



Ohio Revised Code

Section 3734.21 Paying costs of closing, constructing or restoring facilities.

Effective: October 6, 2017

Legislation: Senate Bill 2 - 132nd General Assembly

(A) The director of environmental protection may expend money credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code, the hazardous waste clean-up fund created in section 3734.28 of the Revised Code, or the environmental protection remediation fund created in section 3734.281 of the Revised Code for any of the following:

- (1) The payment of the cost of measures necessary for the proper closure of hazardous waste facilities or any solid waste facilities containing significant quantities of hazardous waste ;
- (2) The payment of costs of the development and construction of suitable hazardous waste facilities required by division (B) of section 3734.23 of the Revised Code to the extent the director determines that such facilities are not available ;
- (3) The payment of costs that are necessary to abate conditions thereon that are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination or that constitute a substantial threat to public health or safety.

In addition, the director may expend and pledge money credited to the hazardous waste facility management fund, the hazardous waste clean-up fund, or the environmental protection remediation fund for repayment of and for interest on any loan made by the Ohio water development authority to the environmental protection agency for the payment of such costs.

(B) The director may expend money credited to the environmental protection remediation fund established in section 3734.281 of the Revised Code for the payment of the cost of all or part of any of the following:

- (1) Closure or post-closure care of a solid waste or construction and demolition debris facility;
- (2) Remediation or abatement of conditions that are causing or contributing to or threatening to cause



or contribute to air or water pollution or soil contamination or that constitute a substantial threat to public health or safety at a property where solid waste or construction and demolition debris was disposed of.

(C) Before beginning activities at any p roperty under this section, the director shall develop a plan for the activities and an estimate of the cost thereof. The plan may include those measures and activities authorized by division (A) or (B) of this section, including, but not limited to, establishment and maintenance of an adequate cover of soil and vegetation to prevent the infiltration of water into areas where hazardous waste, solid waste, or construction and demolition debris is buried, the accumulation or runoff of contaminated surface water, the production of leachate, and air emissions; the collection and treatment of contaminated surface water runoff; the collection and treatment of leachate; or, if conditions so require, the removal of hazardous waste, solid waste, or construction and demolition debris and the treatment or disposal of such wastes at a suitable facility. The plan or any part of the plan shall be carried out by entering into contracts therefor in accordance with the procedures established in division (C) of section 3734.23 of the Revised Code.