



Ohio Administrative Code Rule 3745-65-90 Applicability- ground water monitoring.

Effective: [October 23, 2022](#)

(A) Before November 19, 1981, the owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste shall implement a ground water monitoring program capable of determining the facility's impact on the quality of ground water in the uppermost aquifer underlying the facility, except as rule 3745-65-01 of the Administrative Code and paragraph (C) of this rule provide otherwise.

(B) Except as paragraphs (C) and (D) of this rule provide otherwise, the owner or operator shall install, operate, and maintain a ground water monitoring system which meets the requirements of rule 3745-65-91 of the Administrative Code and shall comply with rules 3745-65-92 to 3745-65-94 of the Administrative Code. This ground water monitoring program shall be carried out during the active life of the facility, and for disposal facilities, during the post-closure care period as well.

(C) All or part of the ground water monitoring requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial, or agricultural) or to surface water. This demonstration shall be in writing, and shall be kept at the facility. This demonstration shall be certified by a qualified geologist or geotechnical engineer and shall establish the following:

(1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer, by an evaluation of:

(a) A water balance of precipitation, evapotranspiration, run-off, and infiltration; and

(b) Unsaturated zone characteristics (i.e., geologic materials, physical properties, and depth to ground water); and

(2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost



aquifer to migrate to a water supply well or surface water, by an evaluation of:

(a) Saturated zone characteristics (i.e., geologic materials, physical properties, and rate of ground water flow); and

(b) The proximity of the facility to water supply wells or surface water.

(D) If an owner or operator assumes (or knows) that ground water monitoring of indicator parameters in accordance with rules 3745-65-91 and 3745-65-92 of the Administrative Code would show statistically significant increases (or decreases in the case of pH) when evaluated under paragraph (B) of rule 3745-65-93 of the Administrative Code, the owner or operator may install, operate, and maintain an alternate ground water monitoring system (other than the one described in rules 3745-65-91 and 3745-65-92 of the Administrative Code). If the owner or operator decides to use an alternate ground water monitoring system the owner or operator shall:

(1) Before November 19, 1981, develop a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of paragraph (D)(3) of rule 3745-65-93 of the Administrative Code, for an alternate ground water monitoring system. This plan is to be placed in the facility's operating record and maintained until closure of the facility.

(2) Not later than November 19, 1981, initiate the determinations specified in paragraph (D)(4) of rule 3745-65-93 of the Administrative Code.

(3) Prepare a report in accordance with paragraph (D)(5) of rule 3745-65-93 of the Administrative Code and place the report in the facility's operating record and maintain the report until closure of the facility.

(4) Continue to make the determinations specified in paragraph (D)(4) of rule 3745-65-93 of the Administrative Code on a quarterly basis until final closure of the facility; and

(5) Comply with the recordkeeping and reporting requirements in paragraph (B) of rule 3745-65-94 of the Administrative Code.



(E) The ground water monitoring requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code may be waived with respect to any surface impoundment that:

(1) Is used to neutralize wastes which are hazardous solely because the wastes exhibit the characteristic of corrosivity under rule 3745-51-22 of the Administrative Code or are listed as hazardous wastes in rules 3745-51-30 to 3745-51-35 of the Administrative Code only for this reason; and

(2) Contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration shall establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that the wastes no longer meet the characteristic of corrosivity before the wastes can migrate out of the impoundment. The demonstration shall be in writing and shall be certified by a qualified professional.

(F) The director may replace all or part of the requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code that apply to a "regulated unit" (as defined in rule 3745-54-90 of the Administrative Code), with alternative requirements developed for ground water monitoring provided in an approved closure plan or post-closure plan or in an "enforceable document" [as defined in paragraph (G) of rule 3745-50-45 of the Administrative Code], where the director determines that:

(1) A regulated unit is situated among waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more waste management units (or areas of concern) are likely to have contributed to the release; and

(2) It is not necessary to apply the requirements of rules 3745-65-90 to 3745-65-94 of the Administrative Code because the alternative requirements will protect human health and the environment. The alternative standards for the regulated unit shall meet the requirements of paragraph (A) of rule 3745-54-101 of the Administrative Code.