



Ohio Administrative Code

Rule 3745-525-730 Alternative closure requirements, 40 C.F.R. 257.103.

Effective: October 1, 2026

The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to paragraph (A), (B)(1), or (D) of rule 3745-525-710 of the Administrative Code may nevertheless continue to receive the wastes specified in either paragraph (A), (B), (F)(1), or (F)(2) of this rule in the unit provided the owner or operator meets all of the requirements contained in the respective paragraph.

(A) CCR landfills.

- (1) No alternative CCR disposal capacity. Notwithstanding the provisions of paragraph (D) of rule 3745-525-710 of the Administrative Code, a CCR landfill may continue to receive CCR if the owner or operator of the CCR landfill certifies that the CCR shall continue to be managed in that CCR landfill due to the absence of alternative disposal capacity both on and off-site of the facility. To qualify under this paragraph, the owner or operator of the CCR landfill shall document that all of the following conditions have been met:
 - (a) No alternative disposal capacity is available on or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this paragraph.
 - (b) The owner or operator has made, and continues to make, efforts to obtain additional capacity. Qualification under paragraph (A) of this rule lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator shall arrange to use such capacity as soon as feasible.
 - (c) The owner or operator shall remain in compliance with all other requirements of this chapter, including the requirement to conduct any necessary corrective action.
 - (d) The owner or operator shall prepare the annual progress report specified in paragraph (C) of this rule documenting the continued lack of alternative capacity and the progress towards the development of alternative CCR disposal capacity.
- (2) Once alternative capacity is available, the CCR landfill shall cease receiving CCR and initiate closure following the timeframes in paragraph (E) of rule 3745-525-720 of the Administrative Code.
- (3) If no alternative capacity is identified within five years after the initial certification, the CCR landfill shall cease receiving CCR and close in accordance with



3745-525-730

2

the timeframes in paragraphs (E) and (F) of rule 3745-525-720 of the Administrative Code.

(B) CCR landfills.

(1) Permanent cessation of a coal-fired boiler by a date certain. Notwithstanding the provisions of paragraph (D) of rule 3745-525-710 of the Administrative Code, a CCR landfill may continue to receive CCR if the owner or operator certifies that the facility will cease operation of the coal-fired boilers within the timeframe specified in paragraph (B)(2) of this rule, but in the interim period (prior to closure of the coal-fired boiler), the facility shall continue to use the CCR landfill due to the absence of alternative disposal capacity both on and off-site of the facility. To qualify under this paragraph, the owner or operator of the CCR landfill shall document that all of the following conditions have been met:

(a) No alternative disposal capacity is available on or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this rule.

(b) The owner or operator shall remain in compliance with all other requirements of this chapter, including the requirement to conduct any necessary corrective action.

(c) The owner or operator shall prepare the annual progress report specified in paragraph (C) of this rule documenting the continued lack of alternative capacity and the progress towards the closure of the coal-fired boiler.

(2) For a CCR landfill, the coal-fired boiler shall cease operation, and the CCR landfill shall complete closure not later than April 19, 2021.

(C) Required notices and progress reports for CCR landfills. An owner or operator of a CCR landfill that closes in accordance with paragraph (A) or (B) of this rule shall complete the notices and progress reports specified in paragraphs (C)(1) to (C)(3) of this rule.

(1) Within six months of becoming subject to closure pursuant to paragraph (D) of rule 3745-525-710 of the Administrative Code, the owner or operator shall prepare and place in the facility's operating record a notification of intent to comply with the alternative closure requirements of this rule. The notification shall describe why the CCR landfill qualifies for the alternative closure provisions under either paragraph (A) or (B) of this rule, in addition to providing the documentation and certifications required by paragraph (A) or (b) of this rule.



3745-525-730

3

- (2) The owner or operator shall prepare the periodic progress reports required by paragraph (A)(1)(d) or (B)(1)(c) of this rule, in addition to describing any problems encountered and a description of the actions taken to resolve the problems. The annual progress reports shall be completed according to the following schedule:
- (a) The first annual progress report shall be prepared not later than thirteen months after completing the notification of intent to comply with the alternative closure requirements required by paragraph (C)(1) of this rule.
 - (b) The second annual progress report shall be prepared not later than twelve months after completing the first annual progress report. Subsequent annual progress reports shall be prepared within twelve months of completing the previous annual progress report.
 - (c) The owner or operator has completed the progress reports specified in paragraph (C)(2) of this rule when the reports are placed in the facility's operating record as required by paragraph (I)(8) of rule 3745-525-50 of the Administrative Code.
- (3) An owner or operator of a CCR landfill shall also prepare the notification of intent to close a CCR landfill as required by paragraph (G) of rule 3745-525-720 of the Administrative Code.
- (D) CCR landfill recordkeeping. The owner or operator of the CCR landfill shall comply with the recordkeeping requirements specified in paragraph (I) of rule 3745-525-50 of the Administrative Code, the notification requirements specified in paragraph (I) of rule 3745-525-60 of the Administrative Code, and the internet requirements specified in paragraph (I) of rule 3745-525-70 of the Administrative Code.
- (E) [Reserved.]
- (F) Site-specific alternative deadlines to initiate closure of CCR surface impoundments. Notwithstanding the provisions of paragraphs (A) and (B)(1) of rule 3745-525-710 of the Administrative Code, a CCR surface impoundment may continue to receive the waste specified in paragraph (F)(1) or (F)(2) of this rule, provided the owner or operator submits a demonstration that the criteria in either paragraph (F)(1) or (F)(2) of this rule have been met. The demonstration shall be submitted to the administrator no later than the relevant deadline in paragraph (F)(3) of this rule. The administrator will act on the submission in accordance with the procedures in paragraph (F)(3) of this rule.



3745-525-730

4

- (1) Development of alternative capacity is technically infeasible. Notwithstanding the provisions of paragraphs (A) and (B)(1) of rule 3745-525-710 of the Administrative Code, a CCR surface impoundment may continue to receive the waste specified in paragraph (F)(1)(b)(i) or (F)(1)(b)(ii) of this rule, provided the owner or operator demonstrates the waste stream shall continue to be managed in that CCR surface impoundment because it was technically infeasible to complete the measures necessary to provide alternative disposal capacity on or off-site of the facility by April 11, 2021. To obtain approval under this paragraph all of the following criteria shall be met:
- (a) No alternative disposal capacity is available on or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this rule.
 - (b)
 - (i) For units closing pursuant to paragraphs (A) and (B)(1) of rule 3745-525-710 of the Administrative Code, CCR and non-CCR waste streams shall continue to be managed in that CCR surface impoundment because it was technically infeasible to complete the measures necessary to obtain alternative disposal capacity either on or off-site of the facility by April 11, 2021.
 - (ii) For units closing pursuant to paragraph (B)(1)(b) of rule 3745-525-710 of the Administrative Code, CCR shall continue to be managed in that CCR surface impoundment because it was technically infeasible to complete the measures necessary to obtain alternative disposal capacity either on or off-site of the facility by April 11, 2021.
 - (c) The facility is in compliance with all of the requirements of this chapter.
 - (d) The owner or operator of the CCR surface impoundment shall submit documentation that the criteria in paragraphs (F)(1)(a) to (F)(1)(c) of this rule have been met by submitting to the administrator all of the following:
 - (i) To demonstrate that the criteria in paragraphs (F)(1)(a) and (F)(1)(b) of this rule have been met the owner or operator shall submit a workplan that contains all of the following elements:
 - (a) A written narrative discussing the options considered both on and off-site to obtain alternative capacity for each CCR and non-CCR waste streams, the technical infeasibility of obtaining alternative capacity prior to April 11, 2021, and the option



3745-525-730

5

selected and justification for the alternative capacity selected. The narrative shall also include all of the following:

- (i) An in-depth analysis of the site and any site-specific conditions that led to the decision to select the alternative capacity being developed.
 - (ii) An analysis of the adverse impact to plant operations if the CCR surface impoundment in question were to no longer be available for use.
 - (iii) A detailed explanation and justification for the amount of time being requested and how it is the fastest technically feasible time to complete the development of the alternative capacity.
- (b) A detailed schedule of the fastest technically feasible time to complete the measures necessary for alternative capacity to be available including a visual timeline representation. The visual timeline shall clearly show all of the following:
 - (i) How each phase and the steps within that phase interact with or are dependent on each other and the other phases.
 - (ii) All of the steps and phases that can be completed concurrently.
 - (iii) The total time needed to obtain the alternative capacity and how long each phase and step within each phase will take.
 - (iv) At a minimum, the following phases, engineering and design, contractor selection, equipment fabrication and delivery, construction, and start up and implementation.
- (c) A narrative discussion of the schedule and visual timeline representation, which shall discuss all of the following:
 - (i) Why the length of time for each phase and step is needed and a discussion of the tasks that occur during the specific step.



3745-525-730

6

- (ii) Why each phase and step shown on the chart shall happen in the order it is occurring.
 - (iii) The tasks that occur during each of the steps within the phase.
 - (iv) Anticipated worker schedules.
 - (d) A narrative discussion of the progress the owner or operator has made to obtain alternative capacity for the CCR and non-CCR waste streams. The narrative shall discuss all the steps taken, starting from when the owner or operator initiated the design phase up to the steps occurring when the demonstration is being compiled. The narrative shall discuss where the facility currently is on the timeline and the efforts that are currently being undertaken to develop alternative capacity.
- (ii) To demonstrate that the criteria in paragraph (F)(1)(c) of this rule have been met, the owner or operator shall submit all of the following:
- (a) A certification signed by the owner or operator that the facility is in compliance with all of the requirements of this chapter.
 - (b) Visual representation of hydrogeologic information at and around the CCR unit that supports the design, construction and installation of the groundwater monitoring system. This includes all of the following:
 - (i) Map of groundwater monitoring well locations in relation to the CCR unit.
 - (ii) Well construction diagrams and drilling logs for all groundwater monitoring wells.
 - (iii) Maps that characterize the direction of groundwater flow accounting for seasonal variations.
 - (c) Constituent concentrations, summarized in table form, at each groundwater monitoring well monitored during each sampling event.
 - (d) A description of site hydrogeology including stratigraphic cross-sections.



3745-525-730

7

- (e) Any corrective measures assessment conducted as required by rule 3745-525-950 of the Administrative Code.
 - (f) Any progress reports on corrective action remedy selection and design and the report of final remedy selection required by paragraph (A) of rule 3745-525-960 of the Administrative Code.
 - (g) The most recent structural stability assessment required by paragraph (D) of rule 3745-525-204 of the Administrative Code.
 - (h) The most recent safety factor assessment required by paragraph (E) of rule 3745-525-204 of the Administrative Code.
- (e) As soon as alternative capacity for any CCR or non-CCR waste stream is available, the CCR surface impoundment shall cease receiving that CCR or non-CCR waste stream. Once the CCR surface impoundment ceases receipt of all CCR and non-CCR waste streams, the CCR surface impoundment shall initiate closure following the timeframes in paragraphs (E) and (F) of rule 3745-525-720 of the Administrative Code.
- (f) Maximum timeframes. All CCR surface impoundments covered by paragraph (F)(1) of this rule shall cease receiving waste by the deadlines specified in paragraphs (F)(1)(f)(i) and (F)(1)(f)(ii) of this rule and close in accordance with the timeframes in paragraphs (E) and (F) of rule 3745-525-720 of the Administrative Code.
 - (i) Except as provided by paragraph (F)(1)(f)(ii) of this rule, not later than October 15, 2023.
 - (ii) An eligible unlined CCR surface impoundment shall cease receiving CCR or non-CCR waste streams not later than October 15, 2024. In order to continue to operate until October 15, 2024, the owner or operator shall demonstrate that the unit meets the definition of an eligible unlined CCR surface impoundment.
- (g) An owner or operator may seek additional time beyond the time granted in the initial approval by making the showing in paragraphs (F)(1)(a) to (F)(1)(d) of this rule, provided that no facility may be granted time to operate the impoundment beyond the maximum allowable timeframes provided in paragraph (F)(1)(f) of this rule.



3745-525-730

8

- (h) The owner or operator at all times bears responsibility for demonstrating qualification under this rule. Failure to remain in compliance with any of the requirements of this chapter will result in the automatic loss of authorization under this rule.
- (i) The owner or operator shall do the following:
 - (i) Upon submission of the demonstration to the administrator, prepare and place in the facility's operating record a notification that it has submitted the demonstration, along with a copy of the demonstration.
 - (ii) Upon receipt of a decision pursuant to paragraph (F)(3) of this rule, shall prepare and place in the facility's operating record a copy of the decision.
 - (iii) If an extension of an approved deadline pursuant to paragraph (F)(1)(g) of this rule has been requested, place a copy of the request submitted to the administrator in the facility's operating record.
- (j) The owner or operator shall prepare semi-annual progress reports. The semi-annual progress reports shall contain all of the following elements:
 - (i) Discussion of the progress made to date in obtaining alternative capacity, including the following:
 - (a) Discussion of the current stage of obtaining the capacity in reference to the timeline required under paragraph (F)(1)(d)(i) of this rule.
 - (b) Discussion of whether the owner or operator is on schedule for obtaining alternative capacity.
 - (c) If the owner or operator is not on or ahead of schedule for obtaining alternative capacity, the following shall be included:
 - (i) Discussion of any problems encountered, and a description of the actions taken or planned to resolve the problems and get back on schedule.
 - (ii) Discussion of the goals for the next six months and major milestones to be achieved for obtaining alternative capacity.



3745-525-730

9

- (ii) Discussion of any planned operational changes at the facility.
 - (k) The progress reports shall be completed according to the following schedule:
 - (i) The semi-annual progress reports shall be prepared not later than April thirtieth and October thirty-first of each year for the duration of the alternative cease receipt of waste deadline.
 - (ii) The first semi-annual progress report shall be prepared by whichever date, April thirtieth or October thirty-first, is soonest after receiving approval from the administrator.
 - (iii) The owner or operator has completed the progress reports specified in paragraph (F)(1)(j) of this rule when the reports have been placed in the facility's operating record as required by paragraph (I)(14) of rule 3745-525-50 of the Administrative Code.
 - (l) The owner or operator shall prepare the notification of intent to close a CCR surface impoundment as required by paragraph (G) of rule 3745-525-720 of the Administrative Code.
 - (m) The owner or operator shall comply with the recordkeeping requirements specified in paragraph (I) of rule 3745-525-50 of the Administrative Code, the notification requirements specified in paragraph (I) of rule 3745-525-60 of the Administrative Code, and the internet posting requirements in paragraph (I) of rule 3745-525-70 of the Administrative Code.
- (2) Permanent cessation of a coal-fired boiler by a date certain. Notwithstanding the provisions of paragraphs (A) and (B)(1) of rule 3745-525-710 of the Administrative Code, a CCR surface impoundment may continue to receive CCR or non-CCR waste streams if the facility will cease operation of the coal-fired boiler and complete closure of the impoundment within the timeframes specified in paragraph (F)(2)(d) of this rule, but in the interim period (prior to closure of the coal-fired boiler), the facility shall continue to use the CCR surface impoundment due to the absence of alternative disposal capacity both on and off-site of the facility. To qualify under this paragraph all of the following criteria shall be met:
- (a) No alternative disposal capacity is available on or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this rule.



3745-525-730

10

- (b) Potential risks to human health and the environment from the continued operation of the CCR surface impoundment have been adequately mitigated.
- (c) The facility is in compliance with all other requirements of this chapter, including the requirement to conduct any necessary corrective action.
- (d) The coal-fired boiler shall cease operation and closure of the impoundment shall be completed within the following timeframes:
 - (i) For a CCR surface impoundment that is forty acres or smaller, the coal-fired boiler shall cease operation and the CCR surface impoundment shall complete closure not later than October 17, 2023.
 - (ii) For a CCR surface impoundment that is larger than forty acres, the coal-fired boiler shall cease operation, and the CCR surface impoundment shall complete closure not later than October 17, 2028.
- (e) The owner or operator of the CCR surface impoundment shall submit the following documentation that the criteria in paragraphs (F)(2)(a) to (F)(2)(d) of this rule have been met as specified in paragraphs (F)(2)(e)(i) to (F)(2)(e)(iv) of this rule.
 - (i) To demonstrate that the criteria in paragraph (F)(2)(a) of this rule have been met the owner or operator shall submit a narrative that explains the options considered to obtain alternative capacity for CCR and non-CCR waste streams both on and off-site.
 - (ii) To demonstrate that the criteria in paragraph (F)(2)(b) of this rule have been met the owner or operator shall submit a risk mitigation plan describing the measures that will be taken to expedite any required corrective action, and that contains all of the following elements:
 - (a) A discussion of any physical or chemical measures a facility can take to limit any future releases to groundwater during operation.
 - (b) A discussion of the surface impoundment's groundwater monitoring data and any found exceedances; the delineation of the plume (if necessary based on the groundwater monitoring data); identification of any nearby receptors that might be exposed to current or future groundwater contamination; and how such exposures could be promptly mitigated.



3745-525-730

11

- (c) A plan to expedite and maintain the containment of any contaminant plume that is either present or identified during continued operation of the unit.
- (iii) To demonstrate that the criteria in paragraph (F)(2)(c) of this rule have been met, the owner or operator shall submit all of the following:
 - (a) A certification signed by the owner or operator that the facility is in compliance with all of the requirements of this chapter.
 - (b) Visual representation of hydrogeologic information at and around the CCR unit that supports the design, construction and installation of the groundwater monitoring system. This includes all of the following:
 - (i) Map of groundwater monitoring well locations in relation to the CCR unit.
 - (ii) Well construction diagrams and drilling logs for all groundwater monitoring wells.
 - (iii) Maps that characterize the direction of groundwater flow accounting for seasonal variations.
 - (c) Constituent concentrations, summarized in table form, at each groundwater monitoring well monitored during each sampling event.
 - (d) Description of site hydrogeology including stratigraphic cross-sections.
 - (e) Any corrective measures assessment required by rule 3745-525-950 of the Administrative Code.
 - (f) Any progress reports on remedy selection and design and the report of final remedy selection required by paragraph (A) of rule 3745-525-960 of the Administrative Code.
 - (g) The most recent structural stability assessment required by paragraph (D) of rule 3745-525-204 of the Administrative Code.
 - (h) The most recent safety factor assessment required by paragraph (E) of rule 3745-525-204 of the Administrative Code.



3745-525-730

12

- (iv) To demonstrate that the criteria in paragraph (F)(2)(d) of this rule have been met, the owner or operator shall submit the closure plan required by paragraph (B) of rule 3745-525-720 of the Administrative Code and a narrative that specifies and justifies the date by which the owner or operator intends to cease receipt of waste into the unit in order to meet the closure deadlines.
 - (f) The owner or operator at all times bears responsibility for demonstrating qualification for authorization under this rule. Failure to remain in compliance with any of the requirements of this chapter will result in the automatic loss of authorization under this rule.
 - (g) The owner or operator shall comply with the recordkeeping requirements specified in paragraph (I) of rule 3745-525-50 of the Administrative Code, the notification requirements specified in paragraph (I) of rule 3745-525-60 of the Administrative Code, and the internet posting requirements in paragraph (I) of rule 3745-525-70 of the Administrative Code.
 - (h) Upon submission of the demonstration to the administrator the owner or operator shall prepare and place in the facility's operating record and on its publicly accessible CCR internet site a notification that it has submitted a demonstration along with a copy of the demonstration.
 - (i) Upon receipt of a decision pursuant to paragraph (F)(3) of this rule, the owner or operator shall place a copy of the decision in the facility's operating record and on the facility's publicly accessible CCR internet site.
 - (j) The owner or operator shall prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the CCR surface impoundment. The owner or operator has completed the progress report when the report has been placed in the facility's operating record as required by paragraph (I)(17) of rule 3745-525-50 of the Administrative Code.
- (3) Process to obtain authorization.
- (a) Deadlines for submission.
 - (i) Except as provided by paragraphs (D)(2)(c)(v) and (D)(2)(h) of rule 3745-525-202 of the Administrative Code, the owner or operator shall submit the demonstration required under paragraph (F)(1)(d) of this rule, for an alternative deadline to cease receipt of waste



3745-525-730

13

pursuant to paragraph (F)(1) of this rule, to the administrator for approval not later than November 30, 2020.

- (ii) An owner or operator may seek additional time beyond the time granted in the initial approval, in accordance with paragraph (F)(1)(g) of this rule, by submitting a new demonstration, as required under paragraph (F)(1)(d) of this rule, to the administrator for approval, not later than fourteen days from determining that the cease receipt of waste deadline will not be met.
 - (iii) Except as provided by paragraphs (D)(2)(c)(v) and (D)(2)(h) of rule 3745-525-202 of the Administrative Code, the owner or operator shall submit the demonstration required under paragraph (F)(2)(e) of this rule to the administrator for approval not later than November 30, 2020.
- (b) The United States environmental protection agency will evaluate the demonstration and may request additional information to complete its review. Submission of a complete demonstration will toll the facility's deadline to cease receipt of waste until issuance of a decision under paragraph (F)(3)(d) of this rule. Incomplete submissions will not toll the facility's deadline and will be rejected without further process. All decisions issued under this paragraph or paragraph (F)(3)(d) of this rule will contain the facility's deadline to cease receipt of waste.
- (c) The United States environmental protection agency will publish its proposed decision on a complete demonstration in a docket on www.regulations.gov for a fifteen-day comment period. If the demonstration is particularly complex, the United States environmental protection agency will provide a comment period of twenty to thirty days.
- (d) After consideration of the comments, the United States environmental protection agency will issue its decision on the alternative compliance deadline within four months of receiving a complete demonstration.
- (4) Transferring between site-specific alternatives. An owner or operator authorized to continue operating a CCR surface impoundment under this rule may at any time request authorization to continue operating the impoundment pursuant to paragraph (F) of this rule, by submitting the information in paragraph (F)(4)(a) or (F)(4)(b) of this rule.
 - (a) Transfer from paragraphs (F)(1) to (F)(2) of this rule. The owner or operator of a surface impoundment authorized to operate pursuant to paragraph



3745-525-730

14

(F)(1) of this rule may request authorization to instead operate the surface impoundment in accordance with the requirements of paragraph (F)(2) of this rule, by submitting a new demonstration that meets the requirements of paragraph (F)(2)(e) of this rule to the administrator. The United States environmental protection agency will approve the request only upon determining that the criteria at paragraphs (F)(2)(a) to (F)(2)(d) of this rule have been met.

(b) Transfer from paragraphs (F)(2) to (F)(1) of this rule. The owner or operator of a surface impoundment authorized to operate pursuant to paragraph (F)(2) of this rule may request authorization to instead operate the surface impoundment in accordance with the requirements of paragraph (F)(1) of this rule, by submitting a new demonstration that meets the requirements of paragraph (F)(1)(d) of this rule to the administrator. The United States environmental protection agency will approve the request only upon determining that the criteria at paragraphs (F)(1)(a) to (F)(1)(c) and (F)(1)(g) of this rule have been met.

(c) The procedures in paragraph (F)(3) of this rule will apply to all requests for transfer under this paragraph.