

3745-9-02      **Scope and exemptions.**

- (A) In accordance with division (E) of section 6111.42 of the Revised Code, Chapter 3745-9 of the Administrative Code shall apply to the drilling, operation, maintenance, and abandonment of a well or monitoring well to prevent the contamination of the ground water, except that these rules shall not apply to a private water system well.
- (B) No provision of Chapter 3745-9 of the Administrative Code shall be construed so as to exempt any person from compliance with any section of the Revised Code, or any other rule of the Administrative Code, including the department of natural resources and the department of health, or any local ordinance or regulation.
- (C) No person shall construct or alter a public water system well until plans therefor have been approved by the director in accordance with section 6109.07 of the Revised Code and Chapter 3745-91 of the Administrative Code.
- (D) The director shall not issue a plan approval for a well serving a public water system, or alteration of such a well, in accordance with Chapter 3745-91 of the Administrative Code that does not conform to the requirements of this chapter, or which will cause or contribute to contamination of the well or ground water.
- (E) The director may grant a variance of rules in Chapter 3745-9 of the Administrative Code. A public water system requesting a variance shall submit a variance application as part of the application for plan approval. The variance application shall be reviewed as part of the plan approval in accordance with Chapter 3745-91 of the Administrative Code. The public water system shall include in the variance application a detailed explanation of the requested variance and a sufficient demonstration of at least the following information:
  - (1) Contamination of the ground water will not occur as a result of construction and operation of the well; and
  - (2) The public health and welfare will not be endangered from contaminants because of unsatisfactory location, protection, construction, operation, or maintenance of the well, subject to requirements of the Safe Drinking Water Act and generally accepted standards for the construction and equipping of public water systems; and
  - (3) Other technically feasible alternatives do not exist for obtaining water or the well construction will be demonstrably superior; and

- (4) Contamination of the ground water will not occur as a result of sealing the abandoned well and the sealing of the abandoned well will be demonstrably superior.
- (F) Unless a well is otherwise required by paragraph (U)(2) of rule 3745-9-05 of the Administrative Code, a public water system shall comply with the rules in effect at the date of plan approval issued in accordance with Chapter 3745-91 of the Administrative Code, or the date of installation if no plan was approved, except that:
- (1) For a well installed prior to May 1, 2003, the casing shall terminate at least eight inches above finished grade and be equipped with a well cap, and the vent shall terminate at least three feet above the one hundred year floodplain elevation and be protected from damage;
  - (2) The director may require a plan approval for an alteration or other modification that is not inconsistent with this chapter, and chemical and microbiological monitoring, for a public water system that had been a private water system well that was constructed in accordance with Chapter 3701-28 of the Administrative Code;
  - (3) Any submersible well pump with a mercury seal in a public water system well shall be replaced, or modified, to eliminate mercury seals within thirty days of discovery; any submersible pump installed after May 1, 2003 shall not contain a mercury seal in accordance with paragraph (S)(3) of rule 3745-9-05 of the Administrative Code;
  - (4) If a public water system well has a submersible pump with a mercury seal, the director may require sampling and analysis for mercury in the well and water system to ascertain if mercury has contaminated the ground water or water system.
- (G) An identification tag that is provided by the director shall be affixed to each public water system well regardless of the date of construction or installation of a well.

Replaces: 3745-9-02, 3745-9-03, 3745-41-01, 3745-41-02, 3745-41-03

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6111.42(E)

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