



**Environmental  
Protection Agency**

**John R. Kasich, Governor**  
**Mary Taylor, Lt. Governor**  
**Scott J. Nally, Director**

April 26, 2011

**Dear Interested Party:**

Over the past several months, Ohio EPA has been developing the Construction and Demolition Debris (C&DD) Ground Water Monitoring Program, as authorized by Section 3714.071 of the Ohio Revised Code (ORC). The program will identify the C&DD facilities that warrant the greatest need for ground water monitoring based on actual and potential impacts to human health, safety and the environment and potential to create a nuisance or cause or contribute to water pollution. As facilities are prioritized, the ground water monitoring fund established by ORC Section 3714.071 will be used for the installation of monitoring wells, sampling and laboratory analysis, as authorized by the statute.

**Background**

In 2005, the Ohio legislature enacted ORC 3714.071, which established a funding mechanism for conducting ground water monitoring at licensed C&DD facilities. A fee of 10 cents per ton (\$0.08 to Ohio EPA and \$0.02 to the applicable approved health district) is currently levied on the disposal of C&DD. These monies are deposited into a special fund. The statute authorizes expenditures for the installation of ground water monitoring wells; ground water sampling; and laboratory analysis at licensed C&DD facilities operating before April 15, 2005. The fund may not be used to pay for ground water monitoring activities required to comply with rules adopted under ORC Section 3714.02.

**Establishment of the Draft Priority Criteria**

As required by statute, Ohio EPA has developed a draft numerical evaluation system to prioritize the expenditure of funds collected for ground water monitoring at Ohio's C&DD facilities. Each C&DD facility has a unique set of characteristics including, but not limited to: facility design and construction; siting; and underlying geologic/hydrogeologic conditions. Since these factors may contribute to the potential release and subsequent impact to ground water, aspects of these characteristics are identified in the various priority criteria.

In January 2011, Ohio EPA staff consulted with approved health districts to ensure the draft system prioritized facilities based on their potential impact to human health, safety and the environment and potential to create a nuisance or cause or contribute to water pollution. Comments shared by health districts were considered and incorporated into these draft priority criteria.

### **Your Comments Are Needed**

Ohio EPA would like your comments on the draft priority criteria. Attached for your review are the draft priority criteria and a description and rationale for the associated priority criterion. Interested party input is an invaluable tool in the development and refinement of this evaluation system.

### **When Are Comments Due?**

Please submit your written comments by **May 31, 2011** to:

### **Where Should I Send My Comments?**

Please send your comments to:

Aaron Shear

Ohio EPA, Division of Materials and Waste Management

PO Box 1049

Columbus, OH 43216-1049

Phone: (614) 728-5350

You may also send your comments by fax to (614) 728-5315 or e-mail:

[aaron.shear@epa.ohio.gov](mailto:aaron.shear@epa.ohio.gov) .

### **Informational Webinar**

On Monday, May 16, at 2 p.m., Ohio EPA staff will offer a webinar session to share the rationale for each priority criterion and its potential point value. Following the webinar, participants will be provided an opportunity to ask clarifying questions and provide comments. Please contact Aaron Shear to RSVP or receive more information about the webinar.

### **C&DD Ground Water Monitoring Program Implementation**

Once interested party comments are received and considered, Ohio EPA will finalize the priority criteria. When finalized, the priority criteria will be used to evaluate the C&DD facilities that warrant the greatest need for ground water monitoring. As the program is implemented, Ohio EPA will continue its open dialogue with facility owners and operators, approved health districts and other interested parties.

Thank you for your interest. We look forward to hearing from you.

Sincerely,



Pamela S. Allen, Chief  
Division of Materials and Waste Management

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