



Draft Rules — Water Well Standards Rules (OAC Chapter 3745-9)

What does OAC Chapter 3745-9 cover?

This chapter of the Ohio Administrative Code (OAC) contains regulations for defining, siting, constructing, disinfecting, sampling, developing, and abandoning public water system wells.

What step is this in the rulemaking process?

This step in Ohio EPA's rulemaking process, required by Ohio Revised Code (ORC) 121.39, is called Interested Party Review. During this step, the Agency makes available draft rules for interested parties for review and comment. This step occurs after the Early Stakeholder Outreach comment period.

Why are these rules under review and what changes are being considered?

Rules in OAC Chapter 3745-9 have been reviewed and amended pursuant to section 106.03 of the Ohio Revised Code (ORC). Ohio EPA is required to review its rules every five years to determine if the rules need to be revised. The Agency has reviewed the rules and the following changes are being considered:

- Modifying definitions and updating references in rule 3745-9-01.
- Clarifying language to define how variances will be submitted and reviewed and to provide for a date on well cap construction/specification for public water system wells in rule 3745-9-02.
- General clarifying language for siting non-potable wells in rule 3745-9-04.
- Adding language to require specific well construction material and to provide dates for certain well construction requirements in rule 3745-9-05.
- Clarifying language on the use of grout for sealing wells in rule 3745-9-07.
- Clarifying language on when disinfection of a well should occur and how/when a well can be placed into service following disinfection in rule 3745-9-08.
- Modifying language to determine specific capacity, for conducting well pump testing, and establishing additional radiological sampling criteria for new community and noncommunity non-transient wells in rule 3745-9-09.
- Additions made to the appendices within rule 3745-9-09 call for the required analyses of six Per-and polyfluoroalkyl Substances (PFAS) chemicals within wells by community water systems and noncommunity non-transient water systems. These requirements align with the action levels established for the six PFAS chemicals addressed under the Ohio Per- and Polyfluoroalkyl Substances (PFAS) State Action Plan for Drinking Water.
- Clarifying the use of concrete as an acceptable grout in certain applications in rule 3745-9-10.

How will the draft rules affect the regulated community?

The draft rules will affect regulated communities by introducing new requirements to analyze for six PFAS chemicals that are also recognized by the PFAS State Action Plan for Drinking Water. Communities may also be impacted by new well construction and maintenance requirements. Communities could experience effects from the new well siting requirements which may force PWS to alter plans of where they mean to construct a well.

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What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders who may be impacted by these rule revisions. General comments and specific information are welcome. In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common-Sense Initiative (CSI) Business Regulation Impact Analysis form, which is being released with these draft rules during interested party review.

How are the amendments formatted in the draft rules?

Text that is considered for deletion is identified in strikeout font; new text is underlined and in blue.

What is the rulemaking schedule?

At this time, the Agency is soliciting input on these draft rule revisions. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes.

At the close of the draft rule comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file proposed rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

At that point, another comment period, including one or more public hearings, will be scheduled. After the close of the comment period, the Agency will review the comments, make any necessary changes and then adopt the final rules.

Ohio EPA expects to file the proposed rules in early 2022.

How can I comment on the draft rules?

Due to COVID-19 the Agency is taking preventative safety measures and staff are not currently in the office to receive hard copies via fax or postal mail. Therefore, to assure your comments are received for consideration, **the Agency requests that you send your comments electronically to the email address posted below**. Additional hard copies may still be sent to the Agency, however, to be considered for this rulemaking, electronic copies must be received by the time and date below.

- Email: ddagw_rulecomments@epa.ohio.gov
- Fax: (614) 644-3387
- Postal mail:
Rule Coordinator
Ohio EPA, Division of Drinking and Ground Water
P.O. Box 1049
Columbus, OH 43216-1049

Comments on the draft rules must be received no later than 5:00 p.m. January 7, 2022.

How can I get more information?

- Copies of this fact sheet, CSI form, and the draft rules are on the Division of Drinking and Groundwaters website at: <https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/drinking-ground-and-waters/regulations/interested-party-review>
- The existing Water Well Standards Rules are available here: <https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/drinking-ground-and-waters/regulations/effective-rules>

For more information about the draft rules, please contact:

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