

ARCHIVE: Archived due to the 2009 rule revision. Refer to VA30002.09.005 for the updated document.

TITLE: Generator Self-Closure & Division of Hazardous Waste Management Review

DATE EFFECTIVE:

KEYWORDS: Generator, closures, self-closures, eligibility

QUESTION: Is generator closure required for VAP eligibility?

ANSWER: The VAP eligibility rule (OAC 3745-300-02) holds as ineligible “property where closure of a hazardous waste facility is required” this includes “those portions of a property on which...generator closure...is required pursuant to Chapter 5745-52.”

Generator closure is a self-implementing program pursuant to Chapter 5745-52. The presumption is that the generator has met the performance standard when the closure is complete. In cases where the VAP is not involved, it is the appropriate Ohio EPA District Office’s call as to whether (and to what degree) to look into supporting information relevant to the closure. The burden of proof would be on the Agency to show that a closure did not meet the general closure standard.

SUMMARY: Since generator closures are self-implementing, once the facility deems that generator closure is completed, the standard is presumptively met and that portion of the property is considered eligible for the VAP.

OHIO EPA CONTACT: For any questions concerning this issue, please contact the VAP central office at (614) 644-2924.