



Operating Record

Applicable Rules

MSW: OAC 3745-27-09

Purpose

This guidance outlines the required documents that must be submitted into the Operating Record (OR), clarifies how and when to revise documents, and provides procedures for the annual update of the OR [OAC Rule 3745-27-09].

Applicability

This guidance is applicable to municipal solid waste landfills (MSW). This guidance is not applicable to industrial or residual landfills, composting facilities or infectious waste generators, incineration facilities, transfer stations and construction and demolition debris facilities, or to MSW landfills that ceased acceptance of solid waste in all units prior to June 1, 1994.

Background

Landfills are highly regulated facilities that can have multiple authorizing documents, construction certification reports and environmental monitoring results and reports. To meet U.S. EPA requirements in Subtitle D of RCRA (40 CFR. Part 258), MSW landfills in Ohio must create an operating record. The OR is an indexed repository of documents that pertain to the sanitary landfill facility.

When OR requirements were adopted, special rule provisions were written to address existing operating facilities and their need to upgrade to the new (1994) MSW landfill requirements. However, for the 2003 rule update, it was determined that these special provisions were no longer needed since all existing operating facilities should have implemented the necessary upgrades to meet the 1994 requirements.

Enforcement Considerations

The OR is a key compliance monitoring tool for the facility owner/operator, the approved health department and Ohio EPA. Maintaining a complete and current OR and files at the MSW landfill, the approved health department and appropriate Ohio EPA district office is imperative for both tracking and ensuring facility compliance. Regular inspection, citation of violations and successful resolution of violations are required to make the OR a dependable compliance tool. Failure to submit and implement appropriate documents will result in violation and require immediate resolution. Inspectors will cite the violations and consider escalated enforcement action as necessary.

Frequently Asked Questions

Q1: Where does the OR have to be located?

A1: At the MSW landfill. Upon the commencement of the post-closure care period for all units of a MSW landfill, the director may approve an alternate location. This is addressed in OAC 3745-27-09(C).

Q2: Who will perform inspections of the OR and when?

A2: The OR shall be available for inspection by the Ohio EPA and the approved health department during normal business hours. This is addressed in OAC 3745-27-09(C).

Q3: Must the original, stamped approved PTI and drawings be in the OR, or may a copy be placed in the OR?

A3: With the exception of any alterations, permits issued under ORC Chapters 3704 or 6111 and administrative and judicial orders, all documents in the OR must be originals. Refer to OAC 3745-27-09(I) where OR contents are listed as either the item or copies of the item.

¹ Note: This document was originally published on the date noted above. DMWM re-issued the document to make it consistent with current formatting and publication standards after evaluating the content and determining it is still relevant and appropriate. No substantive changes were made to the document.

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Q4: How is a revised document placed in the OR?

A4: Whenever a document is revised, the owner or operator shall:

1. Clearly indicate the changes made to the document (for example: underlining new text and striking out unwanted or old text).
2. Sign and notarize documents specified in OAC 3745-27-09(H)
3. Promptly submit to the Ohio EPA and approved health department a copy of the revised document, or revised portion of the document and a revised OR index by regular mail.

Please Note: These submittals are in addition to the annual update of the OR index sent by certified mail.

This is addressed in OAC 3745-27-09(D)(2).

Q5: What type of change(s) to a document requires implementing the revision procedure?

A5: Substantive changes made to documents that do not require prior approval by Ohio EPA. A substantive change would be a change that affects the operations and/or compliance of the facility. Clerical errors or typographical errors are not considered a substantive change. However, a document undergoing the revision process could have clerical errors or typographical errors corrected at the same time. This is addressed in OAC 374527-09(D)(3).

Q6: If a document in the OR is worn out, and it is taken out and then replaced with a new unchanged copy, would this constitute a removal of a document?

A6: No. Replacing a document due to poor physical condition or appearance with an unchanged copy is not 'removal' as defined by OAC 3745-2709(G). However, a copy may not be acceptable for some documents - see Q3.

Q7: Is there currently, or will there be, a format or prescribed form for the OR index?

A7: No. The operator should use a method that best ensures compliance with the OR requirements and for ease of use.

Q8: How much detail is sufficient when providing the summary of the contents of each document for the OR index?

A8: The summary should provide information necessary to adequately identify the document's contents and general subject matter. The summary does not need to include details of the document's data or conclusions. This is addressed in OAC 3745-27-09(I)(1).

Q9: Is the OR meant to be used by the owner or operator on a daily basis or is it meant to be a pristine copy of the MSW landfill documents?

A9: This is the owner or operator's choice. Some of the documents kept in the OR must be originals, which the operator may want to keep pristine. OAC 3745-27-19(E)(12) requires a copy of the PTI be kept at the facility. The operator may want to use this copy on a daily basis instead of the original kept in the OR.

Q10: Does a copy of all waste screening documentation for the PCB and Hazardous Waste Prevention and Detection Program have to be sent to the Ohio EPA and the approved health department?

A10: No. The plan is sufficient. This is addressed in OAC 3745-27-09(I)(2)(a).

Contact

If you have questions regarding this document or would like additional information, please contact:

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Disclaimer

This document is intended for guidance purposes only. Completion of the activities and procedures outlined in this document shall not release an owner or operator from any requirement or obligation for complying with Ohio Revised Code (ORC) Chapter 3734 or 3714 if appropriate, the OAC rules adopted thereunder, or any authorizing documents or orders issued thereunder, nor shall it prevent Ohio EPA from pursuing enforcement actions to require compliance with ORC Chapter 3734 or 3714, the OAC rules or any authorizing documents or orders issued thereunder.