



## Ohio Administrative Code Rule 3745-54-93 Hazardous constituents.

Effective: [October 23, 2022](#)

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(A) The director will specify in the facility permit the hazardous constituents to which the ground water protection standard of rule 3745-54-92 of the Administrative Code applies. Hazardous constituents are constituents identified in the appendix to rule 3745-51-11 of the Administrative Code that have been detected in ground water in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the director has excluded such hazardous constituents under paragraph (B) of this rule.

(B) The director will exclude from the list of hazardous constituents in the facility permit any constituent shown in the appendix to rule 3745-51-11 of the Administrative Code if the director finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the director shall consider the following:

(1) Potential adverse effects on ground water quality, considering:

(a) The physical and chemical characteristics of the waste in the regulated unit, including the potential for migration of the waste;

(b) The hydrogeological characteristics of the facility and surrounding land;

(c) The quantity of ground water and the direction of ground water flow;

(d) The proximity and withdrawal rates of ground water users;

(e) The current and future uses of ground water in the area;

(f) The existing quality of ground water, including other sources of contamination and the cumulative impact of other sources of contamination on the ground water quality;



- (g) The potential for health risks caused by human exposure to waste constituents;
  - (h) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
  - (i) The persistence and permanence of the potential adverse effects; and
- (2) Potential adverse effects on hydraulically connected surface water quality, considering:
- (a) The volume and physical and chemical characteristics of the waste in the regulated unit;
  - (b) The hydrogeological characteristics of the facility and surrounding land;
  - (c) The quantity and quality of ground water, and the direction of ground water flow;
  - (d) The patterns of rainfall in the region;
  - (e) The proximity of the regulated unit to surface waters;
  - (f) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
  - (g) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;
  - (h) The potential for health risks caused by exposure to waste constituents;
  - (i) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
  - (j) The persistence and permanence of the potential adverse effects.



(C) In making any decision under paragraph (B) of this rule about the use of ground water in the area around the facility, the director will consider any identification of underground sources of drinking water and exempted aquifers made under 40 CFR 144.8.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]