

COMPLIANCE MONITORING QUESTIONS, OAC RULE 3745-27-10

66. Question: *After entering a compliance monitoring program, can a facility be returned to the detection monitoring program at a later date?*

Response: Yes. An owner/operator complying with the requirements of 27-10 (E)(8) remains within the ground water assessment monitoring program and would have the option of requesting return to detection monitoring under 27-10 (E)(9). The owner/operator could not recommence detection monitoring until approved by the director under 27-10 (E)(9).

67. Question: *Please clarify the parameters to be monitored and the sampling frequency for a compliance monitoring program?*

Response: Amended OAC Rule 3745-27-10 (E)(8)(f)(i) requires that all monitoring wells entering the compliance monitoring program (designated under (E)(8)(a), at a minimum) be sampled at least eight (8) times for all released (statistically significant) contaminants within the first year to establish background ground water quality. After completion of collecting the background samples, the owner/operator must sample semiannually for statistically significant nonhazardous parameters (63 through 78 of Appendix I) in addition to following the requirements for detection monitoring detailed by OAC Rule 3745-27-10(D)(5). In addition, semi-annual sampling and analysis for parameters 1 through 62 must also be performed with a statistical analysis of the resulting data.

Per OAC Rule 3745-27-10 (E)(8)(f)(i), the wells to be sampled are those that are, or have been, used to determine the rate, extent and concentration of the release. The remaining wells that have not been used to make this determination need to be sampled as required by the applicable program (detection, assessment, or corrective measures).

68. Question: *According to amended OAC Rule 3745-27-10 (E)(8)(h), if any of Appendix I parameters 63 through 78 exhibits a statistically significant increase in a sample from a compliance monitoring well, then the owner/operator needs to sample that well for Appendix II. Subsequently, if any Appendix II constituent is detected, the owner/operator must submit an additional ground water assessment report (showing that rate, extent, and concentration are determined) per -10 (E)(6). Appendix II includes naturally occurring metals such as barium, chromium, and zinc which are very likely to be detected. In the event that such a metal is detected but is not statistically significant in this situation, does the owner/operator still have to submit an additional ground water assessment report?*

Response: Yes, the owner/operator will still need to submit an additional ground water assessment report in accordance with 27-10 (E)(6) due to the wording ("is detected") of 27-10 (E)(8)(h). A brief letter addendum to the original ground water assessment report explaining that the detection is not statistically significant would likely be adequate for most cases.

69. Question: OAC Rule 3745-27-10 (E)(8)(h) states that the owner/operator shall revise the compliance monitoring plan. What exactly does this mean? Update background with new concentrations? How does this work with (C)(7)(g)? What form of statistics is envisioned?

Response: The phrase “then the owner/operator shall revise the compliance monitoring plan” in amended OAC Rule 3745-27-10 (E)(8)(h) means that the owner/operator needs to revise the compliance monitoring plan as necessary to avoid identifying increases of parameters 63 through 78 as statistically significant when such increases are not associated with the presence of constituents (e.g., Appendix I parameters) that indicate an increasing or additional release from the solid waste landfill. “Revising the compliance monitoring plan” may include, but is not limited to, updating background as necessary per OAC Rule 3745-27-10 (E)(8)(f)(i), and OAC Rule 3745-27-10(C)(7)(g) for the purposes of complying with OAC Rule 3745-27-10 (E)(8)(h).

Any proposed statistics must meet the requirements of OAC Rule 3745-27-10(E)(8)(f) which states; “Statistical analysis shall be performed using the appropriate statistical procedures specified within paragraphs (C)(6) and (C)(7) of this rule.”

70. Question: Will the elements of compliance monitoring be allowed to continue if there are any parameters other than Appendix I 63-78 detected in groundwater? If not, then owner/operators will be wary of entering the program, because a compliance monitoring plan could be set up and implemented, only to completely fall apart once a non Appendix I 63-78 Statistically Significant Increase (SSI) shows up. For example, a site has elevated sodium and chloride and implements a compliance monitoring plan. One year later, arsenic is detected above background in one downgradient well, as a result of reducing conditions in groundwater created by the landfill. In this case, would the entire parameter list (Na, Cl, As) fold into corrective measures or just arsenic?

Response: The compliance monitoring plan shall, in part, include provisions for fulfilling the requirements of paragraph 27-10 (E)(6) when a statistically significant increase is determined for parameters 1 through 62 of Appendix I. If a statistically significant increase in concentration for parameters 1 through 62 of Appendix I is detected during routine compliance monitoring, then per 27-10 (E)(8)(g), the operator will have to update the ground water quality assessment program. This includes re-establishing which constituents have been released from the landfill, their rate and extent of migration and the constituents concentration as required by 27-10 (E)(6).

If a release from the landfill of constituents 1 through 62 of Appendix I is confirmed, then the facility no longer meets the conditions of compliance monitoring and must commence meeting the requirements of the corrective measures program in 27-10 (F). This is for all waste-derived constituents associated with the release from the landfill including constituents 63 through 78 of Appendix I. In the above example, Na, Cl and As would all be addressed through the Corrective Measures program.