

**3745-54-93 Hazardous constituents.**

- (A) The permit will specify the hazardous constituents to which the ground water protection standard of rule 3745-54-92 of the Administrative Code applies. Hazardous constituents are constituents identified in the appendix to rule 3745-51-11 of the Administrative Code that have been detected in ground water in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless they have been excluded under paragraph (B) of this rule.
- (B) A constituent listed in the appendix to rule 3745-51-11 will be excluded from the list of hazardous constituents specified in the facility permit if it is found that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the director will consider the following.
- (1) Potential adverse effects on ground water quality, considering:
    - (a) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;
    - (b) The hydrogeological characteristics of the facility and surrounding land;
    - (c) The quantity of ground water and the direction of ground water flow;
    - (d) The proximity and withdrawal rates of ground water users;
    - (e) The current and future uses of ground water in the area;
    - (f) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality;
    - (g) The potential for health risks caused by human exposure to waste constituents;
    - (h) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
    - (i) The persistence and permanence of the potential adverse effects; and
  - (2) Potential adverse effects on hydraulically connected surface water quality, considering:
    - (a) The volume and physical and chemical characteristics of the waste in the regulated unit;

- (b) The hydrogeological characteristics of the facility and surrounding land;
- (c) The quantity and quality of ground water, and the direction of ground water flow;
- (d) The patterns of rainfall in the region;
- (e) The proximity of the regulated unit to surface waters;
- (f) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
- (g) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;
- (h) The potential for health risks caused by exposure to waste constituents;
- (i) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
- (j) The persistence and permanence of the potential adverse effects.

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