

3745-56-80                    **Closure and post-closure care.**

(A) During the closure period, the owner or operator must:

- (1) Continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of hazardous constituents within the treatment zone as required under paragraph (A) of rule 3745-56-73 of the Administrative Code, except to the extent such measures are inconsistent with paragraph (A)(8) of this rule; and
- (2) Continue all operations in the treatment zone to minimize run-off of hazardous constituents as required under paragraph (B) of rule 3745-56-73 of the Administrative Code; and
- (3) Maintain the run-on control system required under paragraph (C) of rule 3745-56-73 of the Administrative Code; and
- (4) Maintain the run-off management system required under paragraph (D) of rule 3745-56-73 of the Administrative Code; and
- (5) Control wind dispersal of hazardous waste if required under paragraph (F) of rule 3745-56-73 of the Administrative Code; and
- (6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under rule 3745-56-76 of the Administrative Code; and
- (7) Continue unsaturated zone monitoring in compliance with rule 3745-56-78 of the Administrative Code except that soil-pore liquid monitoring may be terminated ninety days after the last application of waste to the treatment zone; and
- (8) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of hazardous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

(B) For the purpose of complying with rule 3745-55-15 of the Administrative Code, when closure is completed the owner or operator may submit to the director certification by an independent, qualified soil scientist, in lieu of ~~an independent registered~~ a qualified professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

(C) During the post-closure care period the owner or operator must:

- (1) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of hazardous constituents in the treatment zone to the extent that such measures are consistent with other post-closure activities; and
  - (2) Maintain a vegetative cover over closed portions of the facility; and
  - (3) Maintain the run-on control system required under paragraph (C) of rule 3745-56-73 of the Administrative Code; and
  - (4) Maintain the run-off management system required under paragraph (D) of rule 3745-56-73 of the Administrative Code; and
  - (5) Control wind dispersal of hazardous waste if required under paragraph (F) of rule 3745-56-73 of the Administrative Code; and
  - (6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under rule 3745-56-76 of the Administrative Code; and
  - (7) Continue unsaturated zone monitoring in compliance with rule 3745-56-78 of the Administrative Code except that soil-pore liquid monitoring may be terminated ninety days after the last application of waste to the treatment zone.
- (D) The owner or operator is not subject to regulation under paragraph (A)(8) or (C) of this rule if the director finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in paragraph (D)(3) of this rule. The owner or operator may submit such a demonstration to the director at any time during the closure or post-closure care periods. For the purposes of paragraphs (D) to (D)(3)(b) of this rule:

- (1) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all hazardous constituents specified in the facility permit under paragraph (B) of rule 3745-56-71 of the Administrative Code.
  - (a) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment

zone; and

- (b) The owner or operator must express background values and values for hazardous constituents in the treatment zone in a form necessary for the determination of statistically significant increase under paragraph (D)(3) of this rule.
  - (2) In taking samples used in a determination of background and treatment zone values, the owner or operator must take samples at the sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively.
  - (3) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that:
    - (a) Is appropriate for the distribution of the data used to establish background values; and
    - (b) Provides a reasonable balance between the probability of falsely identifying hazardous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.
- (E) The owner or operator is not subject to regulation under rules 3745-54-90 to 3745-54-101 of the Administrative Code if the director finds that the owner or operator satisfies paragraph (D) of this rule and if unsaturated zone monitoring under rule 3745-56-78 of the Administrative Code indicates that hazardous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

Effective: 09/05/2010

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

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Certification

07/23/2010

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Date

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