

State of Ohio
Environmental Protection Agency

August 3, 2009

Notice of Final Rule-making

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) adopted revisions to rules in Ohio Administrative Code (OAC) that govern the primary drinking water standards. Specifically, the division has proposed revisions to rules that govern the water well standards. The proposed amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division has adopted revisions to water well standards rules 3745-9-01 (Definitions), 3745-9-02 (Scope and Exemptions), 3745-9-03 (Monitoring Well), 3745-9-04 (Well Siting), 3745-9-09 (Well Development and Pump Test) and a new plan approval rule, 3745-91-10 that is related to approving a new water well.

Rule 3745-9-01 includes new definitions that support revisions drafted in rule 3745-9-04.

Rule 3745-9-02 was modified to make general edits and clarify the applicant's requirements when applying for a variance from rules contained in the water well standards Chapter 3745-9.

Rule 3745-9-03 was modified to update a reference in the rule.

Rule 3745-9-04 includes revisions to the existing language and new requirements that provide for the long-term protection of the well's source water. The changes include specific setback distances (for example, 300 feet) from certain waste management activities for all public water supply wells and a prohibition from siting a new well where it could capture water from an aquifer beneath certain types of waste management facilities. The capture zones are the drinking water source protection area (five-year time-of-travel) or the inner management zone (one year time-of-travel).

Rule 3745-9-09 was modified to provide additional flexibility in meeting the performance standard required when conducting pumping or aquifer tests, allowing experienced water well professionals, not just hydrogeologists, to propose and conduct alternative aquifer or pumping tests, and clarifying analytical sampling and analysis requirements for new wells to provide consistency with the contaminant names contained in Chapter 3745-81.

A new rule, 3745-91-10, was adopted in the plan approval chapter to require development or update of a drinking water source protection plan within two years after receiving the director's approval for a new well. The rule is applicable to community water systems that provide water to at least 250 people and serve a political subdivision of Ohio.

The Director of Environmental Protection, after considering public comment, adopted these rules in final form, pursuant to Section 6109.04 of the Ohio Revised Code. The Director's order of adoption was issued on August 3, 2009. The effective date of these new rules will be September 1, 2009, in accordance with Section 119.04(A) of the Revised Code.

A copy of the rules may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049, or (614) 644-2129. These rules are also available electronically at the following internet address: <http://www.epa.state.oh.us/ddagw/oac.html>.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215