



Ohio Administrative Code Rule 3745-54-100 Corrective action program.

Effective: September 5, 2010

An owner or operator required to establish a corrective action program under rules 3745-54-90 to 3745-54-101 of the Administrative Code must, at a minimum, discharge the following responsibilities:

(A) The owner or operator must take corrective action to ensure that regulated units are in compliance with the ground water protection standard under rule 3745-54-92 of the Administrative Code. The permit will specify the ground water protection standard and will include:

- (1) A list of the hazardous constituents identified under rule 3745-54-93 of the Administrative Code;
- (2) Concentration limits under rule 3745-54-94 of the Administrative Code for each of those hazardous constituents;
- (3) The compliance point under rule 3745-54-95 of the Administrative Code; and
- (4) The compliance period under rule 3745-54-96 of the Administrative Code.

(B) The owner or operator must implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits at the compliance point by removing the hazardous waste constituents or treating them in place. The permit will specify the specific measures that will be taken.

(C) The owner or operator must begin corrective action within a reasonable time period after the ground water protection standard is exceeded. The permit will specify that time period. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of paragraph (I)(2) of rule 3745-54-99 of the Administrative Code.



(D) In conjunction with a corrective action program, the owner or operator must establish and implement a ground water monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under rule 3745-54-99 of the Administrative Code and must be as effective as that program in determining compliance with the ground water protection standard under rule 3745-54-92 of the Administrative Code and in determining the success of a corrective action program under paragraph (E) of this rule, where appropriate.

(E) In addition to the other requirements of this rule, the owner or operator must conduct a corrective action program to remove or treat in place any hazardous constituents under rule 3745-54-93 of the Administrative Code that exceed concentration limits under rule 3745-54-94 of the Administrative Code in ground water:

(1) Between the compliance point under rule 3745-54-95 of the Administrative Code and the downgradient property boundary; and

(2) Beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the director that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner/operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis.

(3) Corrective action measures under paragraphs (E) to (E)(4) of this rule must be initiated and completed within a reasonable period of time considering the extent of contamination.

(4) Corrective action measures under paragraphs (E) to (E)(4) of this rule may be terminated once the concentration of hazardous constituents under rule 3745-54-93 of the Administrative Code is reduced to levels below their respective concentration limits under rule 3745-54-94 of the Administrative Code.

(F) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the ground water protection standard is not exceeded. If the owner



or operator is conducting corrective action at the end of the compliance period, he must continue that corrective action for as long as necessary to achieve compliance with the ground water protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if he can demonstrate, based on data from the ground water monitoring program under paragraph (D) of this rule, that the ground water protection standard of rule 3745-54-92 of the Administrative Code has not been exceeded for a period of three consecutive years.

(G) The owner or operator must report in writing to the director on the effectiveness of the corrective action program. The owner or operator must submit these reports annually.

(H) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this rule, he must, within ninety days, submit an application for a permit modification to make any appropriate changes to the program.