

3745-20-07

Standard for inactive asbestos waste disposal sites.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see ~~the last~~ paragraph (C) of rule 3745-20-01 of the Administrative Code titled "~~Incorporation by reference.~~" "Referenced materials."]

(A) Each owner or operator of an inactive asbestos waste disposal site shall either:

- (1) Discharge no visible emissions to the outside air from an inactive asbestos waste disposal site; or
- (2) Cover the asbestos-containing waste material with at least six inches of compacted nonasbestos-containing material, and grow and maintain a cover of vegetation on the area adequate to prevent exposure of the asbestos-containing waste material; or
- (3) Cover the asbestos-containing waste material with at least two feet of compacted nonasbestos-containing material, and maintain the cover to prevent exposure of the asbestos-containing waste material.

(B) Unless a natural barrier adequately deters access by the general public, each owner or operator of an inactive asbestos waste disposal site shall install and maintain warning signs and fencing as follows, or comply with paragraph (A)(2) or (A)(3) of this rule.

- (1) Display warning signs at all entrances and at intervals of three hundred feet or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material was deposited. The warning signs must:
 - (a) Be posted in such a manner and location that a person can easily read the legend; and
 - (b) Conform to the requirements for a twenty inch by fourteen inch upright format warning sign and display the following legend in the lower panel with letter sizes of at least one inch sans serif, gothic or block. Spacing between any two lines must be at least equal to the height of the upper of the two lines:

"ASBESTOS WASTE DISPOSAL SITE

DO NOT CREATE DUST

BREATHING ASBESTOS IS HAZARDOUS TO YOUR
HEALTH"

- (2) Fence the perimeter of the site in a manner adequate to deter access by the general public.
 - (3) Upon request and submission of appropriate information, the director will determine whether a fence or a natural barrier adequately deters access by the public.
 - (4) When requesting a determination on whether a natural barrier adequately deters public access, supply information enabling the director to determine whether a fence or a natural barrier adequately deters access by the general public.
- (C) The owner or operator may use an alternative control method that has received prior approval of the director rather than comply with the requirements of paragraph (A) or (B) of this rule.
- (D) Each owner or operator of an inactive asbestos waste disposal site shall notify the director in writing at least forty-five days prior to excavating or otherwise disturbing or removing any asbestos-containing waste material. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the director at least ten working days before excavation begins. In no event shall excavation begin earlier than the date specified in the original notification. Each owner or operator shall include the following information in the notice:
- (1) Scheduled starting and completion dates.
 - (2) Reason for disturbing the waste.
 - (3) Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material. If deemed necessary, the director may require changes in the emission control procedures to be used.
 - (4) Location of any temporary storage site including names and address(es) and the final disposal site.
- (E) Within sixty days of a site becoming inactive and after November 20, 1990, record a notation of the presence of asbestos-containing waste material on the deed to the

facility property and on any other instrument that would normally be examined during a title search; this notation will, in perpetuity, notify any potential purchaser of the property that:

- (1) The land has been used for the disposal of asbestos-containing waste material;
and
- (2) The survey plot and record of the location and quantity of asbestos-containing waste disposed of within the disposal site required in paragraph (C)(2) of rule 3745-20-06 of the Administrative Code has been filed with the director; and
- (3) The site is subject to ~~Chapter 3745-20 of the Administrative Code~~ this chapter and 40 CFR Part 61, Subpart M.

Effective:

R.C. 119.032 review dates: 11/30/2011

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 5/29/90, 11/18/02, 2/2/07