

Closure of scrap tire collection, storage, or recovery facilities.

(A) Closure activities shall be mandatory for a scrap tire collection, storage, or recovery facility if one or more of the following occurs:

- (1) The owner or operator declares that the facility shall no longer accept scrap tires.
- (2) The scrap tire collection, storage, or recovery facility license expires and no further license has been applied for in the manner prescribed in Chapter 3745-37 of the Administrative Code.
- (3) A scrap tire collection, storage, or recovery facility license held by the facility has expired, a further license has been applied for and denied, and all remedies for such denial have either been exhausted, or waived by failure to pursue such remedies in a timely manner.
- (4) A scrap tire collection, storage, or recovery facility license held by the facility has been suspended or revoked, and all remedies for such revocation or suspension have either been exhausted or waived by failure to pursue such remedies in a timely manner.

(B) Closure plan.

The closure plan for a scrap tire collection, storage, or recovery facility, shall, at a minimum, contain all of the following:

- (1) The name and location of the facility.
- (2) A schedule for all actions required prior to closure.
- (3) A description of the steps needed to close the scrap tire facility as detailed in paragraphs (C) and (D) of this rule.
- (4) The name, address, and telephone number of the person or office to contact regarding the scrap tire collection, storage, or recovery facility during closure.

(C) In closing the facility, the owner or operator implementing the closure shall do the following:

- (1) Not less than sixty days prior to the anticipated date upon which the scrap tire collection, storage, or recovery facility will cease to accept scrap tires, provide written notice by certified mail or any other form of mail accompanied by a receipt to all of the following:
 - (a) The single or joint county solid waste management district or regional solid waste management authority in which the facility is located or which is served by the facility.

- (b) The board of health in which the facility is located.
- (c) The local fire department.
- (d) The director.

This notice shall include information that identifies the facility's closure contact person's name, address, and phone number. This information shall be kept updated by certified mail or any other form of mail accompanied by a receipt until the owner or operator receives written concurrence in accordance with paragraph (G) of this rule.

- (2) At the time a scrap tire collection, storage, or recovery facility has ceased to accept scrap tires, the facility owner or operator shall post signs in such a manner as to be easily visible at all entrances to the facility, stating that the facility is closed for all scrap tire activities. These signs shall be maintained in legible condition for not less than six months after the closing of the facility. The text of the signs shall include the following two paragraphs in letters not less than three inches high:

"This facility is closed for all scrap tire activities. Call the [name of the local solid waste management district] at [phone number of the local solid waste management district] for the location of the nearest facility which is authorized to accept scrap tires."

"Depositing scrap tires at a closed scrap tire facility constitutes open dumping which is a violation of Chapter 3734. of the Revised Code. Whoever recklessly or knowingly violates Chapter 3734. of the Revised Code may be guilty of a felony, punishable by a fine of at least \$10,000 but not more than \$25,000 or imprisonment for at least two years but not more than four years, or both."

- (3) Not later than thirty days after a scrap tire collection, storage, or recovery facility has ceased to accept scrap tires, the facility owner shall do the following:
 - (a) Remove all scrap tires to one or more of the following:
 - (i) A scrap tire recovery facility licensed under Chapter 3745-37 of the Administrative Code.
 - (ii) A scrap tire monocell or monofill facility licensed under Chapter 3745-37 of the Administrative Code.
 - (iii) A scrap tire collection or storage facility licensed under Chapter 3745-37 of the Administrative Code.
 - (iv) A solid waste incineration or energy recovery facility subject to regulation under Chapter 3745-27 of the Administrative Code.

- (v) A premises located in this state where scrap tires shall be beneficially used in accordance with rule 3745-27-78 of the Administrative Code.
 - (vi) A facility authorized to accept scrap tires, or a premises that shall beneficially use the scrap tires, that is located in another state and is operating in accordance with the laws of that state.
 - (vii) A transporter holding a valid annual registration certificate under rule 3745-27-54 of the Administrative Code.
- (b) Remove any solid waste remaining on site and dispose of them at an facility authorized to dispose of such waste.
 - (c) Clean all areas of the facility and any appurtenances, including, but not limited to, containers, equipment, machines, storage tanks, floors, and facility surfaces that were in contact with scrap tires, solid waste, or processed materials at any time during the operation of the facility and that are not to be removed during the closure. The above shall be washed or otherwise subjected to procedures that substantially reduce or eliminate any remaining constituents or contaminants derived from contact with scrap tires, solid waste, or processed materials.
 - (d) Submit the final annual report for the facility, as required by paragraph (J)(3) of rule 3745-27-65 of the Administrative Code, to the director.
- (D) Continue mosquito and vector control in accordance with rule 3745-27-65 of the Administrative Code until written concurrence with closure is received in accordance with paragraph (G) of this rule.
 - (E) Closure certification. Not later than thirty days after completing the requirements as outlined in paragraphs (B), (C), and (D) of this rule or before the closed facility may be converted to other uses, whichever occurs first, the owner or operator shall submit to the licensing authority written certification that the facility has been thoroughly cleaned and closed pursuant to paragraphs (B), (C), and (D) of this rule.
 - (F) The health commissioner or the director, upon presenting proper identification, may enter any closed scrap tire facility at any reasonable time for the purpose of determining compliance with this rule.
 - (G) For the purposes of this rule, the facility shall be deemed to have completed all required closure activities under this rule when the owner or operator receives written concurrence from the approved health department or Ohio EPA that the facility has completed the requirements of this rule.

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CERTIFIED ELECTRONICALLY

Certification

10/18/2007

Date

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