

December 19, 2006

Important date for owners and operators of C&DD facilities under ORC Section 3714.02(K)(1) regarding applicability of future post closure care and post closure care financial assurance obligations

Ohio EPA, Division of solid and Infectious Waste Management (DSIWM)

Ohio EPA, DSIWM is providing this notice as a courtesy to owners and operators who intend to permanently cease acceptance of C&DD and not trigger future post closure care and post closure care financial assurance for their facilities.

A provision of HB 397 [ORC Section 3714.02(K)(1)] that was signed into law on December 22, 2005, by Governor Taft requires Ohio EPA to write rules regarding post closure care or post closure care financial assurance that exclude a facility for which the owner or operator of the facility permanently ceases to accept C&DD in calendar year 2006.

To qualify for this exclusion from post closure care and post closure care financial assurance once the new rules become effective and avoid post-closure care and post closure care financial assurance for a facility, the owner or operator of the facility must:

- Permanently cease acceptance of construction and demolition debris in calendar year 2006.
- Give written notice of the date of the cessation to the applicable board of health or the director.
- Not submit a subsequent application for a license renewal for the facility after that cessation.
- Not have an order that was issued by the applicable board of health, the director, or a court of competent jurisdiction governing the post-closure care of and post-closure financial assurance for that facility prior to the date specified in the written notice.

An owner or operator intending to qualify for this exclusion from post closure care and post closure financial assurance should ensure the above conditions of the law are met, and send the notice of the date of cessation to the approved board of health, or if the board of health is not approved, send the notice of the date of cessation to Ohio EPA.

ORC 3714.02(K)(1) states:

With respect to a facility that permanently ceases acceptance of construction and demolition debris in calendar year 2006, the post-closure care and post-closure care financial assurance requirements do not apply, provided that the owner or operator of the facility gives written notice of the date of the cessation to the applicable board of health or the director, the owner or operator of the facility does not submit a subsequent application for a license renewal for the facility after that cessation, and no order was issued by the applicable board of health, the director, or a court of competent jurisdiction governing the post-closure care of and post-closure financial assurance for that facility prior to the date specified in the written notice.