

3745-67-21

**Design and operating requirements.**

- (A) The owner or operator of each new surface impoundment unit ~~on which construction commences after January 29, 1992~~, each lateral expansion of a surface impoundment unit ~~on which construction commences after July 29, 1992~~, and each replacement of an existing surface impoundment unit ~~that is to commence reuse after July 29, 1992~~ must install two or more liners and a leachate collection and removal system between ~~such~~the liners, and operate the leachate collection and removal system, in accordance with paragraph (C) of rule 3745-56-21 of the Administrative Code, unless exempted under paragraph (D), (E), or (F) of rule 3745-56-21 of the Administrative Code. ~~"Construction commences" is as defined in rule 3745-50-10 of the Administrative Code under "existing facility."~~
- (B) The owner or operator of each unit referred to in paragraph (A) of this rule must notify the director at least sixty days prior to receiving waste. The owner or operator of each facility submitting notice must file a "Part B" application within six months of the receipt of such notice.
- (C) The owner or operator of any replacement surface impoundment unit is exempt from paragraph (A) of this rule if:
- (1) The existing unit was constructed in compliance with the design standards of Sections 3004(o)(1)(A)(i) and 3004(o)(5) of RCRA; and
  - (2) There is no reason to believe that the liner is not functioning as designed.
- (D) The double liner requirement set forth in paragraph (A) of this rule may be waived by the director for any monofill, if:
- (1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes hazardous for reasons other than the toxicity characteristic in rule 3745-51-24 of the Administrative Code, with EPA hazardous waste numbers D004 to D017; and
  - (2)
    - (a)
      - (i) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of paragraphs (D) to (D)(2)(b) of this rule, the term "liner" means a liner designed, constructed, installed, and operated to prevent hazardous waste

from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, ground water, or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of paragraph (A) of this rule on the basis of a liner designed, constructed, installed, and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment the owner or operator must remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment must comply with appropriate post-closure requirements, including but not limited to ground water monitoring and corrective action;

(ii) The monofill is located more than one-quarter mile from an "underground source of drinking water" (as that term is defined in rule ~~3745-34-01~~3745-50-10 of the Administrative Code); and

(iii) The monofill is in compliance with generally applicable ground water monitoring requirements for facilities with permits; or

(b) The owner or operator demonstrates that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into ground water or surface water at any future time.

(E) In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of paragraph (A) of this rule and in good faith compliance with paragraph (A) of this rule and with guidance documents governing liners and leachate collection systems under paragraph (A) of this rule, no liner or leachate collection system which is different from that which was so installed pursuant to paragraph (A) of this rule will be required for such unit by the director when issuing the first permit to such facility, except that the director will not be precluded from requiring installation of a new liner when the director has reason to believe that any liner installed pursuant to the requirements of paragraph (A) of this rule is leaking.

(F) A surface impoundment must maintain enough freeboard to prevent any overtopping of the dike by overfilling, wave action, or a storm. Except as provided in paragraph (B) of this rule, there must be at least sixty centimeters (two feet) of freeboard.

- (G) A freeboard level less than sixty centimeters (two feet) may be maintained if the owner or operator obtains certification by a qualified engineer that alternate design features or operating plans will, to the best of his knowledge and opinion, prevent overtopping of the dike. The certification, along with a written identification of alternate design features or operating plans preventing overtopping, must be maintained at the facility.
- (H) Surface impoundments that are newly subject to RCRA ~~section~~Section 3005(j)(1) due to the promulgation of additional listings or characteristics for the identification of hazardous waste must be in compliance with paragraphs (A), (C), and (D) of this rule not later than forty-eight months after the promulgation of the additional listing or characteristic. This compliance period must not be cut short as a result of the promulgation of land disposal restrictions under Chapter 3745-270 of the Administrative Code or the granting of an extension to the effective date of a prohibition pursuant to rule 3745-270-05 of the Administrative Code within this forty-eight month period.
- (I) All earthen dikes must have a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and to preserve their structural integrity.

~~[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]~~

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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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