

3745-65-90

**Applicability- ground water monitoring.**

- (A) Before November 19, 1981, the owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste must implement a ground water monitoring program capable of determining the facility's impact on the quality of ground water in the uppermost aquifer underlying the facility, except as rule 3745-65-01 of the Administrative Code and paragraph (C) of this rule provide otherwise.
- (B) Except as paragraphs (C) and (D) of this rule provide otherwise, the owner or operator must install, operate, and maintain a ground water monitoring system which meets the requirements of rule 3745-65-91 of the Administrative Code and must comply with rules 3745-65-92 to 3745-65-94 of the Administrative Code. This ground water monitoring program must be carried out during the active life of the facility, and for disposal facilities, during the post-closure care period as well.
- (C) All or part of the ground water monitoring requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial, or agricultural) or to surface water. This demonstration must be in writing and must be kept at the facility. This demonstration must be certified by a qualified geologist or geotechnical engineer and must establish the following:
- (1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer, by an evaluation of:
    - (a) A water balance of precipitation, evapotranspiration, run-off, and infiltration; and
    - (b) Unsaturated zone characteristics (i.e., geologic materials, physical properties, and depth to ground water); and
  - (2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water, by an evaluation of:
    - (a) Saturated zone characteristics (i.e., geologic materials, physical properties, and rate of ground water flow); and
    - (b) The proximity of the facility to water supply wells or surface water.

(D) If an owner or operator assumes (or knows) that ground water monitoring of indicator parameters in accordance with rules 3745-65-91 and 3745-65-92 of the Administrative Code would show statistically significant increases, or decreases in the case of pH, when evaluated under paragraph (B) of rule 3745-65-93 of the Administrative Code, he may install, operate, and maintain an alternate ground water monitoring system other than the one described in rules 3745-65-91 and 3745-65-92 of the Administrative Code. If the owner or operator decides to use an alternate ground water monitoring system he must:

- (1) Before November 19, 1981, submit to the director a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of paragraph (D)(3) of rule 3745-65-93 of the Administrative Code, for an alternate ground water monitoring system;
- (2) Not later than November 19, 1981, initiate the determinations specified in paragraph (D)(4) of rule 3745-65-93 of the Administrative Code;
- (3) Prepare and submit a written report in accordance with paragraph (D)(5) of rule 3745-65-93 of the Administrative Code;
- (4) Continue to make the determinations specified in paragraph (D)(4) of rule 3745-65-93 of the Administrative Code on a quarterly basis until final closure of the facility; and
- (5) Comply with the recordkeeping and reporting requirements in paragraph (B) of rule 3745-65-94 of the Administrative Code..

~~(E) The ground water monitoring requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code may be waived with respect to any surface impoundment that is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under rule 3745-51-22 of the Administrative Code or are listed as hazardous wastes in rules 3745-51-30 to 3745-51-35 of the Administrative Code only for this reason; and contains no other hazardous wastes, if the owner can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.~~

(E) The ground water monitoring requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code may be waived with respect to any surface impoundment that:

- (1) Is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under rule 3745-51-22 of the Administrative Code or are listed as hazardous wastes in rules 3745-51-30 to 3745-51-35 of the Administrative Code only for this reason; and
  - (2) Contains no other hazardous wastes, if the owner can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.
- (F) The director may replace all or part of the requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code that apply to a regulated unit (as defined in rule 3745-54-90 of the Administrative Code) with alternative requirements developed for ground water monitoring set out in an approved closure or post-closure plan or in an enforceable document [as defined in paragraph (G) of rule 3745-50-45 of the Administrative Code] where the director determines that:
- (1) A regulated unit is situated among waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more waste management unit(s) (or areas of concern) are likely to have contributed to the release; and
  - (2) It is not necessary to apply the requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code because the alternative requirements will protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of paragraph (A) of rule 3745-54-101 of the Administrative Code.

Effective: 09/05/2010

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CERTIFIED ELECTRONICALLY

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Certification

07/23/2010

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Date

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