AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #333270

Ohio Administrative Code

Rule 3745-30-14 Operation of residual waste landfill facilities.

Effective: May 28, 2021

(A) Applicability. The owner or operator of an industrial landfill or a residual landfill facility shall comply with the requirements and operational criteria specified in this rule until the final closure certification required by rule 3745-30-09 of the Administrative Code is submitted and the post-closure care period begins.

(B) Compliance.

(1) The owner or operator shall conduct operations at an industrial landfill or a residual landfill facility in strict compliance with the terms and conditions of the solid waste disposal license issued for the facility in accordance with Chapter 3745-501 of the Administrative Code.

(2) For a an industrial landfill or residual 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 the owner or operator has obtained written concurrence from Ohio EPA for the alteration of the industrial or residual landfill facility or the owner or operator has obtained a permit to install prior to modifying the industrial or residual landfill facility. For other industrial landfill or residual landfill facilities, the owner or operator shall conduct construction and operation in strict compliance with the applicable authorizing document, a permit to install, a plan approval, an operational report, an approved final closure plan, or an alteration concurred with in writing by Ohio EPA.

(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 of an industrial landfill or a residual landfill facility disposing of IMW as defined in paragraph (I)(1)(c) of rule 3745-30-01 of the Administrative Code 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.

(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 pursuant to Chapter 3704. of the Revised Code.

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

(a) The applicable design, construction, and testing specifications contained in rule 3745-30-07 of the Administrative Code.

(b) The ground water monitoring, assessment, and corrective measures requirements contained in rule 3745-30-08 of the Administrative Code.

(c) The financial assurance requirements contained in rules 3745-27-15, 3745-27-16, 3745-30-09, and 3745-30-10 of the Administrative Code.

(C) Construction certification, approval, and compliance.

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

(2) Construction certification and concurrence. After the installation of any of the engineered components specified in rule 3745-30-07 of the Administrative Code, other than the cap system, in any phase of an industrial landfill or a residual landfill facility, the owner or operator shall not accept waste in the phase until the following occur:

(a) A certification report for that phase, prepared in accordance with rule 3745-30-07 of the Administrative Code, has been submitted to Ohio EPA and the licensing authority.

(b) The owner or operator has received written concurrence from the appropriate Ohio EPA district office for the specific components of that phase specified in rule 3745-30-07 of the Administrative

Code and any applicable authorizing document.

(c) The owner or operator has received written acknowledgment from the appropriate Ohio EPA district office that the calculated cost estimate for closure and post-closure care has been received and that the financial assurance mechanism is adequately funded.

(3) Construction compliance. Upon discovery by the owner or operator, or upon notification by Ohio EPA, that a failed test or alternation has occurred in construction of any engineered component or portion of an industrial landfill or a residual 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 landfill or residual landfill facility yields a result that does not meet the specifications outlined in the applicable authorizing document specified in paragraph (B) of this rule or other requirements of this chapter. If, prior to submission of the construction certification report for the component or portion of the industrial landfill or residual 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 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 shall be reconstructed and retested at a frequency sufficient to demonstrate to Ohio EPA that compliance has been achieved.

(b) Alteration. If, prior to submission of the construction certification report for the component or portion of the industrial landfill or residual landfill facility, the owner or operator determines that there is an alteration, the owner or operator shall do the following:

(i) Include the applicable testing results and an explanation of the alteration in the certification report "alterations" section as specified in rule 3745-30-07 of the Administrative Code.

(ii) Provide a demonstration in the certification report that the alteration is at least equivalent to the

requirement in the applicable authorizing document or other requirements of these rules.

(iii) Submit the certification report to Ohio EPA and the licensing authority.

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

[Comment: Paragraph (C)(3)(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 3745-30-05 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 landfill or residual landfill facility. Obtaining concurrence for an alteration in accordance with the procedures outlined in paragraph (C)(3) 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 the appropriate Ohio EPA district office and the licensing authority of the noncompliance by phone not later than twenty-four hours after discovery and in writing not later than seven days after discovery.

(ii) Not later than fourteen days after submitting the written notification required by paragraph (C)(3)(c)(i) of this rule, either of the following:

(a) Implement compliance with the applicable steps outlined in paragraph (C)(3)(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)(3)(b) of this rule.

[Comment: Compliance with paragraph (C)(3)(c) of this rule does not relieve the owner or operator

from liability for failure to construct or operate the industrial landfill or residual landfill facility in strict compliance with the applicable authorizing documents, 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 3745-30-07 of the Administrative Code.]

(4) The owner or operator shall maintain the integrity of the engineered components of the industrial landfill or residual landfill facility and repair any damage to or failure of the components. "Engineered components" include the components described in rule 3745-30-07 of the Administrative Code and components of the monitoring system installed in accordance with rule 3745-30-08 of the Administrative Code. The owner or operator shall investigate and reconstruct failed or damaged engineered components in strict compliance with the existing applicable authorizing documents and if a redesign is necessary, obtain prior approval of an alteration or a modification.

(D) Select waste. The owner or operator shall do the following:

(1) Place select waste as the first layer of waste in areas within the limits of waste placement adjacent to 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 conform to the following:

(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 that can clog the leachate collection system.

(e) Be placed above the leachate collection layer such that the minimum distance between the composite liner and general waste placement is the greater of the following:

(i) Two feet.

(ii) Twice the length of the largest general waste item.

(2) The owner or operator shall note the following information in the daily log:

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

(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) 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 minimum erosion and dust generation.

(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 board of health, the director, or an authorized representative, who, upon proper identification, may enter the facility at any time to determine compliance with this chapter.

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

(3) Equipment.

(a) If the IMW disposed at the facility poses a threat of fire, 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 is available at all times, or that a prepared contingency plan is implemented 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 authorized by Ohio EPA. 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 landfill or residual landfill facility is able to receive, compact, and cover incoming IMW. The preparations shall include but need not be limited to designation and preparation of areas where IMW will be deposited, compacted, and covered during inclement weather, construction and maintenance of all-weather access roads leading from the point 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 IMW at a unit of a new industrial landfill or residual landfill facility, in any unit of a lateral expansion area, or in a vertical expansion approved on or after March 1, 1990, the owner or operator shall comply with the applicable requirements for leachate treatment or disposal, discharges to surface waters, management of surface water runoff, and air emissions.

(b) Prior to accepting IMW in the first unit of a new industrial landfill or residual landfill facility, the owner or operator shall ensure the facility has been inspected by the licensing authority and that written concurrence has been received from Ohio EPA stating that the facility is ready to begin

accepting IMW for disposal.

(c) 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 landfill or residual landfill facility.

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

(e) 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 waste at the working face, the owner or operator shall deposit such material in a separate location that 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 waste.

(f) The owner or operator shall employ necessary means to ensure that 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 wastes authorized by the director. Except as provided in paragraphs (D)(1) and (E)(7)(e) of this rule, the owner or operator shall ensure that IMW admitted to the industrial landfill or residual landfill facility is deposited at the working face and spread in layers and compacted to the smallest practical volume.

(h) The stability of the IMW fill shall be sufficient to support the equipment necessary for daily operations, including waste deposition at the working face, for the spreading of waste in layers, and if appropriate, for waste compaction. The stability of the IMW fill shall also be sufficient to facilitate the application of intermediate cover and the construction of the final cap system as required by paragraph (H) of this rule. IMW shall be deposited at the working face except as otherwise provided by paragraphs (D) and (E)(7)(e) of this rule.

(i) The owner or operator may mix one or more wastes that meet the requirements in paragraph (B) of

rule 3745-30-03 of the Administrative Code to improve fill stability or to comply rule 3745-30-03 of the Administrative Code. For a residual landfill facility, the mixture cannot include any IMW that does not meet the characterization criteria for disposal in the residual landfill facility.

(8) Disposal restrictions. The owner or operator shall not accept for disposal or dispose of any of the following materials at an industrial landfill or a residual landfill facility:

(a) Asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, subpart M.

(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.

(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 9095B - "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.

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

(10) The owner or operator shall employ reasonable measures to collect, properly contain, and dispose of scattered litter.

(11) 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 alternative 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. The daily log shall include at a minimum the following:

(i) Name, location, and contact information.

(ii) Name and signature of the person entering the information into the log of operations.

(iii) Information regarding each load, hauler and vehicle or container, and the generator.

(iv) The description and amount of unauthorized material discovered at the facility and actions taken in response.

(v) Information regarding any incident of damage or failure of an engineered component, and observations of nuisance conditions.

(vi) Inspection documentation.

(vii) Any other information required to be recorded by this chapter and Chapter 3745-502 of the Administrative Code to be recorded on the log of operations, and any other information the director may require to document compliance with Chapter 3734. of the Revised Code.

(b) A copy of the log shall be available for inspection by the board of health, the director, or an authorized representative 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 board of health or Ohio EPA.

(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.

(12) Inspection.

(a) The owner or operator shall inspect the industrial landfill or residual landfill facility at least daily for ponding, erosion, and leachate outbreaks. Written results of the inspections, including any corrective actions employed, shall be made available to the board of health, Ohio EPA, or an authorized representative upon request.

(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. A log including inspection results, any corrective actions, and the date and weather conditions for any water quality samples shall be maintained and provided to Ohio EPA or the licensing authority upon request.

(13) 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 landfill or residual landfill facility and is available and may be inspected by the board of health, the director, or an authorized representative upon request during normal operating hours.

(14) The owner or operator of a facility shall not admit waste materials to any area of the facility until site preparations for that area have been completed, necessary equipment has been brought to the facility, the facility has been adequately prepared for operation, and the prepared site has been inspected by the licensing authority or Ohio EPA.

(15) Sedimentation ponds shall be cleaned out completely, to ensure the proper operation of the ponds, when the volume of settled particles necessitates cleaning based either on inspection results or on the sediment pond design calculations required by paragraph (C)(6)(j) of rule 3745-30-05 of the Administrative Code.

(16) Financial assurance.

(a) The owner or operator shall annually review, analyze, adjust, and submit the final closure cost estimate and post-closure care cost estimate in accordance with paragraph (D) of rule 3745-27-15 and paragraph (D) of rule 3745-27-16 of the Administrative Code.

(b) The owner or operator shall revise and submit the financial assurance instrument in accordance with paragraph (D) of rule 3745-27-15 and paragraph (D) of rule 3745-27-16 of the Administrative Code.

(F) Daily cover. The owner or operator shall apply daily cover as follows:

(1) The daily cover requirement for an industrial landfill or residual landfill facility that disposes of waste that is putrescible, odorous, dusty, combustible or reacts exothermically will be determined on a site specific basis in evaluating either a permit to install application or an industrial landfill or a residual landfill facility license. An alternative frequency may be authorized to provide comparable and adequate protection.

(2) Apply daily cover to exposed IMW by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors, and rodents. IMW shall not 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 IMW, unless the owner or operator has received prior, written authorization in accordance with paragraph (F)(4)(a) of this rule.

(3) Remove daily cover applied in an area served by a leachate management system or prepare the daily cover as necessary so the flow of leachate to the leachate management system within the limits of waste placement is not impeded.

(4) Alternative daily cover.

(a) Ohio EPA may authorize IMW to be used as alternative material for daily cover if the IMW is nonputrescible and the owner or operator can demonstrate to Ohio EPA that the proposed IMW

provides protection that is comparable to six inches of soil and is protective of human health and the environment. The owner or operator shall obtain written approval to use IMW for daily cover prior to utilizing the IMW.

(b) Ohio EPA may authorize other materials or thicknesses for daily cover if the owner or operator can demonstrate to Ohio EPA that the proposed alternative material 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 shall obtain written approval to use an alternative material or thickness for daily cover prior to using the alternative material or thickness.

(G) Intermediate cover. The owner or operator shall apply intermediate cover as follows:

(1) For an industrial landfill or residual landfill facility with disposed waste generally having a permeability greater than 1×10^{-5} cm/sec, apply intermediate cover to filled areas of the facility where additional IMW is not to be deposited for at least one hundred eighty days. Ohio EPA may authorize the use of an alternative time period, if the owner or operator can demonstrate to Ohio EPA that, through use of the alternative time period, infiltration will not be increased.

(2) Employ twelve inches of intermediate cover material that is nonputrescible and has low permeability to water, good compactability, cohesiveness, and relatively uniform texture, does not contain large objects in such quantities as may interfere with its application and intended purpose and is classified as a low plasticity clay (CL) in the "Unified Soil Classification System" described in ASTM D2487. The owner or operator may use other materials or thicknesses for intermediate cover if the owner or operator can demonstrate to Ohio EPA that the proposed intermediate cover material or thickness provides comparable and adequate protection.

(3) Remove or prepare intermediate cover in an area as necessary prior to the placement of the next layer of IMW in that area so as not to impede the flow of leachate to the leachate management system within the limits of IMW placement.

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

(H) Final cover. Not later than seven days after reaching the approved final elevations of solid waste

placement in a phase, the owner or operator shall begin constructing the final cap system in accordance with rule 3745-30-09 of the Administrative Code.

(I) Scales. The owner or operator of an industrial landfill or a residual 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. 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 landfill or a residual landfill facility owned by the generator that exclusively disposes of IMW generated at one or more premises owned by the generator.

(J) Surface water management.

(1) The owner or operator shall ensure that surface water at an industrial landfill or a residual landfill facility is diverted from areas where IMW is being, or has been, deposited. The owner or operator shall ensure that an industrial landfill or a residual 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 surface water control structures shall be designed in accordance with rule 3745-30-07 of the Administrative Code.

(2) If ponding or erosion occurs on areas of the industrial landfill or residual landfill facility where IMW 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 board of health or the director may require the owner or operator to monitor the surface water.

(K) Leachate management.

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

(a) Contain and properly manage the leachate at the industrial landfill or residual 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 that contribute to the production of leachate.

(2) If the owner or operator utilizes pumps for leachate, the owner or operator shall maintain at least one lift station back-up pump at the industrial landfill or residual 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 IMW and annually thereafter to ensure that clogging of the collection pipe network has not occurred.

(4) If authorized in accordance with rule 3745-30-15 of the Administrative Code, the owner or operator may temporarily store leachate within the limits of waste placement until the leachate can be treated and disposed as specified in the leachate contingency plan required by paragraph (K)(6) of this rule.

(5) The owner or operator shall treat and dispose of collected leachate in accordance with one of the following:

(a) On site at the industrial landfill or residual landfill facility.

(b) Through on-site pretreatment at the industrial landfill or residual landfill facility and off-site disposal.

(c) Off-site of the industrial landfill or residual 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 identification of available

back-up treatment facilities if applicable, 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 licensing authority or the director may require the owner or operator to monitor the surface water.

(8) If at any time leachate is evaluated to be hazardous in accordance with rule 3745-52-11 of the Administrative Code, the leachate shall be managed in accordance with Chapters 3745-50 to 3745-69 of the Administrative Code and the generator standards for storage shall apply pursuant to Chapter 3745-52 of the Administrative Code.

(L) [Reserved.]

(M) Annual operational report. The owner or operator of an industrial landfill or a residual landfill facility shall submit an annual operational report to the appropriate Ohio EPA district office and to the licensing authority not later than the first day of April of each year. At a minimum, the annual operational report shall include the following information summarizing the previous calendar year's operations:

(1) A topographic map of the industrial landfill or residual landfill facility, certified by a professional skilled in the appropriate discipline, with updated contour lines on the plan drawing containing information specified in rule 3745-30-05 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 that the submittal represents.

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

(c) The acreage and areal extent of areas that have a final cap system.

(d) The acreage and areal extent of areas that have intermediate cover.

(e) The acreage and areal extent of the current working phase.

(f) The projected phase 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 documents, including an approved permit to install, plan approval, or operational report. This information shall be shown on a cut/fill map. Any areas indicating a cut greater than two feet shall contain notes regarding the precise elevation of waste, the 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) For an industrial landfill or residual landfill facility not owned by a generator exclusively disposing of solid wastes generated at the premises owned by the generator, a summary of the daily logs for the previous year.

(3) An estimate of the remaining industrial landfill or residual landfill facility life, in years, and an estimate of the remaining volume of the industrial landfill or residual 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 or disposal, and verification that the leachate management system is operating in accordance with this rule.

(5) Results from analytical testing for a minimum of one leachate grab sample for the parameters specified in rule 3745-30-03 and appendix C to rule 3745-30-08 of the Administrative Code. The

grab sample shall be obtained from the leachate collection system but if not feasible, then from the leachate management system, and tested according to the test methods specified in rule 3745-30-03 of the Administrative Code. Ohio EPA may require additional leachate sampling and testing in accordance with rule 3745-30-03 of the Administrative Code to re-evaluate the landfill classification.

(6) A report detailing the results of tests required by rule 3745-30-03 of the Administrative Code.

(7) The most recent final closure cost estimate and post-closure care cost estimate which have been revised in accordance with paragraph (E)(16)(a) of this rule.

(8) A summary of any maintenance performed on the leachate management system, ground water monitoring system, explosive gas monitoring system, if required, and any other monitoring and control system installed at the industrial landfill or residual landfill facility or performed in response to paragraphs (J) and (K) of this rule.

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

(10) 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 landfill or residual landfill facility pursuant to Chapter 3734. of the Revised Code and each tenth anniversary thereafter, the owner or operator shall submit to Ohio EPA an analysis demonstrating that the unconstructed portions of the industrial landfill or residual landfill facility continue to be consistent with the design standards established in the current version of rule 3745-30-07 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 3745-30-07 of the Administrative Code, then the director may require the owner or operator to make the necessary changes to the industrial landfill or residual landfill facility to bring the facility into compliance with the design standards in the current version of rule 3745-30-07 of the Administrative Code. If these changes will result in deviations from what is contained in the current authorizing document, 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 siting criteria outlined in paragraph (B) of rule 3745-30-06 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 3745-30-06 of the Administrative Code.]