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3745-520-500

Construction and construction certification requirements.

- (A) An owner or operator shall comply with this chapter, Chapter 3745-512 of the Administrative Code, and authorizing documents when constructing an engineered component or a system of engineered components described in rule 3745-520-200 of the Administrative Code.
- (B) An owner or operator shall do the following for construction of an engineered component or a system of engineered components described in rule 3745-520-200 of the Administrative Code:
- (1) Submit notification to the licensing authority at least seven days prior to beginning construction of an engineered component.
 - (2) Perform the shear strength evaluation required by rule 3745-512-10 of the Administrative Code for the following engineered components that are included in the C&DD facility design. The evaluation shall be submitted to the licensing authority at least seven days prior to the intended use of the materials.
 - (a) Added geologic material.
 - (b) Structural fill material.
 - (c) Material for the recompacted soil liner in the liner system.
 - (d) Flexible membrane liner.
 - (e) Granular drainage layer, filter layer, cushion layer, and protective layer material.
 - (f) Geocomposite.
 - (g) Geotextile.
 - (h) Georeinforcements.
 - (3) Perform the shear strength evaluation required by rule 3745-512-10 of the Administrative Code for any stratigraphic unit in the in-situ foundation that was not anticipated and that may be more susceptible to slope failure than the stratigraphic units that were tested and reported in the application for the permit to install. The evaluation shall be submitted to the licensing authority at least seven days prior to construction on the in-situ foundation.

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- (4) Submit the results of pre-construction testing required by rule 3745-512-15 of the Administrative Code to the licensing authority at least seven days prior to the intended use of the materials.
- (5) Comply with the following if a recompacted soil liner is included in the C&DD facility design:

 - (a) Rule 3745-512-21 of the Administrative Code for the test pad.

 - (i) The owner or operator shall submit the test pad certification report to the concurring authority not later than fourteen days prior to the intended construction of the recompacted soil liner that was modeled by the test pad.
 - (ii) Construction of the recompacted soil liner shall not commence until the owner or operator has received concurrence from the concurring authority for the test pad certification report.
 - (b) Rule 3745-512-20 of the Administrative Code for the evaluation of the soils to be used to construct the recompacted soil liner. The evaluation shall be submitted to the concurring authority at least seven days prior to the intended use of the soils.
- (C) For construction certification reports required by rule 3745-512-50 of the Administrative Code, an owner or operator shall comply with the following:

 - (1) Submit the construction certification report to the concurring authority not later than sixty days after construction activities for the construction phase have been completed.
 - (2) Include results of all testing and verification that the applicable construction requirements in rules 3745-520-525, 3745-520-541, and 3745-520-549 of the Administrative Code have been met.
 - (3) If closure activities are being conducted because the permit to install has been revoked, paragraph (A)(1) of rule 3745-512-50 of the Administrative Code does not apply. Instead, the owner or operator shall submit with the construction certification report the following:

 - (a) A comparison of the engineered component to the revoked permit to install.
 - (b) If there is a design change to the C&DD facility that requires a new slope stability analysis, a geotechnical and stability analyses report prepared in the manner specified by rule 3745-511-10 of the Administrative Code. The geotechnical and stability analyses report shall include the following:

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- (i) A static stability analysis for final slopes that conforms to rule 3745-511-40 of the Administrative Code.
 - (ii) A seismic stability analysis for final slopes that conforms to rule 3745-511-50 of the Administrative Code.
- (4) If closure activities are being conducted before all final elevations have been reached and the permit to install has not been revoked, paragraph (D) of rule 3745-520-03 of the Administrative Code does not apply to a design change to the C&DD facility that requires a new slope stability analysis. Instead, the owner or operator shall submit with the construction certification report the following:
 - (a) Information necessary to demonstrate that the modification is at least equivalent to applicable rule requirements of this chapter.
 - (b) Information necessary to demonstrate that the modification is compatible with the unmodified requirements of the permit to install.
 - (c) Information necessary to demonstrate that the modification of the facility will not violate Chapters 3704., 3714., 3734., or 6111. of the Revised Code or rules adopted under those chapters.
 - (d) Information necessary to demonstrate that other approvals and authorizations including but not limited to approvals and authorizations issued pursuant to Chapters 3704. and 6111. of the Revised Code made necessary by the modification have been obtained.
 - (e) A geotechnical and stability analyses report prepared in the manner specified by rule 3745-511-10 of the Administrative Code. The geotechnical and stability analyses report shall include the following:
 - (i) A static stability analysis for final slopes that conforms to rule 3745-511-40 of the Administrative Code.
 - (ii) A seismic stability analysis for final slopes that conforms to rule 3745-511-50 of the Administrative Code.
- (5) If the approved board of health is the concurring authority, notify Ohio EPA of the submittal of a construction certification report concurrent to submitting the report to the approved board of health. The notification shall be in writing and shall contain sufficient detail to understand the scope and nature of the construction certification report.

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(6) Submit additional and identically complete copies of the construction certification report upon request from Ohio EPA or the approved board of health.

(7) Do the following upon the concurring authority's concurrence with an alteration contained within a construction certification report:

(a) Insert the revised drawings and other information that were stamped by and received from the concurring authority into the appropriate place in the permit to install.

(b) Update the index of alterations required by rule 3745-520-320 of the Administrative Code.

[Comment: Rule 3745-512-17 of the Administrative Code requires that an alternative construction material be approved prior to use of the material; therefore, a construction certification report cannot include a request for approval of an alternative material.]

(D) Concurring authority procedures for acting on a construction certification report.

(1) The concurring authority shall comply with procedures for concurrence of construction certifications in accordance with the following:

(a) If the permit to install has not been revoked, rule 3745-512-51 of the Administrative Code.

(b) If the permit to install has been revoked, rule 3745-512-52 of the Administrative Code.

(c) If the construction certification report contains a modification pursuant to paragraph (C)(4) of this rule, the concurring authority shall not concur with the construction certification report unless it determines the following:

(i) The modification is at least equivalent to applicable rule requirements of this chapter.

(ii) The modification is compatible with the unmodified requirements of the permit to install.

(iii) The modification of the facility will not violate Chapters 3704., 3714., 3734., or 6111. of the Revised Code or rules adopted under those chapters.

(iv) That other approvals and authorizations including but not limited to approvals and authorizations issued pursuant to Chapters 3704. and

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6111. of the Revised Code made necessary by the modification have been obtained.

(2) Upon concurrence with an alteration contained in a construction certification report, the concurring authority shall stamp the copies of the alteration request and any altered drawings and information with the word "Altered," the permit number, and the date of concurrence.

(3) Upon concurrence with a modification contained in a construction certification report pursuant to paragraph (C)(4) of this rule, the concurring authority shall stamp the copies of the construction certification report and any drawings and information regarding the modification with the word "Modified," the permit number, and the date of concurrence.

(4) Upon concurrence with a construction certification report and any alterations or any modifications pursuant to paragraph (C)(4) of this rule contained therein, the concurring authority shall retain and distribute copies of the construction certification report, concurrence letter, and any altered or modified drawings and information pursuant to rule 3745-500-130 of the Administrative Code.

(E) Alternative materials used to construct engineered components.

(1) An owner or operator may request approval of an alternative material to construct an engineered component in accordance with rule 3745-512-17 of the Administrative Code.

(2) An alternative material request shall be submitted in triplicate to the applicable authority identified in rule 3745-512-17 of the Administrative Code.

(3) If the approved board of health is the applicable authority, an owner or operator shall notify Ohio EPA of the submittal of an alternative material request concurrent to initially submitting the request to the approved board of health. The notification shall be in writing and shall contain sufficient detail to understand the scope and nature of the alternative material request.

(4) Upon request from Ohio EPA or the approved board of health, the owner or operator shall submit additional and identically complete copies of the alternative material request.

(F) Director or approved board of health procedures for acting on a request for approval of an alternative material to construct an engineered component.

(1) The applicable authority shall comply with rule 3745-512-17 of the Administrative Code.

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- (2) Upon approval of an alternative material, the authority shall stamp the copies of the alternative material request with the word "Approved" and the date of approval.
- (3) Copies of the approval letter and stamped copies of the alternative material request shall be retained and distributed by the applicable authority pursuant to rule 3745-500-130 of the Administrative Code.