



Operating Record

This guidance addresses frequently asked questions about Operating Record (OR) requirements.

Applicable Rule

MSW: OAC 3745-27-09

Applicability

This guidance is applicable to municipal solid waste landfills (MSW). This guidance is not applicable to MSW landfills that ceased acceptance of solid waste in all units prior to June 1, 1994.

This guidance is not applicable to industrial or manufacturing waste landfills, composting facilities, infectious waste generators, incineration facilities, transfer stations, or to construction and demolition debris facilities.

Background

Landfills are highly regulated facilities that can have multiple authorizing documents, construction certification reports and environmental monitoring results and reports. To meet U.S. EPA requirements in Subtitle D of RCRA (40 CFR, Part 258), MSW landfills in Ohio must create and maintain an operating record (OR). The OR is an indexed repository of documents that pertain to the MSW landfill facility.

Guidance

Location of the OR

The OR is kept at the MSW landfill facility. Upon the commencement of the post-closure care period for all units of an MSW landfill, the director may approve an alternate location. This is addressed in OAC 3745-27-09(B).

Access to the OR

The OR shall be available for inspection by the Ohio EPA and the approved health department during normal business hours. This is addressed in OAC 3745-27-09(B).

It is the option of the owner or operator whether to use the OR on a daily basis or to keep pristine copies of the MSW landfill documents.

It is the option of the owner or operator to use a paper or electronic format for keeping the documents. Note: Prior to 2020, it was assumed a paper format would be used.

Original/stamped vs a copy of a document

For documents with an approved stamp, the OR should contain the stamped version. An electronic version is acceptable as long as the stamp is visible. OAC 3745-27-09(H) lists the documents to be included in the OR. It is presumed that an original version is placed in the OR unless the rule specifically identifies that a copy is acceptable (i.e. alterations, permits issued under ORC Chapters 3704 or 6111 and administrative and judicial orders).

Revised documents

A revision is a substantive change that can be made to a document that does not require prior approval by Ohio EPA. A substantive change would be a change that affects the operations and/or compliance of the facility. Clerical errors or

¹ Note: This document was originally published on the date noted above. DMWM re-issued the document to make it consistent with current formatting and publication standards after evaluating the content and determining it is still relevant and appropriate. No substantive changes were made to the document.

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typographical errors are not considered a substantive change. A document undergoing revision can have clerical errors or typographical errors corrected at the same time. This is addressed in OAC 374527-09(C)(2), (C)(3).

Whenever a document is revised, the owner or operator shall:

1. Clearly indicate the changes made to the document (for example: underlining new text and striking out unwanted or old text).
2. Sign and notarize the document as specified in OAC 3745-27-09(G).

Note: In 2020 the requirement to submit the revised document to Ohio EPA and the approved health department was deleted.

[Replacing a document](#)

If a document in the OR is damaged or worn out it can be replaced with a new unchanged version. It is not considered 'removal' as defined by OAC 3745-2709(G).

[The OR index](#)

There is no prescribed format or form for the index. The operator should use a method that best ensures compliance with the OR requirements and for ease of use. The operator is to update the OR, including the index, at least annually. This is addressed in OAC 3745-27-09(E). Note: In 2020 the requirement to submit the updated index to Ohio EPA and the approved health department was deleted. The summary of the contents of each document, addressed in OAC 3745-27-09(H)(1), should provide information necessary to adequately identify the document's contents and general subject matter. The summary does not need to include details of the document's data or conclusions.

[Contact](#)

If you have questions regarding this document or would like additional information, please contact:

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[Disclaimer](#)

This document is intended for guidance purposes only. Completion of the activities and procedures outlined in this document shall not release an owner or operator from any requirement or obligation for complying with Ohio Revised Code (ORC) Chapter 3734 or 3714 if appropriate, the OAC rules adopted thereunder, or any authorizing documents or orders issued thereunder, nor shall it prevent Ohio EPA from pursuing enforcement actions to require compliance with ORC Chapter 3734 or 3714, the OAC rules or any authorizing documents or orders issued thereunder.