

**3745-560-235 Closure requirements for class II composting facilities.**

- (A) The owner or operator of a composting facility shall perform closure as specified in this rule if any of the following occurs:
- (1) The registration has been terminated in accordance with paragraph (B) of rule 3745-560-201 of the Administrative Code.
  - (2) Any of the following mandatory closure activities occurs:
    - (a) The composting facility ceases to be an active composting facility.
    - (b) A solid waste facility license held by the owner or operator of the composting facility expires and no license renewal has been applied for in the manner prescribed in Chapter 3745-501 of the Administrative Code.
    - (c) A solid waste facility license held by the owner or operator of the composting facility expires and a license renewal has been applied for and denied as a final action of the licensing authority.
    - (d) A solid waste facility license held by the owner or operator of the composting facility has been revoked as a final action of the licensing authority.
    - (e) The owner or operator sells or offers for sale at retail or wholesale, uses, distributes for use, or gives away any compost that does not comply with the applicable quality standards established in this chapter.
    - (f) The establishment or operation of the composting facility has violated Chapter 3704., 3734., or 6111. of the Revised Code or rules adopted thereunder.
  - (3) The director issues a final action for either of the following:
    - (a) The owner or operator sells or offers for sale at retail or wholesale, uses, distributes for use, or gives away any compost that does not comply with the applicable quality standards established in this chapter.
    - (b) The establishment or operation of the composting facility has violated Chapter 3704., 3734., or 6111. of the Revised Code or rules adopted thereunder.
- (B) Closure requirements.
- (1) The owner or operator shall continue to comply with rule 3745-560-210 of the Administrative Code until the closure certification statement is submitted and concurrence is received from Ohio EPA.
  - (2) Not later than seven days after closure is required under paragraph (A) of this rule, the owner or operator of a composting facility that allowed public access shall post signs, stating in letters not less than three inches high that the facility is closed. The signs shall be posted in such a manner as to be easily visible at all access points into the facility and must be maintained in legible condition for not less than one year, or until the facility re-opens as a registered composting facility or is converted to an alternative use. The text of the signs shall be the following:

"This facility is closed for all composting activities and all receipt of waste materials. Depositing solid wastes at this site constitutes open dumping which is a violation of Chapter 3734. of the Revised Code."
  - (3) Not later than thirty days after closure is required under paragraph (A) of this rule, the owner or operator

shall remove compost products and solid wastes from the composting facility.

- (4) Not later than thirty days after closure is required under paragraph (A) of this rule, the owner or operator shall do the following:
- (a) Remove and properly dispose of leachate remaining on the site in accordance with applicable laws and regulations.
  - (b) Modify, remove, or seal the leachate collection system to prevent discharges from the system to surface waters of the state or ground water unless such discharges are otherwise regulated in accordance with Chapter 6111. of the Revised Code.
  - (c) Clean containers, equipment, machines, and materials placement area surfaces that were in contact with solid wastes at any time during the operation of the facility using procedures that substantially reduce or eliminate any remaining constituents or contaminants. This paragraph does not apply to materials placement area surfaces composed of soil, gravel, slag, or other permeable material.
- (C) Not later than thirty days after completing the requirements as outlined in paragraph (B) of this rule or before the closed facility may be converted to other uses, the owner or operator shall certify to Ohio EPA and the approved board of health that the facility has been closed pursuant to paragraph (B) of this rule. At a minimum, the certification shall include the registration number of the composting facility, the date when closure was completed, and a statement certifying that closure was completed in accordance with this rule.
- (D) This rule does not apply when the registrant requests the termination of the composting facility registration due to obtaining a permit to install and annual license for that property as a class I composting facility.
- (E) The registrant who requests the termination of the composting facility registration for the purpose of a change to a class III or IV composting facility classification status may submit a written request to the director for alternative closure requirements. The director may approve alternative closure requirements provided the requirements are protective of public health and safety and the environment.

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CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

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Date

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