



Early Stakeholder Outreach — Water Well Standards

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What does the proposed rule package cover?

DDAGW has reviewed rules in Chapter 3745-09 of the Ohio Administrative Code (OAC) to satisfy the five-year rule review requirements of section 106.03 of the Ohio Revised Code. The rules establish regulations for defining, siting, constructing, disinfecting, sampling, developing and abandoning public water system wells.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

DDAGW is proposing to file rule 3745-9-08 as no change.

Proposed minor revisions to OAC Rules 3745-9-01, 3745-9-02, 3745-9-03, 3745-9-04, 3745-9-05, 3745-9-06, 3745-9-07, 3745-9-09 and 3745-9-10 to include the following:

- Modifying definitions and to update references in rule 3745-9-01.
- Clarifying language to define when and under what conditions the Water Well Standards apply to a found system, to provide for a date on well cap construction/specification for public water system wells, acceptability and use of existing shallow, unconsolidated (point) wells and for turbine pump construction in rule 3745-9-02.
- Clarifying language in rule 3745-9-03.
- Clarifying language for siting nonpotable wells and for determining sanitary isolation radii and variances in rule 3745-9-04.
- Adding language to require certain well construction material, to provide dates for certain well construction requirements and establishing rules for the construction of Ranney collector wells in rule 3745-9-05.
- Adding language to require controls for flowing wells in rule 3745-9-06.
- Clarifying the use of concrete as an acceptable grout in certain applications in rules 3745-9-07 and 3745-9-10.

How can I provide input?

The Agency is seeking stakeholder input on proposed changes to OAC Chapter 3745-09. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business October 21, 2020. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov

Please include "Operational Requirements ESO" in the subject line of the email.

What if I have questions?

Questions on this rule package and the process for submitting comments may be forwarded to:

DDAGW_RULECOMMENTS@epa.ohio.gov or

by phone at (614)-644-2752.

Current effective rules can be found on DDAGW's rulemaking webpage at:

<https://www.epa.ohio.gov/ddagw/rules>

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- Modifying language to define hydraulic fracturing (for well development), determining specific capacity, to establish applicability, need and criteria for re-evaluating pump capacities and establishing additional radiological sampling criteria for new noncommunity wells in rule 3745-9-09.

DDAGW is also considering creating a new rule which establishes minimum maintenance requirements for public water supply wells (OAC Rule 3745-9-11).

Who will be regulated by these rules?

This rule applies to all public water systems.

What is the rulemaking schedule?

DDAGW will evaluate feedback from the early stakeholder outreach process and then prepare a draft version of rules for interested party review. After incorporating interested party comments, Ohio EPA will start the rule filing process required by the Joint Committee on Agency Rule Review (JCARR). Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us>.

What input is the Agency seeking?

DDAGW want to hear from intrested stakeholds who may be impacted by these rules. The following questions may help guide you as you develop your comments.

- Is the general regulatory framework of the rule the most appropriate? Should the Agency consider any alternative framework?
- Are there considerations the Agency should consider when updating the existing rules?
- Is there any information or data the Agency should be aware of when reviewing program concepts or rule language?
- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

Contact

For more information, contact Emma Brown at DDAGW_RULECOMMENTS@epa.ohio.gov or (614) 644-2752.