

3745-27-09

**Sanitary landfill facility operating record.**

(A) Applicability.

The owner or operator of a sanitary landfill facility shall establish an operating record, which shall be an indexed repository of documents pertaining to a single sanitary landfill facility. An owner or operator is not subject to the requirements of this rule, if, prior to June 1, 1994, the owner or operator has ceased acceptance of solid waste in all units of the sanitary landfill facility as determined by the notification required by paragraph (E) of rule 3745-27-11 of the Administrative Code.

(B) Establishing and maintaining an operating record.

- (1) The owner or operator of a new sanitary landfill facility shall establish the operating record by placing in the operating record the documents specified in paragraph (I) of this rule prior to waste receipt at the sanitary landfill facility.
- (2) The owner or operator of a sanitary landfill facility receiving solid waste on or after June 1, 1994, shall maintain the operating record in accordance with this rule.

[Comment: Implementation deadlines and other reporting requirements are found in other parts of the this chapter, including rules 3745-27-10, 3745-27-11, 3745-27-12, 3745-27-14, 3745-27-15, 3745-27-16, 3745-27-18, 3745-27-19, and 3745-27-20 of the Administrative Code.]

(C) Location and inspection of operating record.

The operating record shall be located at the sanitary landfill facility. Upon the commencement of the post-closure care period for all units of a sanitary landfill facility, the director may approve an alternative location for the operating record. The operating record shall be available for inspection by Ohio EPA and the approved health department during normal business hours.

(D) Contents of documents in operating record.

- (1) All documents submitted into the operating record shall comply with the requirements of the applicable regulations.
- (2) The owner or operator may revise documents previously placed in the operating record by placing the revised document, or the revised portion of the document, into the operating record. The owner or operator shall clearly

indicate in the revised document the changes made to the document. Whenever a document is revised, the owner or operator shall promptly submit to Ohio EPA and the approved health department a copy of the revised document, or revised portion of the document, and a revised operating record index by regular mail. This submission is in addition to annual submission by certified mail or any other form of mail accompanied by a receipt of the operating record index.

(3) The owner or operator shall not submit documents or revisions to documents to the operating record which constitute either of the following:

(a) A "modification" as that term is defined in rule 3745-27-02 of the Administrative Code without first obtaining a permit to install from Ohio EPA.

(b) An "alteration" as that term is defined in paragraph (A) of rule 3745-27-01 of the Administrative Code without first obtaining written concurrence from Ohio EPA.

(E) Review of documents by Ohio EPA.

Ohio EPA may review documents in the operating record and require changes or additional submissions if the documents do not satisfy the requirements of Chapter 3745-27 or 3745-37 of the Administrative Code. Upon receipt of notification that a document does not comply with the applicable requirements specified in Chapter 3745-27 of the Administrative Code, the owner or operator shall change the document to attain compliance with the applicable requirements.

(F) Annual update of the operating record.

The owner or operator shall update the operating record, at least annually, no later than April first of each year during both the operating life of the facility and the post-closure care period, by doing the following:

(1) Placing all new documents or revisions to existing documents into the operating record.

(2) Mailing, via certified mail or any other form of mail accompanied by a receipt, a current operating record index in accordance with paragraph (I)(1) of this rule to Ohio EPA and the approved health department.

[Comment: In accordance with the requirements of other rules, the owner or

operator may be required to submit documents to Ohio EPA at other times, e.g. ground water data must be submitted within seventy-five days of sampling a well in accordance with paragraph (C)(10) of rule 3745-27-10 of the Administrative Code.]

(G) Removal of documents from the operating record.

Documents may not be removed from the facility operating record without the written approval of the appropriate Ohio EPA district office. Such written approval shall clearly identify the documents to be removed and the circumstances justifying removal. Pages and/or plan sheets of documents in the operating record may be removed without prior approval when corresponding revised pages and/or plan sheets have been submitted into the operating record in accordance with this rule.

(H) Signature.

(1) Documents or revisions to documents submitted to the operating record shall be signed by the owner or operator and the person(s) responsible for the preparation and/or review of the documents, if not the owner or operator.

(2) The signature shall constitute a personal affirmation that to the best of the knowledge of the signor the submitted documents are true and complete and comply with the requirements of Chapter 3734. of the Revised Code and the rules adopted thereunder. The signature shall be notarized for the following documents:

(a) Operating record index.

(b) Any revisions to a document.

(I) Operating record contents. The operating record shall consist of the following documents:

(1) An operating record index. The operating record index shall clearly identify each document in the operating record and the date of each document's initial submittal and the date of all subsequent revisions submitted into the operating record. The operating record index shall include a summary of the contents of each document and a description of each revision made to a document.

(2) The approved permit(s) to install, operational report, and/or plan approval, whichever document(s) is applicable. In addition, if not contained in the permit to install application, include the following as appropriate:

- (a) The PCB and hazardous waste prevention and detection program that is required by rule 3745-27-19 of the Administrative Code.
  - (b) Financial assurance instruments for final closure and post-closure care required by rules 3745-27-15 and 3745-27-16 of the Administrative Code.
  - (c) The "explosive gas monitoring plan" required pursuant to rule 3745-27-12 of the Administrative Code.
  - (d) Ground water detection monitoring plan required pursuant to rule 3745-27-10 of the Administrative Code.
  - (e) The final closure/post-closure care plan and all other plans, notifications, and documents required pursuant to rule 3745-27-11 of the Administrative Code.
  - (f) The location restriction demonstrations required by rule 3745-27-20 of the Administrative Code.
  - (g) The surface water control system structures design, if any, in accordance with rule 3745-27-19 of the Administrative Code.
- (3) Copies of any alterations concurred with in writing by Ohio EPA which change the requirements of the approved permit(s) to install, operational report, and/or plan approval that are not included as a part of a certification report.
  - (4) For those facilities which were required to designate existing and new units in accordance with paragraph (M) of this rule effective June 1, 1994, the plan drawings required by that paragraph.
  - (5) The interim composite liner/leachate collection system design, if required by paragraph (A)(2) of rule 3745-27-20 of the Administrative Code.
  - (6) The annual operational report required by rule 3745-27-19 of the Administrative Code.
  - (7) Inspection records, generator certifications, waste screening documentation, or notifications for the PCB and hazardous waste prevention and detection program that are required by rule 3745-27-19 of the Administrative Code.

- (8) All construction, final closure, or interim final cover certification reports required to be submitted by this chapter, that are submitted after June 1, 1994.
  - (9) All explosive gas monitoring information required to be collected after June 1, 1994, and all other plans, notifications, and documents required to be prepared or submitted after June 1, 1994, pursuant to rule 3745-27-12 of the Administrative Code.
  - (10) All ground water monitoring information required to be collected after June 1, 1994, and all other plans, notifications, and documents required to be prepared or submitted after June 1, 1994, pursuant to rule 3745-27-10 of the Administrative Code.
  - (11) All other notifications and documents required pursuant to rule 3745-27-11 of the Administrative Code.
  - (12) The current operating license for the sanitary landfill facility.
  - (13) Copies of all effective permits issued for the facility by the director under Chapter 3704. or 6111. of the Revised Code and a listing of any pending permit applications submitted for the facility in accordance with Chapter 3704. or 6111. of the Revised Code.
  - (14) A copy of all administrative and judicial orders, judgments, and settlement agreements issued in accordance with Chapter 3734. of the Revised Code and a copy of all administrative and judicial orders, judgments and settlement agreements issued after June 1, 1994 in accordance with Chapters 3704., 3767., and 6111. of the Revised Code that pertain to the sanitary landfill facility.
  - (15) Other environmental monitoring plans, other information, or other documents as may be required by this chapter after June 1, 1994.
  - (16) If applicable, the financial assurance instrument for corrective measures required by rule 3745-27-18 of the Administrative Code.
- (J) Schedule for implementation of documents in operating record.

The owner or operator shall implement the appropriate documents in the operating record in accordance with the schedules and requirements of Chapter 3745-27 of the Administrative Code.

[Comment: The owner or operator should refer to the following rules for implementation deadlines and requirements: rule 3745-27-10 of the Administrative Code (ground water monitoring program); rules 3745-27-11 and 3745-27-14 of the Administrative Code (final closure and post-closure care); rule 3745-27-12 of the Administrative Code (explosive gas monitoring program); rules 3745-27-15, 3745-27-16, and 3745-27-18 of the Administrative Code (financial assurance); rule 3745-27-19 of the Administrative Code (certification reports, surface water management, PCB and hazardous waste prevention and detection program); and rule 3745-27-20 of the Administrative Code (installation of interim composite liner/leachate collection system, location restriction demonstrations).]