

3745-66-19 Post-closure notices.

- (A) No later than sixty days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the director, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.
- (B) Within sixty days of certification of closure of the first hazardous waste disposal unit and within sixty days of certification of closure of the last hazardous waste disposal unit, the owner or operator must:
- (1) Record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will notify in perpetuity the potential purchasers of the property that:
 - (a) The land has been used to manage hazardous wastes; and
 - (b) Its use is restricted under rules 3745-55-10 to 3745-55-20 and 3745-66-10 to 3745-66-21 of the Administrative Code; and
 - (c) The survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or hazardous waste disposal unit of the facility required by rule 3745-66-16 of the Administrative Code and paragraph (A) of this rule have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the director; and
 - (2) Submit a certification signed by the owner or operator that he has recorded the notation specified in paragraph (B)(1) of this rule and a copy of the document in which the notation has been placed, to the director.
- (C) If the owner or operator or any subsequent owner of the land upon which a hazardous waste disposal unit was located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, and all contaminated structures, equipment, and soils, he must request a modification to the approved post-closure plan in accordance with the requirements of paragraph (G) of rule 3745-66-18 of the Administrative Code. The owner or operator must demonstrate that the removal of hazardous wastes will satisfy the criteria of paragraph (C) of rule 3745-66-17 of the Administrative Code. By removing hazardous waste, the owner or operator may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279 of the Administrative Code. If the owner or operator is granted approval to conduct the removal activities, the owner or operator may request that the director approve either:

- (1) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or
- (2) The addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

Effective: 12/07/2004

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 04/15/1981, 01/07/1983, 11/13/1987, 02/11/1992, 12/07/2000