



## Ohio Administrative Code Rule 3745-535-840 Compliance monitoring program.

Effective: [March 1, 2026](#)

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(A) The owner or operator may comply with this rule in lieu of rule 3745-535-850 of the Administrative Code if the owner or operator demonstrates one of the following:

(1) A release of constituents to groundwater has occurred pursuant to paragraph (G) of rule 3745-535-830 of the Administrative Code and the concentrations of all waste-derived constituents are above background values but below the groundwater remediation standards.

(2) The concentrations of all waste-derived constituents are below groundwater remediation standards in the monitoring wells within a corrective measures program pursuant to paragraph (F)(2) of rule 3745-535-855 of the Administrative Code.

(3) A release of constituents to groundwater has occurred pursuant to paragraph (G) of rule 3745-535-830 of the Administrative Code that is comprised exclusively of parameters 63 through 78 contained in rule 3745-535-801 of the Administrative Code.

(B) Following a determination in accordance with paragraph (A) of this rule, the owner or operator shall submit a compliance monitoring plan to the director for approval that contains at a minimum the following:

(1) A description of the monitoring wells that will be sampled including at a minimum all monitoring wells entering the compliance monitoring program from assessment or corrective measures pursuant to rules 3745-535-830, 3745-535-850, and 3745-535-855 of the Administrative Code, as applicable.

(2) A description of the techniques, procedures, and analytical equipment to be used for groundwater sampling during compliance monitoring including those contained in the sampling and analysis plan pursuant to rule 3745-535-810 of the Administrative Code.

(3) Procedures for semiannual monitoring of designated monitoring wells as follows:



- (a) For monitoring wells screened within the uppermost aquifer system beneath the facility, parameters 1 through 66 contained in rule 3745-535-801 of the Administrative Code and the waste-derived constituents determined to have been released from the facility to the groundwater.
- (b) For monitoring wells screened within a significant zone of saturation beneath the facility, parameters 18, 25, 33, 61, and 63 through 66 contained in rule 3745-535-801 of the Administrative Code and the waste-derived constituents determined to have been released from the facility to groundwater.
- (4) The following detection monitoring procedures:
- (a) Annual sampling and analysis procedures in accordance with paragraph (B)(5)(c) of rule 3745-535-820 of the Administrative Code.
- (b) Field analysis procedures in accordance with paragraph (B)(5)(d) of rule 3745-535-820 of the Administrative Code.
- (c) Statistical analysis procedures in accordance with paragraph (B)(5)(b) of rule 3745-535-820 of the Administrative Code and procedures for the following using the appropriate statistical procedures specified in rule 3745-535-815 of the Administrative Code:
- (i) For waste-derived constituents determined to have been released to the groundwater in accordance with paragraph (G) of 3745-535-830 of the Administrative Code, procedures for establishing new intrawell background data from the samples collected in assessment and during the initial two years of compliance monitoring until there are eight background samples, unless otherwise approved by the director.
- (ii) For waste-derived constituents determined to have been released to the groundwater, which have been remediated to below groundwater remediation standards in accordance with rules 3745-535-850 and 3745-535-855 of the Administrative Code, procedures for establishing a statistical method in accordance with rule 3745-535-815 of the Administrative Code designed to be protective of human health and the environment and an indication that the monitoring well may remain in the compliance



monitoring program.

(iii) For those constituents that have not been released from the facility, the existing statistical background data set and methodologies may still be appropriate to use, and statistical analysis may begin for these constituents with the first sampling event conducted pursuant to paragraph (B)(3) of this rule.

(d) Procedures for demonstration of a false positive in accordance with paragraphs (C) and (D) of rule 3745-535-820 of the Administrative Code.

(5) Procedures for compliance with paragraph (E) of rule 3745-535-830 of the Administrative Code when a statistically significant increase is determined for parameters being monitored in accordance with paragraph (B)(3) of this rule and any waste-derived constituent.

(6) Procedures for continued implementation of the compliance monitoring plan until the end of the post-closure care period for the facility, unless otherwise approved by the director.

(7) Procedures for implementing activities necessary to prevent the continued release of waste-derived constituents to the groundwater. The director may require the owner or operator to conduct additional activities necessary to prevent the continued release of waste-derived constituents to groundwater.

(C) Paragraph (G) of rule 3745-535-810 of the Administrative Code and paragraphs (I) to (J) of rule 3745-535-830 of the Administrative Code are applicable throughout the duration of compliance monitoring to an owner or operator who enters compliance monitoring pursuant to paragraph (A)(1) of this rule.

(D) The owner or operator shall implement the compliance monitoring plan with the first semiannual sampling event that occurs after the approval of the compliance monitoring plan.

(E) If prior to the end of post closure care, the owner or operator determines that the concentrations of all waste-derived constituents are shown to be at or below background values for four consecutive semiannual monitoring events in the monitoring wells within the compliance monitoring program,



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then the owner or operator may reinstate the detection monitoring program described in rule 3745-535-820 of the Administrative Code if approved by the director.