



Ohio Administrative Code

Rule 3745-525-960 Selection of remedy, 40 C.F.R. 257.97.

Effective: October 1, 2026

- (A) Based on the results of the corrective measures assessment conducted under rule 3745-525-950 of the Administrative Code, the owner or operator shall, as soon as feasible, select a remedy that, at a minimum, meets the standards listed in paragraph (B) of this rule. This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act of 1970, 84 Stat. 1590, 29 U.S.C. 651. The owner or operator shall prepare a semiannual report describing the progress in selecting and designing the remedy. Upon selection of a remedy, the owner or operator shall prepare a final report describing the selected remedy and how it meets the standards specified in paragraph (B) of this rule. The owner or operator shall obtain a certification from a qualified professional engineer that the remedy selected meets the requirements of this rule. The report has been completed when it is placed in the operating record as required by paragraph (H)(12) of rule 3745-525-50 of the Administrative Code.
- (B) Remedies shall do the following:
- (1) Be protective of human health and the environment.
 - (2) Attain the groundwater protection standard as specified pursuant to paragraph (H) of rule 3745-525-940 of the Administrative Code.
 - (3) Control the source of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in appendix B to rule 3745-525-900 of the Administrative Code into the environment.
 - (4) Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems.
 - (5) Comply with standards for management of wastes as specified in paragraph (D) of rule 3745-525-970 of the Administrative Code.
- (C) In selecting a remedy that meets the standards of paragraph (B) of this rule, the owner or operator of the CCR unit shall consider the following evaluation factors:
- (1) Be The long- and short-term effectiveness and protectiveness of the potential remedy, along with the degree of certainty that the remedy will prove successful based on consideration of the following: protective of human health and the environment.
 - (a) Magnitude of reduction of existing risks.
 - (b) Magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy.



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- (c) The type and degree of long-term management required, including monitoring, operation, and maintenance.
 - (d) Short-term risks that might be posed to the community or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and re-disposal of contaminant.
 - (e) Time until full protection is achieved.
 - (f) Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, or containment.
 - (g) Long-term reliability of the engineering and institutional controls.
 - (h) Potential need for replacement of the remedy.
- (2) The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:
- (a) The extent to which containment practices will reduce further releases.
 - (b) The extent to which treatment technologies may be used.
- (3) The ease or difficulty of implementing a potential remedy based on consideration of the following types of factors:
- (a) Degree of difficulty associated with constructing the technology.
 - (b) Expected operational reliability of the technologies.
 - (c) Need to coordinate with and obtain necessary approvals and permits from other agencies.
 - (d) Availability of necessary equipment and specialists.
 - (e) Available capacity and location of needed treatment, storage, and disposal services.
- (4) The degree to which community concerns are addressed by a potential remedy.
- (D) The owner or operator shall specify as part of the selected remedy a schedule for implementing and completing remedial activities. Such a schedule shall require



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the completion of remedial activities within a reasonable period of time taking into consideration the factors set forth in paragraphs (D)(1) to (D)(6) of this rule. The owner or operator of the CCR unit shall consider the following factors in determining the schedule of remedial activities:

- (1) Extent and nature of contamination, as determined by the characterization required under paragraph (G) of rule 3745-525-940 of the Administrative Code.
 - (2) Reasonable probabilities of remedial technologies in achieving compliance with the groundwater protection standards established under paragraph (H) of rule 3745-525-940 of the Administrative Code and other objectives of the remedy.
 - (3) Availability of treatment or disposal capacity for CCR managed during implementation of the remedy.
 - (4) Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy.
 - (5) Resource value of the aquifer including the following:
 - (a) Current and future uses.
 - (b) Proximity and withdrawal rate of users.
 - (c) Groundwater quantity and quality.
 - (d) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to CCR constituents.
 - (e) The hydrogeologic characteristic of the facility and surrounding land.
 - (f) The availability of alternative water supplies.
 - (6) Other relevant factors.
- (E) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in paragraph (H) of rule 3745-525-50 of the Administrative Code, the notification requirements specified in paragraph (H) of rule 3745-525-60 of the Administrative Code, and the internet requirements specified in paragraph (H) of rule 3745-525-70 of the Administrative Code.