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TITLE: Clarification of Whether the Protection of Ground Water Requirement Applies to Each Chemical of Concern Separately

DATE

EFFECTIVE: January 2006

HISTORY: New addition to the Technical Guidance Compendium

KEYWORDS: Protection of ground water meeting UPUS, ground water response requirements, leach-based soil values

RULE/

AUTHORITY: OAC 3745-300-07(D)(3) and (D)(4); 3745-300-10(E) and (F)(2) through (F)(6)

QUESTION: Does the requirement to demonstrate protection of ground water meeting unrestricted potable use standards apply to each chemical of concern separately?

ANSWER: No, the evaluation of whether a ground water zone meets or exceeds unrestricted potable use standards (UPUS) is an overall assessment of the potable use of the ground water zone and is not required for each chemical of concern (COC). See OAC 3745-300-07(D)(3). This evaluation is intended to assess the general suitability of the ground water for potable use. Therefore, if a single COC exceeds UPUS, the provisions for protecting ground water in the zone do not apply because the overall quality of the ground water, for VAP purposes, is considered unsuitable for potable use. Instead, the Volunteer would classify the ground water and follow the response requirements in accordance with OAC 3745-300-10(F)(2) through (F)(6). Refer to TGC document VA30007.06.003 for guidance on evaluating leaching when ground water exceeds UPUS. If the zone does meet UPUS for all COCs, then the requirements for protecting ground water from exceeding UPUS in the future do apply. See OAC 3745-300-07(D)(4) and 3745-300-10(E). Therefore, the requirement to demonstrate protection of ground water meeting UPUS is not evaluated separately for each COC, but instead, the overall suitability of the ground water for potable use is evaluated.

EXAMPLE: Situations have existed where a release to soil of one chemical (Chemical X) has not migrated to ground water, but the concentration of Chemical X does exceed leach-based soil values. The ground water on the property is not contaminated above UPUS with Chemical

X, but analytical testing does reveal concentrations of another chemical (Chemical Y) in ground water above UPUS. Because ground water in the zone exceeds UPUS for Chemical Y, VAP rules do not require protection of the ground water from Chemical X, i.e., a demonstration that the chemical will not leach to ground water causing UPUS to be exceeded for Chemical X in the future. However, the ground water in the zone will have to be classified and response requirements for both Chemicals X and Y will have to be met.

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