



Reimbursement Process to Facility Operators using Funds collected in accordance with ORC 3714.071

The purpose of monitoring ground water near landfills is to detect any negative impacts to water quality and to evaluate potential impacts to human health, safety and the environment.

Ohio Revised Code (ORC) 3714.071 provides a board of health or the director of the Ohio Environmental Protection Agency (Ohio EPA), as applicable, the opportunity to conduct ground water monitoring at C&DD facilities. Any wells which may be added, or additional ground water monitoring completed under this program, would supplement the ground water monitoring the facility operator is otherwise required to do by rule. Depending on site specific situations, some C&DD facilities are not required to conduct any ground water monitoring, so any wells added or ground water monitoring completed under this program also is intended to identify whether those facilities may be impacting ground water. It is important to provide analysis of ground water conditions near C&DD facilities because, under the current rule, facility operators are not required to determine the concentration of possible contaminants and their extent and rate of migration unless ordered to do so by the director of Ohio EPA.

Ohio EPA is in the process of completing a preliminary Hydrogeologic Investigation (pHGI) Report for all C&DD facilities in Ohio. That overall process is described in a fact sheet on DMWM's website entitled "[Evaluation of Ground Water Quality at Licensed Construction and Demolition Debris \(C&DD\) Landfills.](#)" Essentially, a pHGI is a basic review of existing information regarding the hydrogeology, ground water monitoring system, site history and related engineering at the facility. The draft pHGI considers the following:

- Facility location;
- Engineering controls;
- Compliance history;
- Water quality reports from documented leachate releases;
- Description of the existing ground water monitoring network;
- Whether the ground water monitoring system at the facility meets the rule requirements;
- Whether there is an adequate ground water monitoring network at the facility;
- Whether the sampling is adequate to determine if the landfill may be affecting ground water quality;
- Ground water quality reports and existing data, and an analysis of that data;
- All available existing data about the quality of ground water at or surrounding the facility;
- Whether there is an indication of a release to ground water;
- Whether the landfill may be affecting ground water quality.

Additional Ground Water Monitoring Needed

One of the potential outcomes or conclusions of the pHGI is that additional work is needed to determine whether there are impacts. In that situation either Ohio EPA or the owner/operator conducts additional ground water monitoring in accordance with ORC 3714.071.

The statute specifically allows the board or director to pay for the installation of one or more additional or "enhancement" ground water monitoring wells, ground water sampling, and the laboratory analysis of the ground water samples at a C&DD landfill that are in addition to minimum requirements specified in rule. However, neither the board of health nor the Ohio EPA director may finance any costs for the installation of ground water monitoring wells, ground water sampling, or the laboratory analysis of ground water samples that is required by the C&DD rules.

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It is also possible that in certain situations, an owner/operator could be reimbursed if it installs wells and samples them in lieu of Ohio EPA. When this situation arises, Ohio EPA will contact the owner/operator and the health district to discuss the path forward for completing ground water activities at the landfill. Such reimbursement would be up to a maximum of the reasonable and customary cost of such services.

The Process for Owner/Operator Reimbursement

Should a C&DD landfill owner or operator desire to be considered for reimbursement of ground water activities, it will need to:

Step 1. Complete the forms provided by Ohio Shared Services to be listed as a vendor in Ohio's "OAKS" system. It may take 5-10 business days to become approved as a "supplier" in the OAKS system.

In order to be recognized as a state vendor and to conduct business in Ohio, there are two required forms located at the following address: ohiosharedservices.ohio.gov/SupplierOperations/Forms.aspx :

1. Supplier Information form (OBM-5657)
2. IRS Form W-9 Request for Taxpayer Identification Number & Certification

(Note that form (OBM-4310) Authorization Agreement for Direct Deposit of EFT Payments is preferred, but not required)

Ohio Shared Services has a "cheat sheet" available that gives a checklist as well as some helpful hints: ohiosharedservices.ohio.gov/SupplierOperations/doc/Potential_Supplier_Letter_OBM-7502.pdf

Step 2. Provide a signed letter including the following:

- Reimbursement request amount
- Statement that reimbursement request complies with ORC 3714.071, specifically:
 - The costs incurred by the owner or operator are for installation of ground water monitoring wells, ground water sampling, or the laboratory analysis of the ground water samples at its C&DD facility are not otherwise required by rule;
 - The facility was operating prior to April 15, 2005;
- OAKS supplier ID and name receiving payment
- Payment remit-to address

Step 3. Submit the invoice from the well driller or lab with the actual cost for the work, and other standard industry costs for sampling the wells. Also include proof of invoice payment.

Step 4. Mail letter, invoices, and proof of invoice payment to:

Ohio EPA
DMWM – Fiscal
P.O. Box 1049
Columbus, OH 43216

Reimbursement could take approximately 30 to 60 days after submitting the invoices.

Ohio EPA recommends that owners and operators of C&DD landfills seek professional advice regarding any tax implications from receiving reimbursements.

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Opportunity for Continued Dialog

The Agency views this C&DD landfill ground water initiative as an opportunity for open discussion and continuous dialog with landfill owner/operators, their ground water consultants, and local approved health districts.

For more information regarding ground water quality at C&DD Landfills please visit the “Ground Water” tab on the Ohio EPA -DMWM C&DD Webpage at epa.ohio.gov/dmwm/Home/CDD.aspx.

Also you may contact Aaron Shear at aaron.shear@epa.ohio.gov or (614) 644-2621 for additional resources or assistance.