*** DRAFT - NOT YET FILED ***

3745-29-19 **Operational criteria for an industrial solid waste landfill facility.**

(A) Applicability. The owner or operator of an industrial solid waste landfill facility shall comply with the requirements and operational criteria specified in this rule until the final closure certification required by rule 3745-29-11 of the Administrative Code is submitted and the post-closure care period begins.

(B) Compliance.

(1) The owner or operator shall conduct all operations at an industrial solid waste landfill facility in strict compliance with the terms and conditions of the industrial solid waste disposal license issued for the facility in accordance with Chapter 3745-37 of the Administrative Code.

(2) The owner or operator shall conduct all construction and operation at an industrial solid waste landfill facility in strict compliance with the applicable authorizing document(s), including permit(s) to install, a plan approval, an operational report, an approved final closure plan, or an alteration(s) concurred with in writing by Ohio EPA, except as follows:

(a) For an industrial solid waste landfill facility with a plan approval issued by the Ohio department of health, an operational report submitted in accordance with paragraph (J) or (K) of rule 3745-27-09 of the Administrative Code, as effective July 29, 1976, or a permit to install approved prior to January 1, 1980, the owner or operator shall conduct operations in strict compliance with the plan approval, operational report, or a permit to install, whichever document is applicable, unless either of the following apply:

(i) The owner or operator of an industrial solid waste landfill facility has obtained a permit to install pursuant to the conditions and schedule outlined in division (A)(3) or (A)(4) of section 3734.05 of the Revised Code.

(ii) The owner or operator has obtained written concurrence from Ohio EPA for the alteration of the industrial solid waste landfill facility or the owner or operator has obtained a permit to install prior to modifying the industrial solid waste landfill facility.

[Comment: "Alteration" is defined in rule 3745-27-01 of the Administrative Code; "modification" is defined in rule 3745-27-02 of the Administrative Code.]

*** DRAFT - NOT YET FILED ***

(3) The owner or operator shall operate the facility in such a manner that noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard.

(4) The owner or operator shall operate the facility in such a manner that the attraction, breeding, and emergence of insects, rodents, and other vectors are strictly controlled so as not to cause a nuisance or a health hazard. The owner or operator shall initiate effective supplemental vector control measures as deemed necessary by the health commissioner or the director.

(5) The owner or operator shall operate the facility in such a manner that the operation does not cause water pollution pursuant to Chapter 6111. of the Revised Code, and does not violate any regulation adopted by the director pursuant to Chapter 3704. of the Revised Code.

(6) The owner or operator shall comply with all of the following:

(a) The applicable design, construction and testing specifications in rule 3745-29-08 of the Administrative Code.

(b) The ground water monitoring, assessment, and corrective measures requirements of rule 3745-29-10 of the Administrative Code.

(c) The final closure, post-closure care, and financial assurance requirements of rules 3745-27-15, 3745-27-16, 3745-29-11, and 3745-29-14 of the Administrative Code.

(C) Construction certification, approval, and compliance.

(1) Construction certification and approval. After the installation of any of the engineered components specified in rule 3745-29-08 of the Administrative Code, other than the cap system, in any phase of an industrial solid waste landfill facility, the owner or operator shall not accept waste in the phase until all of the following occur:

(a) A construction certification report for that phase, prepared in accordance with the paragraph (H) of rule 3745-29-08 of the Administrative Code, has been submitted to Ohio EPA and the approved health department.

(b) The owner or operator has received written concurrence from the appropriate Ohio EPA district office for the components specified in

*** DRAFT - NOT YET FILED ***

paragraph ~~(F)(1)~~ (B) of rule 3745-29-08 of the Administrative Code.

(2) Construction compliance. Upon discovery by the owner or operator, or upon notification by Ohio EPA, that a failed test or an alteration has occurred in construction of any engineered component or portion of an industrial solid waste landfill facility, the owner or operator shall comply with the procedures outlined in this paragraph.

(a) Failed test. For the purposes of this rule, a "failed test" occurs when a test performed on a component of the industrial solid waste landfill facility yields a result that does not meet the specifications outlined in the applicable authorizing document(s) specified in paragraph (B) of this rule or other requirements of these rules. If, prior to submission of the construction certification report for the component or portion of the industrial solid waste landfill facility, the owner or operator determines that there is a "failed test," the owner or operator shall do the following:

(i) Assess the component or portion of the facility to determine if construction is in compliance with the applicable authorizing document(s) or other requirements of these rules.

(ii) Implement measures to attain compliance with the applicable authorizing document or other requirements of these rules. An area with a verified failure must be reconstructed. Reconstructed areas must be retested at a frequency sufficient to demonstrate to the director that compliance has been achieved.

(b) Alteration.

If, prior to submission of the construction certification report for the component or portion of the industrial solid waste landfill facility, the owner or operator determines that there is an alteration, the owner or operator shall do all of the following:

(i) Include the applicable testing results and an examination of the alteration(s) in the certification report "alterations" section required by rule 3745-29-08 of the Administrative Code.

(ii) Provide a demonstration in the certification report that the alteration(s) is at least equivalent to the requirement in the applicable authorizing document(s) or other requirements of these rules.

*** DRAFT - NOT YET FILED ***

(iii) Submit the certification report to Ohio EPA and the approved health department.

(iv) Continue to comply with paragraph (C)(1) of this rule.

[Comment: Paragraph (C)(2)(b) of this rule applies only to a change that qualifies as an alteration as that term is defined in rule 3745-27-01 of the Administrative Code. Rule 3745-27-02 and paragraph (A) of rule 3745-29-06 of the Administrative Code require an owner or operator to obtain a permit to install prior to the establishment of a new, or modification of an existing industrial solid waste landfill facility. Obtaining concurrence for an alteration in accordance with the procedures outlined in paragraph (C)(2) of this rule does not relieve the owner or operator from liability for failure to obtain a permit to install to modify the facility if the change being addressed constitutes a modification.]

(c) Detection after submission of certification report. If the owner or operator determines that the certification report is in error because a "failed test" or an alteration was detected after submission of the construction certification report to Ohio EPA, the owner or operator shall do the following:

(i) Notify, within twenty-four hours after discovery by phone and within seven days after discovery in writing, the appropriate Ohio EPA district office and the approved health department of the noncompliance.

(ii) Within fourteen days of submitting the written notification required by paragraph (C)(2)(c)(i) of this rule, do either of the following:

(a) Implement compliance with the applicable steps outlined in paragraph (C)(2)(a) of this rule and amend and resubmit the construction certification report to explain the circumstances and how compliance was achieved.

(b) Submit the information required by paragraph (C)(2)(b) of this rule.

[Comment: Compliance with paragraph (C)(2)(c) of this rule does not relieve the owner or operator from liability for failure to construct or operate the sanitary landfill facility in strict

*** DRAFT - NOT YET FILED ***

compliance with the applicable authorizing document(s), other requirements of these rules, or failure to submit a certification report that is true, accurate, and complete as required by the construction certification requirements of rule 3745-27-08 of the Administrative Code.]

(D) Select waste layer.

(1) The owner or operator shall place select waste as the first layer of waste in all areas within the limits of waste placement adjacent to and/or in contact with the leachate collection system to protect the composite liner from the intrusion of objects during operation of the facility. The select waste layer shall:

(a) Be spread but not compacted.

(b) Not consist of items over two feet in length.

(c) Not restrict the flow of liquid to the leachate collection system.

(d) Not contain fines or small particles which can clog the leachate collection system.

(e) Be placed as a single lift above the leachate collection layer required in accordance with paragraph (C)(4)(d) of rule 3745-29-08 of the Administrative Code so that a minimum distance of five feet is created between the liner and general waste placement.

[Comment: Granular drainage medium used in the leachate collection system provides some of the required protective material needed to create the five feet of distance between the liner and general waste placement. Thus, if the leachate collection system includes one foot of sand, then at least four feet of select waste would be needed to satisfy the requirement in paragraph (D)(1)(e) of this rule.]

(2) The owner or operator shall verify the placement of the select waste layer by submitting written notification to Ohio EPA within thirty days of placing the select waste material. This notification shall include the following information:

(a) The date(s) on which select waste layer was placed.

*** DRAFT - NOT YET FILED ***

(b) The location of the cell or phase where the select waste layer was placed.

(c) The thickness of the select waste layer.

(d) The source of the select waste layer.

(E) General operational criteria.

(1) Construction.

(a) The owner or operator shall clear naturally occurring vegetation to the extent necessary for proper operation of the facility.

(b) Any oil wells and gas wells within the proposed limits of industrial waste placement shall be properly plugged and abandoned in accordance with Chapter 1509. of the Revised Code.

(c) The owner or operator shall maintain the integrity of the engineered components of the industrial solid waste landfill facility and repair any damage to or failure of the components. "Engineered components" includes the components described in rule 3745-29-08 of the Administrative Code and components of the monitoring system(s) installed in accordance with rule 3745-29-10 of the Administrative Code. Failed or damaged engineered components shall be investigated and reconstructed in strict compliance with the existing applicable authorizing documents. If a redesign is necessary, prior approval of an alteration or a modification shall be obtained.

(d) The owner or operator shall perform chemical compatibility testing if the director determines that such testing is necessary to demonstrate that the industrial solid waste to be received at the industrial solid waste landfill facility will not compromise the integrity of any material used to construct the industrial solid waste landfill facility.

(2) Access.

(a) The owner or operator shall construct and maintain all-weather access roads within the facility boundary in such a manner as to withstand the anticipated degree of use and allow passage of the loaded refuse vehicles at all times, with a minimum of erosion and dust generation.

*** DRAFT - NOT YET FILED ***

(b) The owner or operator shall limit access to the facility by non-employees except during operating hours when operating personnel are present. The owner or operator shall, at all times, limit access to the facility as necessary to prevent scavenging and salvaging operations not conducted in accordance with paragraph (E)(4) of this rule. This paragraph shall not apply to the health commissioner or the director who, upon proper identification, may enter the facility at any time to determine compliance with Chapter 3745-29 of the Administrative Code.

(c) The owner or operator shall exclude live domestic and farm animals from the operating areas of the facility, except for animals used for security purposes.

(3) Equipment.

(a) The owner or operator shall have adequate equipment, material, and services available at or near the facility to control fire. The owner or operator shall act immediately to control or extinguish any fire.

(b) The owner or operator shall ensure that operable equipment of adequate size and quantity for the operations of the facility are available at all times, or that an appropriate contingency plan is prepared to properly handle and dispose of waste materials in the event of equipment failure.

(4) Scavenging and salvaging.

The owner or operator may only conduct salvaging in a manner approved by the director. Scavenging is prohibited.

(5) Personnel.

The owner or operator shall ensure that any individual meeting the definition of operator specified in rule 3745-27-01 of the Administrative Code shall be thoroughly familiar with the proper operational procedures, license, permits, and other authorizations pertaining to the facility.

(6) Inclement weather.

The owner or operator shall ensure preparations have been made such that, during inclement weather, the industrial solid waste landfill facility is able to receive, compact, and cover incoming industrial solid waste. The preparations

*** DRAFT - NOT YET FILED ***

shall include, but need not be limited to, designation and preparation of areas where industrial solid waste will be deposited, compacted, and covered during inclement weather, construction and maintenance of all-weather access roads leading from the point(s) where loaded vehicles enter the site to the inclement weather areas, and stockpiling of cover material.

(7) Waste acceptance and placement.

(a) Prior to accepting industrial solid waste at a unit(s) of a new industrial solid waste landfill facility, or in any unit(s) of a lateral expansion area, or in a vertical expansion approved on or after March 1, 1990, the owner or operator shall comply with all applicable requirements for leachate treatment and/or disposal, discharges to surface waters, management of surface water runoff, and air emissions.

(b) The owner or operator shall not begin filling in a new phase, without completing the previous phase, except to the extent necessary for the proper operation of the industrial solid waste landfill facility.

(c) The owner or operator shall confine unloading of waste materials to the smallest practical area(s). The owner or operator shall ensure that each unloading area is supervised by a person or persons knowledgeable regarding operations at the working face.

(d) The owner or operator shall not deposit waste that is burning or is at a temperature likely to cause fire at the working face. Prior to placing the industrial solid waste at the working face, the owner or operator shall deposit such material in a separate location which is at a sufficient distance from the working face to prevent fires from spreading to the working face and shall immediately extinguish the fire or lower the temperature of the industrial solid waste.

(e) Except as provided in paragraphs (D)(1) and (E)(7)(d) of this rule, the owner or operator shall ensure that all industrial solid waste admitted to the industrial solid waste landfill facility is deposited at the working face, spread in layers not more than two feet thick, and compacted to the smallest practical volume. An alternate method may be used if approved in writing by the director. During periods when inclement weather prevents compliance with this rule, the industrial solid waste shall be deposited at the area prepared in accordance with paragraph (B)(2)(a) of this rule.

*** DRAFT - NOT YET FILED ***

(f) The owner or operator shall employ all necessary means to ensure the following:

(i) Bulky materials can be compacted or otherwise managed in such a way as to ensure the proper placement of daily cover.

(ii) Dusty materials are handled, compacted, and covered in such a manner as to minimize the amount of dust that is generated by those materials.

(g) The owner or operator shall exclusively accept for disposal industrial solid waste as defined in rule 3745-29-01 of the Administrative Code.

(8) Disposal restrictions.

The owner or operator shall not accept for disposal or dispose of any of the following materials at an industrial solid waste landfill facility:

(a) Asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, subpart M, July 1, 2003, without the necessary permits.

(b) Containerized bulk liquids or non-containerized liquids without authorization from the director.

(c) Materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the Administrative Code.

(d) Polychlorinated biphenyls (PCB) wastes as defined in 40 CFR Part 761, July 1, 2003, unless otherwise authorized by 40 CFR part 761, July 1, 2003.

(e) Low-level radioactive wastes as specified in section 3734.027 of the Revised Code.

(f) Semi-solid material containing free liquids, as determined by results obtained from conducting method 9095 (1996) (paint filter liquids test) in SW-846, third edition: "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," on the semi-solid material, unless the owner or operator has obtained prior written authorization from Ohio EPA to dispose of that semi-solid material in the facility.

*** DRAFT - NOT YET FILED ***

(9) Litter.

The owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter, including the use of portable wind screens where necessary and frequent policing of the area.

(10) Daily log of operations.

(a) The owner or operator shall keep a daily log of operations of the facility that contains all the information specified on forms prescribed by the director. All entries required by the log form shall be completed. The owner or operator of the facility may use alternate forms, either in paper or electronic formats, for the daily log of operations, provided that all of the information requested on the prescribed forms is present.

(b) A copy of the log shall be available for inspection by the health commissioner or the director during normal operating hours.

(c) When required by Ohio EPA, the owner or operator shall submit log forms or summaries of daily logs to the health commissioner or the director on either paper or electronic versions of forms prescribed by the director. The owner or operator may use alternate forms, either in paper or electronic formats, for the log forms or summary of daily logs, provided that all of the information requested on the prescribed forms is present.

(d) The owner or operator shall make the completed daily logs available for inspection at the facility for a minimum of three years. The records retention period may be extended during the course of any unresolved litigation or when so requested by Ohio EPA. The three-year period for retention of records shall begin on the date the daily log form is completed.

(11) Inspection.

(a) The owner or operator shall inspect the industrial solid waste landfill facility at least daily for ponding, erosion, and leachate outbreaks. Written results of the inspections, including a discussion of any corrective actions taken, the date, and weather conditions, shall be recorded on the daily log forms required pursuant to paragraph (E)(10) of this rule and shall be made available to the health commissioner or the director upon request.

*** DRAFT - NOT YET FILED ***

(b) The owner or operator shall inspect sedimentation ponds and sedimentation pond discharge structures, including pipes, ditches, and culverts at least weekly for erosion, clogging, or failure and take prompt corrective action, if necessary. Written results of the inspections, including a discussion of any corrective actions taken, any water quality samples taken, the date, and weather conditions, shall be recorded on the daily log forms required pursuant to paragraph (E)(10) of this rule and shall be made available to the health commissioner or the director upon request.

(12) Approved permit to install, detail plans and specifications.

The owner or operator shall ensure that a copy of the approved permit to install, detail plans, specifications and information is maintained at the industrial solid waste landfill facility and is available and may be inspected by the health commissioner or the director upon request during normal operating hours.

(F) Daily cover.

Daily cover shall be applied to all exposed industrial waste by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors, and rodents. In no event shall industrial waste be exposed for more than twenty-four hours after unloading. Daily cover material shall be nonputrescible, shall not contain large objects in such quantities as may interfere with its application and intended purpose, and shall not be industrial solid waste, unless the owner or operator has received prior, written authorization in accordance with paragraph (F)(3)(a) of this rule.

(1) For an industrial solid waste landfill facility having a leachate management system, a soil layer, at least six inches thick, shall be used. Daily cover applied in an area served by a leachate management system shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system within the limits of waste placement.

(2) For an industrial solid waste landfill facility without a leachate management system, a six-inch thick soil layer, consisting of well-compacted loam, clay loam, silty clay loam, silty clay, or some combination thereof, shall be used.

(3) Alternative daily cover.

(a) The director may approve industrial solid waste to be used as alternative

*** DRAFT - NOT YET FILED ***

material for daily cover if the industrial solid waste is nonputrescible and the owner or operator can demonstrate to the satisfaction of the director that the proposed industrial solid waste provides protection that is comparable to six inches of soil and is protective of human health and the environment. The owner or operator must obtain written approval to use industrial solid waste for daily cover prior to utilizing the industrial solid waste.

(b) The director may approve other materials and/or thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of Ohio EPA that the proposed alternative material and/or thickness provides protection that is comparable to six inches of soil and is protective of human health and the environment. The owner or operator must obtain written approval to use an alternative material and/or thickness for daily cover prior to utilizing the alternative material and/or thickness.

(4) The director may approve frequencies, other than daily, if the owner or operator can demonstrate to the satisfaction of the director that the alternate frequency provides comparable and adequate protection.

(G) Intermediate cover.

(1) To minimize infiltration, intermediate cover shall be applied to all filled areas of an industrial solid waste landfill facility where additional industrial solid waste is not to be deposited for at least thirty days. The director may approve the use of some alternate time period, if the owner or operator can demonstrate to the satisfaction of the director that, by use of the alternate time period, infiltration will not be increased.

(2) Intermediate cover material shall be nonputrescible and have low permeability to water, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects in such quantities as may interfere with its application and intended purpose. A twelve inch thick layer of soil, consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof, shall be used. The owner or operator may use other materials and/or thicknesses for intermediate cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed intermediate cover material and/or thickness provides comparable and adequate protection.

(3) Intermediate cover in an area shall be removed or otherwise prepared as

*** DRAFT - NOT YET FILED ***

necessary prior to the placement of the next layer of industrial solid waste in that area so as not to impede the flow of leachate to the leachate management system within the limits of industrial solid waste placement.

(4) The owner or operator shall perform measures to protect the intermediate cover from erosion.

(H) Final cover.

Within seven days of reaching the approved final elevations of industrial solid waste placement in a phase, the owner or operator shall begin constructing the final cap system by doing either of the following:

(1) By constructing a cap system over the entire phase in accordance with rule 3745-29-08 of the Administrative Code as specified in rule 3745-29-11 of the Administrative Code.

(2) By doing all of the following:

(a) Place transitional cover over the entire phase in accordance with paragraph ~~(C)(17)~~(D)(19) of rule 3745-29-08 of the Administrative Code.

(b) When the industrial solid waste landfill facility in which the phase is located has reached approved final elevations of industrial solid waste placement, construct a cap system over the entire facility in accordance with rule 3745-29-08 of the Administrative Code as specified in paragraph (G) of rule 3745-29-11 of the Administrative Code.

(c) The owner or operator shall provide written notice to Ohio EPA and the approved health department clearly describing the phase(s), or portions thereof, where transitional cover will be installed in accordance with rule 3745-29-08 of the Administrative Code. The owner or operator shall submit the notification prior to beginning construction of transitional cover for a particular phase, or portion thereof.

(d) After completing construction of transitional cover in a particular phase, the owner or operator shall submit a certification report to Ohio EPA and the approved health department in accordance with rule 3745-29-08 of the Administrative Code. The certification report shall be submitted no later than the date for the submittal of the next annual operational report required pursuant to paragraph (M) of this rule.

*** DRAFT - NOT YET FILED ***

(e) Notwithstanding any prior notification that transitional cover will be installed, the owner or operator may choose to comply with paragraph (H)(1) of this rule. The owner or operator shall provide prior notice to Ohio EPA and the approved health department of any change from a previously submitted notification.

[Comment: Use of the transitional cover as specified in paragraph (H)(2) of this rule may increase the final closure cost estimate since the final cap system may not be installed over large areas of a facility until near the end of the facility's life. Paragraph (C) of rule 3745-27-15 requires the owner or operator to prepare cost estimates which reflect the cost of final closure activities at a point when final closure of the industrial solid waste landfill facility would be most expensive and which assumes final closure is performed by a third party. Paragraph (M)(6) of this rule requires the owner or operator to at least annually update the final closure cost estimate and submit the revised estimate with the annual operational report. Finally, rule 3745-27-15 of the Administrative Code mandates that when the current final closure cost estimate increases, the owner or operator must increase the dollar amount of the financial assurance mechanism. See paragraphs (F)(3), (F)(6), (G)(7), (H)(7), (I)(7), (J)(9), and (K)(5) of rule 3745-27-15 of the Administrative Code.]

(I) Scales.

The owner or operator of an industrial solid waste landfill facility, with an authorized maximum daily waste receipt greater than two hundred tons per day, shall use scales as the sole means of determining gate receipts. All scales shall be inspected, tested, and approved by the county auditor or city sealer having jurisdiction where the scale is located and shall meet the specifications, tolerances, and regulatory requirements of section 1327.49 of the Revised Code. This paragraph shall not apply to an industrial solid waste landfill facility owned by the generator that exclusively disposes of industrial solid wastes generated at premises owned by the generator.

(J) Surface water management.

(1) The owner or operator shall ensure that surface water at a industrial solid waste landfill facility is diverted from areas where industrial solid waste is being, or has been, deposited. The owner or operator shall ensure that an industrial solid waste landfill facility is designed, constructed, maintained, and provided with surface water control structures that control run-on and runoff of surface water. These surface water control structures shall ensure minimal erosion and infiltration of water through the cover material and cap system. These

*** DRAFT - NOT YET FILED ***

surface water control structures shall be designed in accordance with rule 3745-29-08 of the Administrative Code.

(2) If ponding or erosion occurs on areas of the industrial solid waste landfill facility where industrial solid waste is being, or has been, deposited, the owner or operator shall undertake actions as necessary to correct the conditions causing the ponding or erosion.

(3) If a substantial threat of surface water pollution exists, the director or health commissioner may require the owner or operator to monitor the surface water.

(K) Leachate management.

(1) If a leachate outbreak(s) occurs at the industrial solid waste landfill facility, the owner or operator shall repair the outbreak(s) and do the following:

(a) Contain and properly manage the leachate at the industrial solid waste landfill facility.

(b) If necessary, collect and dispose of the leachate in accordance with paragraphs (K)(5) and (K)(6) of this rule.

(c) Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate.

(2) The owner or operator shall maintain at least one lift station back-up pump at the industrial solid waste landfill facility at all times.

(3) The owner or operator shall inspect the collection pipe network of the leachate management system after placement of the initial lift of industrial solid waste to ensure that crushing has not occurred and shall inspect the collection pipe network annually thereafter to ensure that clogging has not occurred.

(4) If authorized in writing by the director, the owner or operator may temporarily store leachate within the limits of waste placement until the leachate can be treated and disposed as outlined in the leachate contingency plan as required in paragraph (K)(6) of this rule.

(5) The owner or operator shall treat and dispose of collected leachate in

*** DRAFT - NOT YET FILED ***

accordance with one of the following:

(a) Treat and dispose of collected leachate on site at the industrial solid waste landfill facility.

(b) Pretreat collected leachate on-site and dispose of collected leachate off-site of the industrial solid waste landfill facility.

(c) Treat and dispose of collected leachate off-site of the industrial solid waste landfill facility.

(6) The owner or operator shall prepare a contingency plan for the storage and disposal of leachate. The plan shall describe the immediate and long term steps, including the setting aside of land for the construction and operation of an on-site treatment facility, to be taken for leachate management in the event that collected leachate cannot be managed in accordance with the management option selected in paragraph (K)(5) of this rule.

(7) If a substantial threat of water pollution exists from the leachate entering surface waters, the director or health commissioner may require the owner or operator to monitor the surface water.

(L) [Reserved.]

(M) Annual operational report. The owner or operator of an industrial solid waste landfill facility shall submit an "Annual Operational Report" to the appropriate Ohio EPA district office and approved health department not later than the first day of April of each year. The "Annual Operational Report" shall include, at a minimum, the following information summarizing the previous calendar year's operations:

(1) A topographic map of the industrial solid waste landfill facility, certified by a professional skilled in the appropriate discipline(s), with updated contour lines on the plan drawing containing information specified in rule 3745-29-06 of the Administrative Code. The scale and contour interval shall be consistent with the approved plans. At a minimum, the owner or operator shall identify the following:

(a) The calendar year which the submittal represents.

(b) The areal extent of each phase of construction.

*** DRAFT - NOT YET FILED ***

(c) The areal extent of closed areas that have a final cap system or have transitional cover.

(d) Areas that have intermediate cover.

(e) The current working phase.

(f) The projected phase(s) for filling in the coming year.

(g) Access roads and buildings.

(h) On-site borrow areas and cover material stockpiles.

(i) A comparison of the actual vertical and horizontal limits of emplaced waste to the vertical and horizontal limits of waste placement authorized in the applicable authorizing document(s), including an approved permit(s) to install, plan approval, or operational report. If emplaced waste exceeds the limits of vertical and horizontal waste placement authorized in the applicable authorizing document(s), this comparison shall include a topographic map which delineates the areal extent of emplaced waste that exceeds approved limits specified in such authorizing documents. In addition, the topographic map shall contain notes that indicate the following information for waste exceeding authorized limits of waste placement: the maximum estimated volume, the maximum depth, and the average depth.

[Comment: The submittal of this information does not relieve an owner or operator from complying with applicable authorizing documents or correcting violations.]

(2) A summary of the daily logs for the previous year on forms prescribed by the director or alternate forms used pursuant to paragraph (E)(10) of this rule.

(3) An estimate of the remaining industrial solid waste landfill facility life, in years, and in terms of the remaining volume of the industrial solid waste landfill facility to be filled, in cubic yards.

(4) A summary of the quantity of leachate collected for treatment and disposal on a monthly basis during the year, location of leachate treatment and/or disposal, and verification that the leachate management system is operating in accordance with this rule.

*** DRAFT - NOT YET FILED ***

(5) Results of analytical testing of an annual grab sample of leachate for the parameters specified in appendix paragraph (H) of ~~I~~III ~~of~~to rule ~~3745-29-10~~3745-30-08 of the Administrative Code and for Polychlorinated Biphenyls (PCBs) if the owner or operator has accepted PCBs for disposal in accordance with paragraph (E)(8)(d) of this rule. The grab sample shall be obtained from the leachate management system.

[Comment: If PCBs are detected in leachate that will be discharged directly to or transported and discharged to a wastewater treatment plant, then the owner or operator of the industrial solid waste landfill facility generating the leachate should contact Ohio EPA, division of surface water, prior to discharging the leachate. If the wastewater treatment plant is not affiliated with the landfill facility, then the owner or operator should also contact the receiving wastewater treatment plant prior to discharge. The owner or operator of the industrial solid waste landfill facility should inform Ohio EPA, division of surface water (and the wastewater treatment plant, if applicable) of the presence and concentration of PCBs detected in the leachate. Depending upon the wastewater treatment plant's permitted discharge limit for PCBs, the owner or operator of the industrial solid waste landfill facility may be required to conduct pretreatment of the leachate to remove PCBs prior to discharging to the wastewater treatment plant.]

(6) The most recent updated final closure cost estimate and post-closure care cost estimate adjusted for inflation and for any change in final closure cost estimate or post-closure care cost estimate required by rules 3745-27-15 and 3745-27-16 of the Administrative Code.

(7) A summary of any maintenance performed on the leachate management system, ground water monitoring system, explosive gas monitoring system, and any other monitoring and control system installed at the industrial solid waste landfill facility or performed in response to this rule.

(8) The results of the annual evaluation of the ground water surface elevation data in accordance with rule 3745-30-08 of the Administrative Code.

(9) A notarized statement that, to the best of the knowledge of the owner or operator, the information contained in the annual report is true and accurate.

(N) Ten-year design demonstration.

Upon every tenth anniversary of the effective date of the initial permit to install issued to the owner or operator of the industrial solid waste landfill facility pursuant to Chapter 3734. of the Revised Code and each tenth anniversary thereafter, the

*** DRAFT - NOT YET FILED ***

owner or operator shall submit to Ohio EPA an analysis demonstrating that the design of the un-constructed portions of the industrial solid waste landfill facility continues to be consistent with the design standards established in the current version of rule 3745-29-08 (industrial solid waste landfill facility construction) of the Administrative Code. If the director determines that the design is no longer consistent with the standards established in the current version of rule 3745-29-08 of the Administrative Code, then the director may require the owner or operator to make the necessary changes to the industrial solid waste landfill facility to bring the facility into compliance with the design standards in the current version of rule 3745-29-08 of the Administrative Code. Since these changes will represent deviations from what is contained in the current authorizing document(s), the owner or operator shall obtain the appropriate authorization from the director prior to making the changes. If a permit to install application is required, the director shall not apply the criteria outlined in paragraph (G) of rule 3745-29-07 of the Administrative Code, when considering the permit to install application.

[Comment: A deviation may be an alteration, a modification, or an other change depending upon the significance of the deviation. If the deviation represents an alteration, then the owner or operator is required to obtain written concurrence from Ohio EPA prior to making any change to the facility. If the deviation represents a modification, then the owner or operator is required to obtain a permit to install for the modification from Ohio EPA prior to making any change to the facility.]

[Comment: To determine when Ohio EPA does and does not apply siting criteria to the review of an application for a permit to install to modify the facility, see rule 3745-29-07 of the Administrative Code.]