

ADOPTED THIS POLICY DOES NOT HAVE THE FORCE OF LAW

SUBJECT: MODIFYING GROUND WATER
MONITORING REQUIREMENTS
[OAC 3745-30-04(C)]

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PURPOSE: To clarify the requirements of Rule 3745-30-04(C) of the Ohio Administrative Code (OAC) with regards to meeting the ground water provisions for a Class IV landfill. This policy shall also apply the ground water waiver concepts of OAC 3745-30-04(C) to projects regulated under Chapter 6111 of the Ohio Revised Code (ORC) and administered by the Division of Water Pollution Control (DWPC) and the Division of Environmental and Financial Assistance (DEFA).

BACKGROUND: OAC Rule 3745-30-04(C) establishes provisions for Class IV residual landfills. For a landfill to be declared a Class IV landfill, it must meet all the siting criteria for Class III landfills as contained in OAC Rule 3745-30-06. In addition, the concentrations of all constituents must be lower in the landfill's leachate than in the ground water of the first saturated zone beneath the landfill. If this is the case, then the ability of the facility to detect a release from the facility utilizing ground water monitoring is limited as the release should appear as a plume of "cleaner" ground water. Because of the above, facilities declared Class IV landfills do not have to be monitored for their impact on the ground water [OAC Rule 3745-30-04(C)(3)].

Class IV landfills must be located in an area where the ground water has not been degraded due to human activities. The only exception to this is if the degradation was due to permitted mining operations or pre-law mining operations [OAC Rule 3745-30-04(C)].

OAC Rule 3745-30-04(C)(2) establishes the information requirements to be submitted with the request for a Class IV designation. These include submitting a complete chemical characterization of actual leachate from the facility or of leachate from an existing site disposing of waste similar to that which will be disposed of by the facility. Also the facility must characterize the ground water beneath it.

OAC Rule 3745-30-04(C)(4) establishes provisions for allowing facilities with a small number of constituents higher in the leachate than in the ground water to qualify for one or all of the Class IV landfill requirements including the waiving of ground water monitoring. This is allowed as long as the facility can demonstrate that the waiving of ground water monitoring requirements will not cause a nuisance, a health hazard, or violate any requirements of ORC 3734 or ORC 6111.

Facilities regulated under programs administered by DWPC and DEFA can have ground water monitoring waved if the facility meets the information and performance standards outlined in OAC Rule 3745-30-04(C). These types of facilities do not have to meet the siting criteria that Class IV landfills have to meet or meet the concentration levels for Class IV landfills in Appendix I of OAC Rule 3745-30-04.

This policy and guidance will:

1. Expand the ground water monitoring waiver concept of OAC Rules 3745-30-04(C) to those facilities regulated under ORC 6111; and
2. Clarify the meaning and intent of certain portions of OAC Rules 3745-30-04(C).

