

April 2009

Proposed Revisions to Water Well Standards

Introduction

The Division of Drinking and Ground Waters (DDAGW) is proposing revisions to rules in Ohio Administrative Code (OAC) that govern the water well standards (OAC Chapter 3745-9), and a new rule to be included in the plan approval standards (OAC Chapter 3745-91). The proposed amendments are in part a result of Ohio EPA's mandatory five-year rule review.

As part of the rule-making process, the Agency is required to consult with organizations that represent political subdivisions, environmental interests, business interests and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division formally adopts them.

Interested Party Comments

Interested party review of the draft rules was conducted between July 7, 2008 and August 8, 2008.

The majority of the comments received were concerning revisions to the siting criteria in rule 3745-9-04, pumping test requirements in

rule 3745-9-09 and the time frame for submission of a source water protection plan in the related plan approval rule 3745-91-10.

The Agency has redrafted the proposed rules to address many of the recommendations and is proposing rules that will provide additional flexibility in meeting the requirements.

What rules are being modified?

The division is proposing 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.

What is covered by the proposed rule changes?

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

Rule 3745-9-02 is being 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 is being 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 proposed 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), as shown in Figure 1.

Rule 3745-9-09 is being 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, is being proposed 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 will be applicable to most community water systems that provide water to at least 250 people and serve a political subdivision of Ohio, except school districts.

How can I get a copy of the proposed rules?

The proposed rules are available on Ohio EPA's Web site at www.epa.state.oh.us/ddagw/oac.html.

To obtain a hard copy of the proposed rules, contact Flo Sellu at (614) 644-2752 or e-mail at

flo.sellu@epa.state.oh.us.

Please request the "proposed water well standards." If you must leave a recorded message, be sure to include your name, telephone number and complete mailing address. There is no charge for proposed rules.

How can I comment on the proposed rule changes?

A public hearing will be conducted on May 27, 2009 at 10:00 a.m., in Conference Room C at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of

such intent by 5:00 p.m on May 26, 2009. To provide notice of intent to give oral comments at the public hearing, contact Holly Kaloz at (614) 644-2752 or holly.kaloz@epa.state.oh.us.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business May 27, 2009. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Holly Kaloz at Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049, or e-mailed to the following address: ddagw_rulecomments@epa.state.oh.us.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Holly Kaloz at (614) 644-2752 or holly.kaloz@epa.state.oh.us.

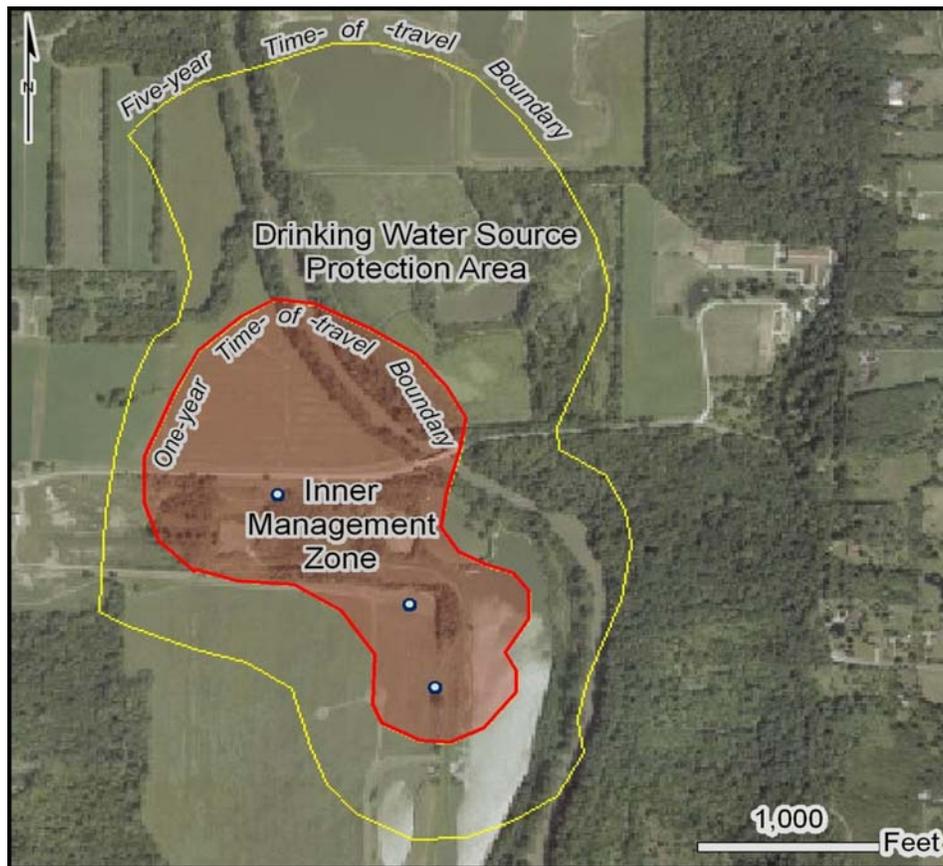


Figure 1. Example Drinking Water Source Protection Area and Inner Management Zone Capture Zones (wells are indicated by dots).