

*** DRAFT – NOT FOR FILING ***

3745-506-620

Interim corrective actions.

(A) While an owner or operator is conducting the ground water detection program in accordance with rule 3745-506-400 of the Administrative Code; the ground water assessment program in accordance with rule 3745-506-500 of the Administrative Code; or the ground water corrective actions program in accordance with rule 3745-506-600 of the Administrative Code, if the director or the approved board of health determines that potential sources of contamination at the facility threatens public health and safety and the environment, causes a nuisance or a health hazard, or causes or contributes to water pollution, the director or the approved board of health may order the owner or operator to perform one or both of the following:

(1) If a release has migrated beyond the facility boundary, notify by certified mail or any other form of mail accompanied by a receipt all persons who own or reside on land that directly overlies or is reasonably expected to overlie any part of the release.

(2) Take interim corrective actions specified by the director or the approved board of health to protect public health and safety and the environment, prevent a nuisance or a health hazard, and not cause or contribute to water pollution. Interim corrective actions shall to the extent practicable be consistent with the objectives of and contribute to the performance of a corrective action that may be required by 3745-506-600 of the Administrative Code.

(B) The following factors may be considered by the director or the approved board of health in determining whether interim corrective actions are necessary:

(1) The amount of time required to develop and implement a final corrective action.

(2) Actual or potential exposure of human receptors or environmental receptors to waste-derived constituents or C&DD-derived constituents.

(3) Actual or potential contamination of drinking water supplies or sensitive ecosystems.

(4) Further degradation of the ground water that may occur if a corrective action is not initiated expeditiously.

(5) Weather conditions that may cause a release or may cause waste-derived constituents or C&DD-derived constituents to migrate or be discharged.

(6) Risks of fire, explosion, or potential for exposure to waste-derived constituents or C&DD-derived constituents as a result of an accident or failure of a container or handling system.

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(7) Existing threats to public health or safety or the environment, the threat of causing a nuisance or a health hazard, or the threat of causing or contributing to water pollution.

(8) Potential threats to public health or safety or the environment, the potential to cause a nuisance or a health hazard, or the potential to cause or contribute to water pollution.

(C) If the director or the approved board of health has issued an order pursuant to paragraph (A)(2) of this rule to an owner or operator, the owner or operator shall comply with paragraph (M) of rule 3745-506-600 of the Administrative Code (semiannual ground water corrective actions program activities report) regarding the interim corrective action as ordered.