

901:10-2-18

**Closure plan requirements.**

~~No later than one hundred eighty days before the expiration of a permit to operate or a NPDES permit, the owner or operator must submit an application to renew the permits. However the owner or operator of a facility need not continue to seek continued permit coverage under a permit to operate or a NPDES permit or reapply for permit coverage if the facility has ceased operation, if the facility is no longer a concentrated animal feeding facility or a concentrated animal feeding operation, or if the facility is no longer required to maintain permit coverage in the permit program in accordance with section 903.082 of the Revised Code. In addition, the owner or operator shall demonstrate to the satisfaction of the director that there is no remaining potential for a discharge of manure that was generated while the operation was a concentrated animal feeding operation, other than agricultural stormwater from land application areas.~~

(A) The owner or operator of a facility need not seek continued permit coverage under a to operate or reapply for a permit to operate, if the facility is no longer a concentrated animal feeding facility, or if the facility is no longer required to maintain permit coverage in the permit program in accordance with section 903.082 of the Revised Code. The owner or operator of a concentrated animal feeding operation need not reapply for an NPDES permit if the concentrated animal feeding operation will not discharge or propose to discharge upon expiration of the NPDES permit.

(A)(B) Permittees who plan to end permit coverage must submit a closure plan. The owner or operator shall notify the director in writing and allow the director an opportunity to inspect the facility to verify that a permit is no longer required and that the facility is closed for purposes of Chapter 903. of the Revised Code and in accordance this rule. Thereafter, the director will notify the owner or operator in writing that the facility is closed in accordance with this rule.

(1) If all of a concentrated animal feeding facility or a concentrated animal feeding operation will be closed or discontinued, the owner or operator shall implement a closure plan for all of the concentrated animal feeding facility or concentrated animal feeding operation. At least ninety days before closure, the owner or operator shall submit a closure plan for the director's approval that provides for the following:

(a) Implementation of best management practices during closure.

(b) Removal of all manure from the manure storage or treatment facilities.

(c) Removal of all associated appurtenances and conveyance structures from liquid manure storage or treatment facilities.

(d) Land application of the manure in accordance with rule 901:10-2-14 of the Administrative Code or disposal in another manner allowed by this chapter.

- (e) If a manure storage or treatment facility will be filled with soil or if it will be demolished, the director may require a complete description or outline for the plan and specifications that will be required for this type of closure.
- (2) If the design capacity of the facility will be reduced so that the facility is no longer required to be covered under a permit to operate or an NPDES permit, because of closure of animal housing buildings, then the owner or operator shall, at least ninety days before such closure, submit for the director's approval, and thereafter shall implement, a closure plan that provides for the following:
- (a) Implementation of best management practices during closure.
- (b) A detailed explanation of how the design capacity of the facility will be reduced. This explanation would include information such as, but not limited to: a description of the reduction of animals per cage, pen, lot or barn, reason for reduction, assurance that the reduction is intended to be permanent in nature and any other information that is deemed necessary by the director in order to explain the closure of the facility.
- (c) Any other action necessary to prevent a discharge of manure that was generated while the operation was a concentrated animal feeding operation, other than agricultural stormwater from application areas.
- (3) If the design capacity of the facility will be reduced so that the facility is no longer required to be covered under a permit to operate or an NPDES permit, but there will be no actual closure of any housing buildings or of a manure storage or treatment facility, then the owner or operator shall, at least ninety days before such closure, submit for the director's approval, and thereafter shall implement, a closure plan that provides for the following:
- (a) Implementation of best management practices during closure.
- (b) A detailed explanation of how the design capacity of the facility will be reduced without any closure of a housing building. This explanation would include information such as, but not limited to: a description of the reduction of animals per cage, pen, lot or barn, reason for reduction, assurance that the reduction is intended to be permanent in nature and any other information that is deemed necessary by the director in order to explain the closure of the facility.
- (c) If a closure of the facility involves a part of the facility being transferred to a different owner, then the owner or operator of the permitted facility must provide the following:

(i) a copy of a revised site map showing new property lines and new ownership of each lot;

(ii) a copy of any new deed;

(iii) documentation that demonstrates how the facility, after the land transfer, will not continue to meet the definition of either a concentrated animal feeding facility or a concentrated animal feeding operation.

(d) Any other action necessary to prevent a discharge of manure that was generated while the operation was a concentrated animal feeding operation, other than agricultural stormwater from application areas.

(C) If a permittee seeks to close permanently a manure storage or treatment facility or to close the entire facility temporarily without terminating permit coverage, the permittee must submit a closure plan. The owner or operator shall notify the director in writing and allow the director an opportunity to inspect the facility to verify that the facility or a portion of the facility is closed for purposes of Chapter 903. of the Revised Code and in accordance this rule. Thereafter, the director will notify the owner or operator in writing that the facility is closed in accordance with this rule.

~~(B)~~(1) If all or part of ~~the~~ manure storage or treatment facility at a concentrated animal feeding facility or a concentrated animal feeding operation will be closed or discontinued, the owner or operator shall implement a closure plan for all or part of the manure storage or treatment facility. At least ninety days before closure, the owner or operator shall submit such a closure plan for the director's approval that provides for the following:

~~(1)~~(a) Implementation of best management practices during closure.

~~(2)~~(b) Removal of all manure from the discontinued portions of the manure storage or treatment facility.

~~(3)~~(c) Removal of all associated appurtenances and conveyance structures from ~~discontinued~~~~uncovered~~ liquid manure storage or treatment facilities.

~~(4)~~(d) Land application of the manure in accordance with rule 901:10-2-14 of the Administrative Code or disposal in another manner allowed by this chapter.

(e) Calculations showing the remaining manure storage and days of storage

for the facility that would allow for compliance with the permit to operate or NPDES permit, or chapter 901:10-2 of the Administrative Code.

(f) If a manure storage or treatment facility will be filled with soil or if it will be demolished, the director may require a complete description or outline for the plan and specifications that will be required for this type of closure.

(2) If a concentrated animal feeding facility or a concentrated animal feeding operation is to be temporarily closed or discontinued, the owner or operator shall implement a closure plan that addresses the temporary closure of the facility. At least ninety days before closure, the owner or operator shall submit such a closure plan for the director's approval that provides for the following:

(a) Implementation of best management practices during closure.

(b) Removal of manure from the manure storage or treatment facilities.

(c) Land application of the manure in accordance with rule 901:10-2-14 of the Administrative Code or disposal in another manner allowed by this chapter.

(d) Calculations showing the remaining manure storage and days of storage for the facility that would allow for compliance with the permit to operate or NPDES permit, or chapter 901:10-2 of the Administrative Code.

(e) Any other action necessary to prevent a discharge of manure during the time of the temporary closure, other than agricultural stormwater from application areas.

~~(C)(3) If the closure would constitute a modification as defined in rule 901:10-1-01 of the Administrative Code, manure storage or treatment facility will not be completely closed for purposes of Chapter 903. of the Revised Code, the owner or operator shall apply for a permit modification removing the closed portions of the facility from the permit and recalculating the storage volume for the facility. If applicable, the owner or operator shall also submit an application for a permit to install.~~

~~(D) If no portion of a manure storage or treatment facility at a concentrated animal feeding facility or a concentrated animal feeding operation will be discontinued, the owner or operator shall, at least ninety days before closure, submit for the director's approval, and thereafter shall implement, a closure plan that provides for the following:~~

- ~~(1) Implementation of best management practices during closure.~~
- ~~(2) Any other action necessary to prevent a discharge of manure that was generated while the operation was a concentrated animal feeding operation, other than agricultural stormwater from application areas.~~

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Certification

07/18/2011

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Date

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