

3745-54-99

**Compliance monitoring program.**

An owner or operator required to establish a compliance monitoring program under rules 3745-54-90 to 3745-54-101 Administrative Code must, at a minimum, discharge the following responsibilities:

- (A) The owner or operator must monitor the ground water to determine whether regulated units are in compliance with the ground water protection standard under rule 3745-54-92 of the Administrative Code. The permit will specify the ground water protection standard, including:
- (1) A list of the hazardous constituents identified under rule 3745-54-93 and the appendix to rule 3745-51-11 of the Administrative Code;
  - (2) Concentration limits under rule 3745-54-94 of the Administrative Code for each of those hazardous constituents;
  - (3) The compliance point under rule 3745-54-95 of the Administrative Code; and
  - (4) The compliance period under rule 3745-54-96 of the Administrative Code.
- (B) The owner or operator must install a ground water monitoring system at the compliance point as specified under rule 3745-54-95 of the Administrative Code. The ground water monitoring system must comply with paragraphs (A)(2), (B), and (C) of rule 3745-54-97 of the Administrative Code.
- (C) The director will specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with paragraphs (G) and (H) of rule 3745-54-97 of the Administrative Code.
- (1) The owner or operator must conduct a sampling program for each chemical parameter or hazardous constituent in accordance with paragraph (G) of rule 3745-54-97 of the Administrative Code.
  - (2) The owner or operator must record ground water analytical data as measured and in form necessary for the determination of statistical significance under paragraph (H) of rule 3745-54-97 of the Administrative Code for the compliance period of the facility.
- (D) The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to paragraph (A) of this rule, at a frequency specified under paragraph (F) of this rule.

- (1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the method(s) specified in the permit under paragraph (H) of rule 3745-54-97 of the Administrative Code. The method(s) must compare data collected at the compliance point(s) to a concentration limit developed in accordance with rule 3745-54-94 of the Administrative Code.
  - (2) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The director will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.
- (E) The owner or operator must determine the ground water flow rate and direction in the uppermost aquifer at least annually.
- (F) The director will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with paragraph (G) of rule 3745-54-97 of the Administrative Code.
- (G) Annually, the owner or operator must determine whether additional hazardous constituents from the appendix to rule 3745-54-98 of the Administrative Code, which could possibly be present but are not on the detection monitoring list in the permit, are actually present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in paragraph (F) of rule 3745-54-98 of the Administrative Code. To accomplish this, the owner or operator must consult with the director to determine on a case-by-case basis: which sample collection event during the year will involve the sampling to determine if additional hazardous constituents are present in the uppermost aquifer ("enhanced sampling"); the number of monitoring wells at the compliance point to undergo enhanced sampling; the number of samples to be collected from each of these monitoring wells; and, the specific constituents from the appendix to rule 3745-54-98 of the Administrative Code for which these samples must be analyzed. If the enhanced sampling event indicates that constituents from the appendix to rule 3745-54-98 of the Administrative Code are present in the ground water that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month or at an alternative site-specific schedule approved by the director, and repeat the analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the director within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator

chooses not to resample, then he must report the concentrations of these additional constituents to the director within seven days after completion of the initial analysis, and add them to the monitoring list.

(H) If the owner or operator determines pursuant to paragraph (D) of this rule that any concentration limits under rule 3745-54-94 of the Administrative Code are being exceeded at any monitoring well at the point of compliance, he must:

(1) Notify the director of this finding in writing within seven days. The notification must indicate that concentration limits have been exceeded.

(2) Submit to the director an application for a permit modification to establish a corrective action program meeting the requirements of rule 3745-54-100 of the Administrative Code within one hundred eighty days, or within ninety days if an engineering feasibility study has been previously submitted to the director under paragraph (G)(5) of rule 3745-54-98 of the Administrative Code. The application must at a minimum include the following information:

(a) A detailed description of corrective actions that will achieve compliance with the ground water protection standard specified in the permit under paragraph (A) of this rule; and

(b) A plan for a ground water monitoring program that will demonstrate the effectiveness of the corrective action. Such a ground water monitoring program may be based on a compliance monitoring program developed to meet the requirements of this rule.

(I) If the owner or operator determines, pursuant to paragraph (D) of this rule, that the ground water concentration limits under this rule are being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. In making a demonstration under paragraphs (I) to (I)(4) of this rule, the owner or operator must:

(1) Notify the director in writing within seven days that he intends to make a demonstration under paragraphs (I) to (I)(4) of this rule;

(2) Within ninety days, submit a report to the director which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

- (3) Within ninety days, submit to the director an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and
  - (4) Continue to monitor in accordance with the compliance monitoring program established under this rule.
- (J) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this rule, he must, within ninety days, submit an application for a permit modification to make any appropriate changes to the program.

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CERTIFIED ELECTRONICALLY

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Certification

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Date

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