



Ohio Administrative Code

Rule 3745-525-105 Location restriction demonstration - unstable areas, 40 C.F.R. 257.64.

Effective: October 1, 2026

-
- (A) An existing or new CCR landfill, existing or new CCR surface impoundment, or any lateral expansion of a CCR unit shall not be located in an unstable area unless the owner or operator demonstrates by the dates specified in paragraph (D) of this rule that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted.
- (B) The owner or operator shall consider all of the following factors, at a minimum, when determining whether an area is unstable:
- (1) On-site or local soil conditions that may result in significant differential settling.
 - (2) On-site or local geologic or geomorphologic features.
 - (3) On-site or local human-made features or events (both surface and subsurface).
- (C) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (A) of this rule.
- (D) The owner or operator of the CCR unit shall complete the demonstration required by paragraph (A) of this rule by the date specified in either paragraph (D)(1) or (D)(2) of this rule.
- (1) For an existing CCR landfill or existing CCR surface impoundment, the owner or operator shall complete the demonstration not later than October 17, 2018.
 - (2) For a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit, the owner or operator shall complete the demonstration not later than the date of initial receipt of CCR in the CCR unit.
 - (3) The owner or operator has completed the demonstration required by paragraph (A) of this rule when the demonstration is placed in the facility's operating record as required by paragraph (E) of rule 3745-525-50 of the Administrative Code.
 - (4) An owner or operator of an existing CCR surface impoundment or existing CCR landfill who fails to demonstrate compliance with the requirements of paragraph (A) of this rule by the date specified in paragraph (D)(1) of this rule is subject to the requirements of paragraph (B)(1) or (D)(1), respectively, of rule 3745-525-710 of the Administrative Code.
 - (5) An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration



3745-525-105

2

showing compliance with the requirements of paragraph (A) of this rule is prohibited from placing CCR in the CCR unit.

- (E) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in paragraph (E) of rule 3745-525-50 of the Administrative Code, the notification requirements specified in paragraph (E) of rule 3745-525-60 of the Administrative Code, and the internet requirements specified in paragraph (E) of rule 3745-525-70 of the Administrative Code.