

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

April 20, 2009

Notice of Proposed Rule-making and Public Hearing

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing 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 proposed 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 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).

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.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code 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.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on May 27, 2009, beginning 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. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Holly Kaloz, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

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 the address above, or sent by email to the following address ddagw_rulecomments@epa.state.oh.us.

To obtain a copy of the proposed rules, call Flo Sellu at Ohio EPA at (614) 644-2752, send email to "flo.sellu@epa.state.oh.us", or write to "Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, P.O. Box 1049, Lazarus Government Center, Columbus, Ohio 43216-1049, Attn: Flo Sellu". Please request the "proposed water well standards rules" and be sure to include your name, telephone number, and complete mailing address. There is no charge to receive a copy of these proposed rules. The proposed rules will be available on the Ohio EPA web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

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