

[FRL-3251-4]

Environmental Protection Agency, Region V, at 312-886-2504.

comments and information on the petition until February 5, 1987.

**Final Determination; Unconsolidated Valley – Fill Underlying Pleasant City in Guernsey County, OH**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that, pursuant to section 1424(e) of the Safe Drinking Water Act, the U.S. Environmental Protection Agency (EPA) Region V Administrator has determined that the Unconsolidated Valley – Fill Aquifer underlying Pleasant City in Guernsey County, Ohio, hereafter called the Pleasant City Aquifer, is the sole or principal source of drinking water for Pleasant City and that this aquifer, if contaminated, would create a significant hazard to public health. As a result of this action, all Federal financially assisted projects constructed in the Pleasant City aquifer area and its principal recharge zone will be subject to EPA’s review to ensure that these projects are designed and constructed such that they do not create a significant hazard to public health.

**DATES:** This determination shall be promulgated for purposes of judicial review at 1:00 P.M. Eastern time on September 10, 1987.

**ADDRESSEES:** The data on which these findings are based are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency, Office of Ground Water SWG-TUB9, 230 S. Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Wm. Turpin Ballard, Office of Ground Water, U.S.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 1424(e) of the Safe Drinking Water Act {42 U.S.C. 300f, 300h-3(e), Pub.L. 93-523} states:

(e) If the Administrator determines on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

Effective March 9, 1987, authority to make a Sole Source Aquifer Designation Determination was delegated to EPA Regional Administrators.

On August 27, 1984, EPA received a petition from the Pleasant City Council and the Honorable Clayton Short, Mayor, which petitioned EPA to designate the Pleasant City Aquifer as a Sole Source Aquifer. On January 5, 1987, EPA published a notice in the *Daily Jeffersonian*, a local newspaper, which served to reprint the petition, to announce a public comment. The public was permitted to submit

**II. Basis for Determination**

Among the factors to be considered by the U.S. EPA in connection with the designation of an area under section 1424(e) are: (1) whether the Pleasant City Aquifer is the area’s sole or principal source of drinking water, and (2) whether contamination of the aquifer would create a significant hazard to public health. On the basis of technical information available to this Agency, the Region V Administrator has made the following findings, which are the bases for the determination noted above:

1. The Pleasant City Aquifer currently serves as the “sole source” of drinking water for approximately 990 persons in the Pleasant City area.

2. There is no existing alternative drinking water source or combination of sources which provides 50 percent or more of the drinking water to the designated area, nor is there any available cost-effective future source capable of supplying the drinking water demands for the Pleasant City community.

3. The Pleasant City Aquifer is an unconfined aquifer consisting of water bearing layers of sand and gravel interbedded with less permeable layers of silt and clay. The upper limits of the screened interval of Pleasant City’s wells are within 25 to 36 feet of the ground surface. At such depths, downward migration of surface or near-surface contaminants into the upper water producing zone could occur in a relatively short time, with little opportunity for attenuation of the contaminant. Sources for such contamination include, but are not limited to: (1) residential or commercial sewage disposal sites, (2) use and improper storage of agricultural chemicals, (3) chemical spills associated with rail and

highway transport, (4) leaking underground storage tanks, (5) leachment of spoil and gob piles associated with proposed and existing coal mining operations, (6) leachment from improperly constructed landfills. Should any of the above sources of contamination enter the public water supply, there could be a significant negative effect on drinking water quality with a consequent adverse effect on public health.

### III. Description of the Pleasant City Aquifer, Along With Its Recharge Zone

The Pleasant City Aquifer is an unconfined shallow aquifer composed of permeable sands and gravels interbedded with less permeable silt and clay layers. The unconsolidated sediments are of glacial or alluvial origin and reach a total thickness of up to 60 feet. Estimated areal extent of the aquifer is approximately 1.5 to 1.75 square miles.

Principal recharge of the aquifer is due mainly to precipitation and infiltration downward through the unconsolidated aquifer materials. Secondary sources of recharge may include infiltration of intermittent floodwaters and ground water underflow from upstream alluvial deposits. Due to the average amount of annual rainfall of 30-32 inches, the streams can be classified as gaining streams. Therefore, they do not contribute appreciably to aquifer recharge.

The review area for Federal financially assisted projects will be the alluvial valley occupied by Pleasant City from S.R. 313 south and west to end at the SW ¼ of Section 7, T8N, R9W Byesville Ohio (USGS 7 ½ minute quadrangle). The aquifer recharge area is coincident with the aquifer boundary to a line across the valley ½ mile northeast of and downflow from the Pleasant City wellfield.

### IV. Information Utilized in Determination

The information utilized in this determination includes the petition, written and verbal comments submitted by the public and various technical publications. The above data are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency, Region V, 230 S. Dearborn (5WG-TUB9), Chicago, Illinois 60604.

### V. Project Review

EPA Region V is working with the Federal agencies that may in the future provide financial assistance to projects in the area of concern. Interagency procedures and Memoranda of Understanding will be developed through which EPA will be notified or proposed commitments by Federal agencies for projects which could contaminate the Pleasant City Aquifer, upon which Pleasant City depends for its sole source water supply. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments where appropriate. Should the Regional Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for Federal financial assistance may be made. However, a commitment for Federal financial assistance may, if authorized under another provision of law, be made to plan or design the project to ensure that it will not so contaminate the aquifer.

Although the project review process cannot be delegated, the U.S. Environmental Protection Agency will rely to the maximum extent possible on existing or future State and local control mechanisms in protecting the ground water quality of the Pleasant City Aquifer. Included

in the review of any Federal financially assisted project will be the coordination with the State and local agencies. Their comments will be given full consideration, and the Federal review process will attempt to complement and support State and local ground water protection mechanisms.

### VI. Summary and Discussion of Public Comments

None of the comments received from the public were opposed to designation. The area considered for designation was determined to meet the criteria of an area which depends upon an aquifer for its sole or principal drinking water source and which, if contaminated, would pose a serious threat to the health of the residents of Pleasant City.

### VII. Economic and Regulatory Impact

Pursuant to the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant impact on a substantial number of small entities. For purposes of this Certification, the "small entity" shall have the same meaning as given in section 601 of the RFA. This action is only applicable to the Pleasant City area.

The only affected entities will be those area-based businesses, organizations or governmental jurisdictions that request Federal financial assistance for projects which have the potential to contaminate the aquifer so as to create a significant hazard to public health. EPA does not expect to be reviewing small isolated commitments of financial assistance on an individual basis, unless a cumulative impact on the aquifer is anticipated; accordingly, the number of affected small entities will be minimal.

For those small entities which are subject to review, the impact to today's action will not be significant. Most projects subject to this review will be preceded by a ground water impact assessment required pursuant to other Federal laws, such as the National Environmental Policy Act (NEPA) as amended 42 U.S.C. 431, et seq. Integration of those related review procedures with sole source aquifer review will allow EPA and other Federal agencies to avoid delay of duplication of effort in approving financial assistance, thus minimizing any adverse effect on those small entities which are affected. Finally, today's action does not prevent grants of Federal financial assistance which may be available to any affected small entity in order to pay for the redesign of the project to assure protection of the aquifer.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect of \$100 million or more on the economy, will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete in domestic or export markets. Today's action only affects the Pleasant City Aquifer of the Pleasant City, Ohio area. It provides an additional review of ground water protection measures, incorporating State and local measures, whenever possible, for only those projects which request Federal financial assistance.

Dated: August 17, 1987.

Frank M. Covington.

*Acting Regional Administrator.*

[FR Doc. 87-19658 Filed 8-26-87; 8:45 am]

BILLING CODE 6560-50-M