

3745-76-02

Designated facilities.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see ~~the last~~ paragraph (C) of rule 3745-76-01 of the Administrative Code titled "~~Incorporation by reference~~[referenced materials](#)."]]

- (A) The designated facility to which this rule applies is each existing MSW landfill for which construction, reconstruction or a modification ~~resulting in increased disposal capacity~~ was commenced ~~before May 30, 1991~~[on or before July 17, 2014](#).

[Comment: Any MSW landfill which, through construction, reconstruction, or modification, increases the disposal capacity of the landfill after ~~May 30, 1991~~[July 17, 2014](#) is not subject to these rules, ~~which regulate landfills subject to United States environmental protection agency's emission guidelines for landfills installed or expanded before this date under 40 CFR Part 60, Subpart Cc~~, but instead would be subject to the standards of performance for MSW landfills found in 40 CFR ~~Partpart~~[part](#) 60, Subpart ~~WWWXXX~~.]

- (B) Physical or operational changes made to an existing MSW landfill solely to comply with this rule are not considered a modification [or reconstruction](#) under Chapter 3745-31 of the Administrative Code: [and would not subject an existing MSW landfill to the requirements of a standard of performance for new MSW landfills](#).

[\(C\) For the purposes of obtaining an operating permit under Title V of the Clean Air Act, the owner or operator of an MSW landfill subject to this chapter with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirement to obtain an operating permit for the landfill under Chapter 3745-77 of the Administrative Code, unless the landfill is otherwise subject to Chapter 3745-77 of the Administrative Code. For purposes of submitting a timely application for an operating permit under Chapter 3745-77 of the Administrative Code, the owner or operator of an MSW landfill subject to this chapter with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters on the effective date of United States Environmental Protection Agency approval of state's program under section 111\(d\) of the Clean Air Act, and not otherwise subject to Chapter 3745-77 of the Administrative Code, becomes subject to the requirements of paragraph \(D\) of rule 3745-77-04 of the Administrative Code ninety days after the effective date of such section 111\(d\) program approval, even if the design capacity report is submitted earlier.](#)

[\(D\) When an MSW landfill subject to this chapter is closed as defined in rule 3745-76-01 of the Administrative Code, the owner or operator is no longer subject to the requirement to maintain an operating permit under chapter 3745-77 of the Administrative Code for the landfill if the landfill is not otherwise subject to the requirements of chapter 3745-77 of the Administrative Code and if either of the following conditions are met:](#)

- (1) The landfill was never subject to the requirement to install and operate a gas collection and control system under rule 3745-76-03 of the Administrative Code.
- (2) The landfill meets the conditions for control system removal specified in paragraph (I) of rule 3745-76-03 of the Administrative Code.
- (E) When an MSW landfill subject to this chapter is in the closed landfill subcategory, the owner or operator is not subject to the following reports under the provisions of 40 CFR part 60, Subpart WWW; 40 CFR part 62, Subpart GGG; or a state plan implementing 40 CFR part 60, Subpart Cc on or before July 17, 2014:

 - (1) Initial design capacity report specified in paragraph (A) of rule 3745-76-12 of the Administrative Code.
 - (2) Initial or subsequent NMOC emission rate report specified in paragraph (C) of rule 3745-76-12 of the Administrative Code, provided that the most recent NMOC emission rate report indicated the NMOC emissions were below fifty megagrams per year.
 - (3) Collection and control system design plan specified in paragraph (D) of rule 3745-76-12 of the Administrative Code.
 - (4) Closure report specified in paragraph (F) of rule 3745-76-12 of the Administrative Code.
 - (5) Equipment removal report specified in paragraph (G) of rule 3745-76-12 of the Administrative Code.
 - (6) Initial annual report specified in paragraph (H) of rule 3745-76-12 of the Administrative Code.
 - (7) Initial performance test report in paragraph (I) of rule 3745-76-12 of the Administrative Code.