

***** DRAFT – NOT FOR FILING *****

3745-506-630

Ground water corrective actions standards.

(A) Ground water corrective actions standards (GWCAS) shall be established for each parameter required to be monitored in accordance with the ground water corrective actions program monitoring schedule applicable to the facility contained in rules 3745-506-700 to 3745-506-999 of the Administrative Code.

(B) GWCAS shall be established as follows:

(1) Be protective of public health and safety and the environment, prevent nuisances and health hazards, and prevents water pollution or the contribution to water pollution.

(2) Unless an alternative ground water corrective actions standard is approved or required by the director in accordance with paragraph (C) of this rule, then the following apply:

(a) Except as provided in paragraph (B)(2)(c) of this rule, for a parameter for which a maximum contaminant level (MCL) has been promulgated under Chapter 3745-81 of the Administrative Code, the MCL shall be the concentration.

(b) Except as provided in paragraph (B)(2)(c) of this rule, for a parameter for which an MCL has not been promulgated under Chapter 3745-81 of the Administrative Code, the background concentration for the parameter established in accordance with this chapter shall be the concentration.

(c) If an owner or operator demonstrates to the satisfaction of the director that a waste-derived constituent or C&DD-derived constituent is already present in the ground water at a background concentration, then the proposed concentration shall not be set below the background concentration unless the director determines that remediation to a level below the background concentration is necessary to protect public health and safety and the environment, prevent nuisances and health hazards, and prevents water pollution or the contribution to water pollution..

(C) Alternative GWCAS.

(1) An owner or operator may submit a written request to the director to use an alternative ground water corrective actions standard for a parameter for which an MCL has not been established. The owner or operator shall include in the request a demonstration that the alternative ground water corrective actions standard is an appropriate concentration based on the following:

***** DRAFT – NOT FOR FILING *****

- (a) The concentration is derived in a manner consistent with federal guidelines for assessing the health risks of environmental pollutants.
- (b) The concentration is based on scientifically valid studies conducted in accordance with standard laboratory practices.
- (c) For a known or suspected carcinogen, the proposed concentration shall be established at a value below a cumulative, due to lifetime exposure, excess upper-bound lifetime cancer risk of one times ten to the negative five to an individual, including sensitive subgroups.
- (d) For systematic toxicants, the proposed concentration shall be a value that the human population including sensitive subgroups could be exposed to on a daily basis without appreciable risk of deleterious effects during a lifetime.

For the purposes of this rule, "systematic toxicants" include toxic chemicals that cause effects other than cancer or mutation.

- (2) In the demonstration required by paragraph (C)(1) of this rule, the owner or operator shall consider the following:
 - (a) Multiple contaminants in the ground water.
 - (b) Exposure threat to sensitive human receptors and sensitive environmental receptors.
 - (c) Other site-specific exposure and potential exposure to ground water.
 - (d) Potential for waste-derived constituents or C&DD-derived constituents to threaten public health or safety or the environment, cause a nuisance or a health hazard, or cause or contribute to water pollution.
 - (e) The reliability, effectiveness, practicability, and other relevant factors of a corrective action.
- (3) The director may decline to act on a request.
- (4) The director may approve the request if the director determines that the owner or operator has successfully demonstrated compliance with paragraph (C)(1) of this rule.
- (5) The director may require the use of an alternative concentration for a waste-derived constituent or C&DD-derived constituent that has been determined in accordance with rule 3745-506-500 of the Administrative Code to be in a release.