local custodian as long as access to the records is timely. The owner or operator should confer with Ohio EPA and the health department to be sure that the chosen location is acceptable.

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When is an OAC 3745-27-13 authorization needed?

The responsible party must obtain a "13 Authorization" to disturb a facility if that activity has not already been authorized through a permit or other action of the director. This includes facilities that are currently undergoing post-closure care and those that are no longer subject to post-closure care.

Routine maintenance does not require a "13 Authorization." For more information, see DMWM guidance #631 *Implementation of "Rule 13" [OAC 3745-27-13]*.

When is a facility eligible for the Voluntary Action Program (VAP)?

A facility is eligible when it no longer is 'subject to the closure requirements under Chapter 3734.' This occurs once the facility has completed post-closure care activities, has sent written certification to Ohio EPA, and the director has determined no further monitoring or maintenance is required and the permit is no longer in effect. Note that a "13 Authorization" is required if the landfill is to be disturbed due to VAP activities.

Contact

If you have questions regarding this document or would like additional information, please contact:

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Disclaimer

This document is intended for guidance purposes only. Completion of the activities and procedures outlined in this document shall not release an owner or operator from any requirement or obligation for complying with Ohio Revised Code (ORC) Chapter 3734, the OAC rules adopted thereunder, or any authorizing documents or orders issued thereunder, nor shall it prevent Ohio EPA from pursuing enforcement actions to require compliance with ORC Chapter 3734, the OAC rules, or any authorizing documents or orders issued thereunder.