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3745-506-600

Ground water corrective actions program.

(A) Ground water corrective actions program.

(1) Upon determining in accordance with rules 3745-506-500 to 3745-506-530 of the Administrative Code that ground water corrective actions are required, an owner or operator shall conduct a ground water corrective actions program that allows the director to evaluate and select the corrective actions necessary to ensure that the concentrations of all waste-derived constituents and C&DD-derived constituents in the release remain at or below or are permanently reduced to at or below the concentrations established in accordance with rule 3745-506-630 of the Administrative Code.

(2) The ground water corrective actions program shall be documented in a plan in accordance with the requirements of paragraph (B) of this rule. The owner or operator shall initiate the ground water corrective actions program by submitting a ground water corrective actions program plan to Ohio EPA and the approved board of health not later than one hundred eighty days after the date any of the following occurs:

(a) The full determination of the concentrations and extent of a release and the rate of migration of the release in accordance with paragraph (G) of rule 3745-506-510 of the Administrative Code is made if the owner or operator is required to conduct a corrective actions program in accordance with paragraph (K)(1) or (K)(2) of rule 3745-506-500 of the Administrative Code.

(b) The owner or operator is required in accordance with paragraph (K)(3) of rule 3745-506-500 of the Administrative Code to conduct a corrective actions program.

(c) The director orders the owner or operator in accordance with paragraph (K)(4) of rule 3745-506-500 of the Administrative Code or paragraph (I) or rule 3745-506-530 of the Administrative Code to conduct a corrective actions program.

(3) The ground water corrective actions program shall provide for the control of the source of the release to reduce or eliminate to the maximum extent practicable continued or additional releases.

(B) Ground water corrective actions program plan. The ground water corrective actions program plan shall contain the following:

(1) Ground water corrective actions standards (GWCAS).

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(2) Evaluations of all practicable corrective actions in accordance with rule 3745-506-610 of the Administrative Code that are available for remediating each release confirmed during ground water assessment monitoring such that the concentrations of constituents in the release are permanently reduced to at or below the GWCAS. The director may require an owner or operator to evaluate one or more specific potential corrective actions within the ground water corrective actions program plan.

(C) Public notice and meeting. An owner or operator shall do the following:

(1) Not later than thirty days after the date required to submit the ground water corrective actions program plan, place a copy of the ground water assessment report submitted in accordance with rule 3745-506-500 of the Administrative Code and a copy of the ground water corrective actions program plan in a public library or other publicly accessible equivalent location in the vicinity of the facility. The owner or operator shall revise and update the copies at least annually. The copies shall be made available to the public until a corrective action is approved by the director in accordance with paragraph (E) of this rule.

(2) Not later than thirty days after the date required to submit the ground water corrective actions program plan, provide public notice to solicit public comment on the ground water corrective actions program plan. The owner or operator shall submit comments received to Ohio EPA and the approved board of health.

(3) Not later than sixty days after the date required to submit the ground water corrective actions program plan, discuss the results and content of the ground water assessment report and the ground water corrective actions program plan in a public meeting with interested parties. The owner or operator shall provide adequate and reasonable public notice of the public meeting, and the public meeting shall be held at a place near the facility in the township or municipal corporation in which the facility is located. The public meeting shall be held on a weekday and shall begin no earlier than six p.m. and no later than eight p.m., unless otherwise authorized by Ohio EPA. The owner or operator shall do the following:

(a) At the public meeting, describe the ground water corrective actions program plan and respond to comments and questions concerning the ground water corrective actions program plan. At the public meeting, a person may submit written or oral comments about the ground water corrective actions program plan.

(b) Not later than thirty days after the public meeting, provide Ohio EPA and the approved board of health with a transcript of the full meeting, copies of exhibits, displays, and other materials presented by the owner or operator at the meeting, and a copy of written comments submitted at the meeting.

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(D) The owner or operator may request the director to determine that remediation of a release is not necessary.

(1) The request shall contain a demonstration of at least one of the following:

(a) The ground water is additionally contaminated by substances that have originated from a source other than the facility and those substances are present in concentrations such that cleanup of the release from the facility would not provide a significant reduction in risk to actual or potential receptors.

(b) The release is in ground water that is not hydraulically connected with an aquifer that is being used or is expected to be used as a water supply source.

(c) The release is not migrating or is not likely to migrate in concentrations that would exceed the GWCAS.

(d) Remediation of the release is technically impracticable.

(e) Remediation would result in unacceptable cross-media impacts.

(2) The director may decline to act on the request.

(3) The director may approve the demonstration that remediation of a release is not necessary if the director determines the following:

(a) The demonstration from the owner or operator fulfills at least one criteria the paragraphs (D)(1)(a) to (D)(1)(e) of this rule.

(b) Approving the request will be protective of public health and safety and the environment, will not cause a nuisance or a health hazard, and will not cause or contribute to water pollution.

(E) Director's selection and approval of a corrective action from a ground water corrective actions program plan.

(1) The director shall select and approve a corrective action from a ground water corrective actions program plan submitted by an owner or operator in compliance with paragraph (B)(2) of this rule that best satisfies the criteria listed in rules 3745-506-610 and 3745-506-630 of the Administrative Code.

(2) Not later than ninety days after the director has approved a corrective action in accordance with paragraph (E)(1) of this rule, the owner or operator shall submit to Ohio EPA and the approved board of health a corrective action implementation plan that conforms to paragraph (G) of this rule.

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(F) An approval by the director pursuant to paragraph (D) or (E) of this rule shall not affect the director's authority to order an owner or operator to undertake source control measures, other measures, or other corrective actions that may be necessary to eliminate or minimize further releases, to prevent exposure to ground water, or to remediate a release to concentrations that are technically practicable and significantly reduce the threats to public health or safety or the environment, reduce the potential to cause a nuisance or a health hazard, or reduce the potential to cause or contribute to water pollution.

(G) Corrective action implementation plan. A corrective action implementation plan shall include the following:

(1) Engineering plans and drawings for source control measures necessary for the approved corrective action, including applications and requests for authorizing documents that are required.

(2) A description of and engineering plans and drawings for all mechanical, chemical, and biological ground water treatment included within the approved corrective action, including applications and requests for authorizing documents that are required.

(3) A schedule for implementing the approved corrective action that shall include a construction schedule and a construction certification schedule for source control measures and a schedule for all mechanical, chemical, and biological ground water treatment. The schedule shall state that not later than one hundred eighty days after submitting the corrective action implementation plan, the owner or operator shall begin a continuing program of installation to undertake and complete the approved corrective action.

(4) Criteria that will be used to determine when the owner or operator will cease mechanical, chemical, and biological ground water treatment.

(5) Specific ground water monitoring procedures that shall be used to monitor the effectiveness of the ground water corrective actions program.

(6) A ground water monitoring plan that conforms to paragraph (H) of this rule.

(H) A ground water monitoring plan that is part of a corrective actions implementation plan shall include the following:

(1) A list of the ground water monitoring wells to be sampled for monitoring of the effectiveness of the ground water corrective actions program and a provision for ensuring that the ground water monitoring system, including any additional wells required to meet the requirements of this rule, conforms to rule 3745-506-100 of the Administrative Code.

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- (a) At a minimum, the wells to be sampled shall include all wells needed to make a determination of rate, extent, and concentration of the release in accordance with rule 3745-506-500 of the Administrative Code.
- (b) The owner or operator shall document the design, installation, development, maintenance, and sealing of each ground water monitoring well used. At a minimum, the documentation shall include completed boring logs, well construction diagrams, and completed well maintenance forms developed in accordance with rule 3745-506-130 of the Administrative Code.
- (2) A ground water sampling and analysis plan that conforms to rule 3745-506-200 of the Administrative Code or a reference to a previously submitted sampling and analysis plan that conforms to rule 3745-506-200 of the Administrative Code.
- (3) Provisions for establishing background ground water quality in accordance with rule 3745-506-120 of the Administrative Code if not previously established during the ground water detection program in accordance with rule 3745-506-400 of the Administrative Code or the ground water assessment program in accordance with rule 3745-506-500 of the Administrative Code.
- (4) If statistical analysis is to be used, a statistical analysis plan that conforms to rule 3745-506-300 of the Administrative Code that includes revisions to incorporate appropriate statistical analysis methods and procedures required to comply with this rule.
- (5) Provisions for monitoring the ground water monitoring wells designated pursuant to paragraph (H)(1) of this rule 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.

(I) Certification.

An owner or operator shall submit to Ohio EPA and the approved board of health a certification report documenting that each component necessary to implement the approved corrective action has been installed or constructed in accordance with the corrective action implementation plan required by paragraph (G) of this rule. The owner or operator shall submit the certification report in accordance with the schedule required to be submitted within the corrective action implementation plan required by paragraph (G) of this rule.

(J) Ground water monitoring and data analysis in the ground water corrective actions program.

- (1) Not later than ninety days after submitting the corrective action implementation plan required by paragraph (E)(2) of this rule, an owner or operator shall

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commence ground water monitoring in accordance with the corrective action implementation plan submitted pursuant to paragraph (E)(2) of this rule.

(2) The owner or operator shall analyze the data to determine the following:

(a) Whether the concentrations of the constituents in the release are less than the GWCAS.

(b) The effectiveness of source control measures.

(K) Five-year progress report. An owner or operator shall do the following:

(1) Every five years by the end of the thirtieth day after either the date of the anniversary of the director approving a corrective action under paragraph (E)(1) of this rule or the director ordering performance of a specific corrective action, submit a progress report to Ohio EPA, the approved board of health, and all property owners who own or reside on land that directly overlies or is reasonably expected to overlie any part of the release. The progress report shall include the following:

(a) A description of the progress being made toward achieving the GWCAS at all points within the release that lie beyond the limits of the potential sources of contamination.

(b) An evaluation of the effectiveness of source control measures and whether changes are necessary to improve source control.

(2) If progress is not being achieved within the schedule contained in the corrective action implementation plan to achieve the GWCAS at all points within the release that lie beyond the limits of the potential sources of contamination, amend the corrective action implementation plan submitted under paragraph (G) of this rule and implement the amended plan not later than ninety days after submitting the progress report. This amended plan shall include additional activities that the owner or operator will undertake to ensure that the GWCAS will be achieved.

(L) The director may determine that the corrective action approved in accordance with paragraph (E) of this rule is not capable of meeting the requirements of rule 3745-506-610 of the Administrative Code or the GWCAS at all points within the release that lie beyond the potential sources of contamination. If the director makes a determination under this paragraph, then the director may order, without limitation, the owner or operator to do one or more of the following:

(1) Implement alternative corrective actions to control human or environmental receptor exposure to contamination to protect public health or safety or the

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environment, prevent a nuisance or a health hazard, or prevent water pollution or the contribution to water pollution.

(2) Implement alternative measures that are practicable and consistent with the overall objective of the corrective action to control the sources of contamination.

(3) Submit a new ground water corrective actions program plan in accordance with paragraph (B)(2) of this rule.

(M) Semiannual ground water corrective actions program activities report.

Not later than six months after a director's action issued in accordance with paragraph (E) of this rule, an owner or operator shall submit to Ohio EPA and the approved board of health a semiannual ground water corrective actions program activities report that describes the activities being conducted at the facility as part of implementation of an approved corrective action. The report shall be submitted semiannually. Documents or data previously submitted during the semiannual period need not be submitted with the report, but documents or data previously submitted shall be referenced within the report as having been previously submitted. Each semiannual ground water corrective actions program activities report shall contain the following:

(1) A narrative description of corrective action activities that have occurred during the semiannual period for which the report is being submitted.

(2) Data generated as part of the corrective action activities at the facility during the semiannual period for which the report is being submitted.

(3) An evaluation of the effectiveness of the approved corrective action.

(N) An owner or operator shall remain in the ground water corrective actions program until the end of post-closure care.