



Summary of Draft Revisions to Ground Water Monitoring Requirements in OAC Chapter 3745-400

The Division of Solid and Infectious Waste Management (DSIWM) has released an interested party draft of revisions to OAC Chapter 3745-400 for the purpose of soliciting comments and suggestions. This review guide is intended to help the reviewer generally locate the revisions relating to ground water monitoring and other miscellaneous changes. Following consideration of interested party comments, DSIWM intends to start Ohio's formal rulemaking process involving public notice of proposed rules, a public hearing, and public comment period.

Important Note: The revisions to OAC Chapter 3745-400 include reference to the draft "multi-program" OAC Chapter 3745-506: Ground Water Monitoring. The draft OAC Chapter 3745-506 is available at: http://epa.ohio.gov/portals/34/document/drafrule/3745-506_draft.pdf. Review of the revisions in OAC Chapter 3745-400 and the draft OAC Chapter 3745-506 is necessary for a full understanding of the draft ground requirements. DSIWM is soliciting comments and suggestions on both the revisions in OAC Chapter 3745-400 and the draft OAC Chapter 3745-506.

What is a "multi-program" rule?

Multi-program chapters consolidate, in a single location, similar or identical requirements that are currently duplicated in numerous program chapters under existing rules. Now, these requirements will be found in one multi-program chapter and referenced, where appropriate within each individual program (e.g., solid waste, transfer facilities, composting facilities, C&DD landfills, and infectious waste facilities) chapter.

OAC Chapter 3745-506 is a multi-program chapter containing ground water monitoring requirements. Under the contemplated reorganization, instead of duplicating similar or identical ground water monitoring requirements within every individual program chapter where ground water monitoring requirements apply, those ground water monitoring requirements will be found in **one** readily-identifiable location. The C&DD facility program OAC Chapter 3745-400 revisions remove the existing OAC Rule 3745-400-10 ground water monitoring requirements and directly cite to draft multi-program OAC Chapter 3745-506. The revised draft OAC Rule 3745-400-10 addresses when a C&DD facility must do ground water monitoring, but the specific ground water monitoring requirements are located in the draft multi-program OAC Chapter 3745-506.

The ground water monitoring revisions in OAC Chapter 3745-400 would affect all C&DD facilities that have ground water monitoring requirements

As drafted, the revisions in OAC Chapter 3745-400 would affect all C&DD facilities that have ground water monitoring requirements. However, DSIWM has also released a separate interested party draft of the OAC Chapter 3745-520 "Regulation of New Construction and Demolition Debris Facilities". DSIWM's intent is that upon OAC Chapter 3745-520 becoming effective rule, an owner or operator of a "new C&DD facility" would be required to only comply with chapter OAC 3745-520 and no longer with OAC Chapter 3745-400. The statutory term "new C&DD facility" includes a proposed C&DD facility that has never existed before and an existing C&DD facility where the owner or operator wants to expand the facility beyond the approved limits of construction and demolition debris placement. Such expansion of an existing facility includes any expansion of the facility boundary or disposal limits beyond the approved limits of construction and demolition debris placement.

Where are the draft revisions for ground water monitoring of a C&DD facility found?

The ground water monitoring related draft revisions are found in the following rules:

<p>Key Revised Rules</p> <ul style="list-style-type: none">• OAC 3745-400-10: <i>Applicability and implementation of the ground water monitoring program</i>• OAC Chapter 3745-506: <i>Ground Water Monitoring</i> <p>Associated Revised Rules</p> <ul style="list-style-type: none">• OAC 3745-400-07: <i>Facility design requirements and construction specifications</i>• OAC 3745-400-08: <i>Construction and final closure certification</i>• OAC 3745-400-09: <i>Site characterization</i>• OAC 3745-400-10: <i>Applicability and implementation of the ground water monitoring program</i>• OAC 3745-400-11: <i>Operation of facilities</i>• OAC 3745-400-12: <i>Final closure of facilities</i>• OAC 3745-400-13: <i>Financial assurance for construction and demolition debris facilities</i>• OAC 3745-400-14: <i>Wording of the financial instruments</i> <p>New Rules</p> <ul style="list-style-type: none">• OAC 3745-400-16: <i>Post-closure care of a construction and demolition debris facility</i>• OAC 3745-400-17: <i>Procedures for issuance of an order extending the post-closure care period</i>• OAC 3745-400-18: <i>Financial assurance for post-closure care of construction and demolition debris facilities</i>• OAC 3745-400-19: <i>Post-closure care certification report</i>
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Summary of draft revisions for ground water monitoring requirements

The draft revisions to OAC Chapter 3745-400 are summarized in the following table.

<p>OAC 3745-400-07: <i>Facility design requirements and construction specifications</i></p> <p>(A) Revised reference in subparagraph (4) to cite to OAC 3745-400-10</p> <p>OAC 3745-400-08: <i>Construction and final closure certification</i></p> <p>(A) Removed language in subparagraph (1) as certification of installation of ground water monitoring wells is addressed in draft OAC Chapter 3745-506</p> <p>(D) Removed language in subparagraph (4) regarding closure requirement to plug and abandon ground water monitoring wells since ground water monitoring is intended to be continued during post-closure care period. DSIWM has released interested party draft revisions establishing a post-closure care period</p> <p>OAC 3745-400-09: <i>Site characterization</i></p> <p>(B) Revised paragraph to cite to OAC 3745-400-10</p> <p>(C) Removed language in subparagraph (1) since ground water monitoring program is addressed in draft OAC Chapter 3745-506. Removed language from comment following renumbered subparagraph (4)</p> <p>OAC 3745-400-10: <i>Applicability and implementation of the ground water monitoring program</i></p> <p>Rule Rule entirely revised to address applicability of ground water monitoring requirements to C&DD facilities, require compliance with draft multi-program OAC Chapter 3745-506, added requirement the ground water monitoring continue through the post-closure care period, and establish implementation timeframes to upgrade existing ground water monitoring plans to meet draft OAC Chapter 3745-506 requirements.</p> <p>OAC 3745-400-11: <i>Operation of facilities</i></p> <p>(A) Added reference in subparagraph (3) to revised paragraph (R) dealing with leachate sampling and analysis [statutory requirement in ORC 3714.02(F)]</p> <p>(B) Removed comment under subparagraph (12)</p> <p>(D) Revised subparagraph (4) to reference to OAC 3745-400-10</p> <p>(R) Significantly revised to include leachate sampling and analysis requirements [statutory requirement in ORC 3714.02(F)]</p> <p>OAC 3745-400-12: <i>Final closure of facilities</i></p> <p>(D) Removed language referring to the granting of time extension in order to avoid misinterpretation that licensing authority does not need to use statutory exemption authority to grant a time extension.</p> <p>(E) Closure activities have been added or revised and subparagraphs are renumbered</p> <p>(9) Removal of closure requirement to plug and abandon ground water monitoring wells because ground water monitoring to be continued during post-closure care period. Added language is necessary to clarify that ground water monitoring wells are not to be decommissioned during closure (necessary because the Agency does not intend to propose revisions to OAC 3745-400-08(D)(4) at this time)</p> <p>(F) Revised monitoring and reporting activities to remove reference to plugging of monitoring wells because ground water monitoring to be continued during post-closure care period</p>
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