

# STATE COORDINATING COMMITTEE ON GROUND WATER

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Ohio Environmental Protection Agency  
1800 WaterMark Drive  
Columbus, Ohio 43215-1099

Ohio Department of Natural Resources  
Fountain Square  
Columbus, Ohio 43224-1387

Ohio Department of Health  
246 North High Street  
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Ohio Department of Commerce-SFM  
8895 East Main Street  
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Ohio Public Utilities Commission  
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Ohio Department of Development  
77 South High Street  
Columbus, Ohio 43266-0413

Ohio Department of Transportation  
25 South Front Street  
Columbus, Ohio 43215

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## TO PROMOTE AND GUIDE THE IMPLEMENTATION OF A COORDINATED, COMPREHENSIVE AND EFFECTIVE GROUND WATER PROTECTION AND MANAGEMENT PROGRAM FOR THE STATE OF OHIO

January 15, 1998

Ohio EPA

Ohio Department of Natural Resources  
Building D, 3rd Floor Conference Room

### ABSTRACT

The January 15th meeting was devoted to agency updates and announcements, Work Group updates, and a presentation by Jim Rozelle on the Ohio Water Resources Council.

### ATTENDANCE

OEPA: Larry Antosch, Michael Baker, Barb Lubberger

ODNR: David Hanselmann, Scott Kell, Bob Van Horn

ODA: Larry Berger

ODH: Rebecca Petty

USGS: Jeff deRoche

PUCO: Sue Daly

Visitor/Presenter: Jim Rozelle

### NOVEMBER MEETING SUMMARY

The November 1997 meeting summary was approved as written. (No meeting was held in December 1997)

### PRESENTATION ON OHIO'S WATER RESOURCES COUNCIL

Jim Rozelle, Executive Director of the Ohio Water Resources Council, gave a presentation on the history of the Council and its mission. The Council is an outgrowth of Governor Voinovich's Blue Ribbon Task Force of 1993, which was convened to evaluate water resources in the State of Ohio. The Task Force's Report was submitted in May 1994, recommending creation of a state policy and planning coordinating entity. The Council was established in February 1997.

It includes representatives from ten State agencies concerned with ground water policy, as well as eleven “public members, which include representatives of counties, municipalities, planning agencies, public water utilities, and industry. The five main goals of the Council are:

- Coordinate planning and technical assistance activities to provide for the most beneficial use of water resources.
- Develop a strategy to coordinate water data collection and analysis
- Retain and attract industry by promoting water resources.
- Optimize the State’s financial resources to meet future water resource needs.
- Consider recreation and the environment in all State water resource planning and development.

The Council has published a Directory of Water Programs, which lists technical assistance providers within the various water-related state agencies (Jim distributed copies of the Directory, along with copies of brochures describing the Council). By May 1998, the Council plans to have completed a Draft Plan listing goals, objectives, and action items for water resource planning that can be given to Ohio’s next governor, after elections in November. This document incorporates and is based in part on the stated goals and objectives of each of the water resources related-State agencies. In addition to addressing the programs that traditionally have been run by State agencies, the Plan may include issues that have been inadequately addressed and/or funded in the past, such as nonpoint source pollution and storm water impacts. It is anticipated that the Plan will be used to guide legislative decisions on the budget--and consequently the agenda--for water-related programs.

#### **AGENCY UPDATES AND ANNOUNCEMENTS**

##### ***USGS, Water Resources Division, Jeff deRoche announced:***

- 1.) The Division has been requested to provide technical assistance to Delphos, Ohio, which is trying to develop a controversial new water supply in a nearby rural area.
- 2.) The Division also is looking at water quality at the U.S. EPA Superfund site in Lewisburg, Preble County. (ODH is involved as well, looking at arsenic levels at this site.)

##### ***ODNR, Division of Oil and Gas, Scott Kell announced:***

- 1.) The Division is editing an environmental assessment by the Federal Bureau of Land Management on leasing mineral rights beneath Mosquito Creek reservoir. The underlying aquifer, which includes the Berea Sandstone, is one of the few aquifers where both oil and fresh water are naturally occurring, and the area around the reservoir is a historic oil drilling site. The Bureau will make its decision on whether to lease the site after the public review period.
- 2.) The Division’s Orphan Well Program is falling behind due to inadequate funding, and the Division is beginning to receive complaints. About 80 orphan wells are discovered a year, but only about 40 of them can be plugged under the current funding. Currently the Division has a backlog of about 400 wells.

***ODNR, Division of Geologic Survey, Bob Van Horn announced:***

- 1.) The Division is in the final stages of the Lake Erie coastal erosion mapping. The original draft was based largely on aerial photos, which were used to gauge recession of coastline in the past, and project future recession over the next 30 years. During the subsequent public comment period, 434 objections were received from property owners within the delineated erosion zone. Many of these were concerned about their property being devalued. More detailed investigation was conducted based on these complaints, and a revised map was released on December 5, 1997. The public has until February 4, 1998 to file complaints. In the future, it will be necessary to obtain a permit from ODNR to build certain types of structures within this area.

***OEPA, Division of Surface Water, Larry Antosch announced:***

- 1.) The Division of Surface Water Chief's position has not yet been posted. Until that position is filled, John Sadzewicz is Acting Chief of the Division, as well as serving as Deputy Director of Water Programs in the Director's Office.
- 2.) The FFY'98 319 grant applications should be awarded soon by U.S. EPA Region V. Over half the applicants have their work plans prepared.
- 3.) A call for FY'99 319 grant applications will be issued soon.
- 4.) The Division's "Explore Your Watershed" Web site is up and running. It is now possible to obtain the Division's information on any stream reach in the state through the Internet.

***ODNR, Division of Water, Mike Hallfrisch announced:***

- 1.) The Division of Water's Web site should be up and running by late January/early February. It includes the Division's Fact Sheets, a list of employees, and a description of what the Division does.
- 2.) The Division has used some NatureWorks money to upgrade and expand its observation well network.

***PUCO, Sue Daly announced:***

- 1.) A public meeting on the Drinking Water State Revolving Fund was held at Ohio EPA's Central Office on December 18, 1997. The meeting was well attended and included a diverse cross-section of the public. Among the concerns expressed by attendees were (1) some would like to see more of the Fund used for Source Water Protection, and (2) it appears that the Fund is inadequate to meet the current demand for financial assistance.

***ODNR, Division of Soil and Water Conservation, David Hanselmann announced:***

- 1.) Livestock operations appear to be receiving more attention from U.S. EPA lately, and the Agency seems more willing to use existing authority to impose additional regulations on water quality discharged from these facilities. As a result, Ohio EPA may eventually be

obliged to revise its regulation of these facilities. Currently there are bills in the Legislature, including Senator Gilmore's bill, that focus on this issue.

***ODH, Rebecca Petty, announced:***

- 1.) Ad hoc meetings concerning household sewage disposal are ongoing.
- 2.) Draft legislation on the Private Water Systems Program has been released by the Legislative Services Commission. Notices have been sent to drillers and contractors throughout the State, and meetings have been scheduled with all of the Ohio Water Well Association's districts. Drillers seem to support the Program overall, but are concerned about how it will be administered. For example, some drillers support a uniform permit fee across the state, but sanitarians in urban counties tend to have higher salaries than those in rural counties. Rebecca distributed copies of the 39-page legislation. A six-page summary of the legislation is attached to this meeting summary.
- 3.) Citizen interest in the leukemia cluster in Marion, Ohio has been heightened by a recent article in the *Columbus Dispatch*, which suggested a link between leukemia and trichloroethylene (TCE) in drinking water. Research at ODH has indicated that the only environmental factors linked to leukemia in humans are benzene and radium 226 and 222. Nonetheless, ground water monitoring has been initiated to assess the human health risk posed by drinking from private wells in the Marion area. ODH will be sampling for the presence of volatile organics and radium 226 and 222.
- 4.) A recent District Court of Appeals ruling upheld municipalities' immunity from damages resulting from certain governmental and proprietary functions, which include sewer and public water systems. It appears that Ohio is one of the few states in the country that extends such immunity to municipalities. This ruling has major implications for Ohio water law, and is receiving increased attention locally because of litigation involving installation of a sewer line in Franklin County, which resulted in a dewatering of private wells. A Grove City attorney is considering filing an appeal with the Ohio Supreme Court to challenge this ruling.

***ODA, Pesticides Section, Larry Berger announced:***

- 1.) The City of Reynoldsburg has issued a permit to install the antenna tower for the Agency's Global Positioning System base station. Construction will begin next month.
- 2.) Larry will be exhibiting the Agency's plastics chipper as part of an agricultural exposition at the Columbus Expo Center on February 9-10.
- 3.) All the plastic chipped during the 1997 season has been sold to manufacture "plastic wood" for pallets. Currently, this is about the only thing this plastic can be used for. The U.S. EPA is concerned about cross-contamination if this plastic is used for new pesticide containers. Also, although plastic actually yields more energy than coal, it is not being used for trash-burning power plants because of the concern over potential toxic emissions.

***OEPA, Division of Drinking and Ground Waters, Michael Baker announced:***

- 1.) The Division is in the process of drafting its Strategic Plan for SFY'99.
- 2.) Ohio's Source Water Protection Program has entered the public input phase of its development. The first meeting with the Technical Advisory Committee was held December 9, 1997, and the second meeting will be held January 21, 1998. Also, the first meeting of the Central Ohio Public Advisory Group will be held on January 26th. The main topics discussed to date concern how Ohio should conduct delineations and susceptibility assessments of source water protection areas for ground water systems.
- 3.) Information on Source Water Assessment is being added to the Division's Web page. There are already descriptions of the program, and what Ohio is doing to develop its State Plan. Meeting summaries of the Technical Advisory Committee and the Central Ohio Public Advisory Group will be added as they are completed.
- 4.) The Division has conducted sampling for tritium in its ambient well network, which includes about 200 community public water supply wells. This information may be useful in conducting Source Water Assessments of public water systems.

**WORK GROUP UPDATES**

***Well Construction Work Group***

Rebecca Petty reported that during the last meeting, the group agreed on the format of the document they are drafting. It will be a hybrid approach that includes general recommendations and performance standards, as well as some detailed "how-to" type of guidance. The group agreed to include discussion of elevator shafts, test borings, and cathodic protection wells.

***State Management Plan for Pesticides (SMP)***

Larry Berger reported that a new draft of Ohio's generic SMP is scheduled to be submitted to U.S. EPA Region V at the end of January. He noted that U.S. EPA still has not completed its rules for State Management Plans, only the guidance.

***Farm-a-Syst***

Larry Antosch reported that a kick-off meeting for the authors of various Fact Sheets was held in December. First drafts are due on January 23rd.

***Non-point Source Management Plan***

Meetings to update the NPS Management Plan have been held regionally throughout the state. The nine work groups hope to have draft recommendations complete by June or July of 1998.

**MISCELLANEOUS**

The Committee discussed electing a new chair for the period February-June, 1998. Sue Daly volunteered to complete a six-month cycle as SCCGW chair.

### **FEBRUARY AGENDA**

The next SCCGW meeting will be held February 19th at ODNR, Building D, third floor. The meeting will focus on updates and announcements. Also scheduled is a presentation on the Office of Farm Land Preservation by Karl Gebhardt.

### **HAND-OUTS**

- 1.) State of Ohio Directory of Water Programs, 1997 (prepared by Ohio Water Resources Council)
- 2.) Brochure describing the Ohio Water Resources Council
- 3.) Draft legislation (LSC 122 0338-1) amending the Ohio Revised Code to address permitting and standards for construction of private water systems.

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### TO PROMOTE AND GUIDE THE IMPLEMENTATION OF A COORDINATED, COMPREHENSIVE AND EFFECTIVE GROUND WATER PROTECTION AND MANAGEMENT PROGRAM FOR THE STATE OF OHIO

**February 19, 1998**  
**ODNR - Fountain Square**  
**Building D, 3rd Floor Conference Room**

8:30 - 8:35 am	CALL TO ORDER -Introductions
8:35 - 8:40 am	JANUARY MEETING SUMMARY
8:40 - 9:10 am	PRESENTATION on the Office of Farm Land Preservation
9:10-10:20 am	AGENCY UPDATES AND ANNOUNCEMENTS -Legislation/Rules/Policies -Program Developments/Organizational Changes/New Hires -Miscellaneous
10:20 - 10:30 am	BREAK
10:30 - 10:45 am	WORK GROUP UPDATES
10:45 - 10:55 am	MISCELLANEOUS
10:55 - 11:00 am	MARCH SCCGW MEETING AGENDA
11:00 am	ADJOURN

## **PRIVATE WATER SYSTEMS MODEL PROGRAM DRAFT LEGISLATION SUMMARY**

**Ohio Department of Health  
Bureau of Local Services  
January 6, 1998**

### **Section 3701.83**

(A) Removes the reference to 3701.344 for the use of general operating funds.

### **Section 3708.01**

(A-N) Establishes definitions for terms used in the legislation.

### **Section 3708.02**

Establishes the authority of the public health council to adopt rules regarding:

- (A) Contracts to administer the program between the local health departments and the state;
- (B) Procedures and requirements for the licensing and bonding of contractors; reciprocity requirements;
- (C) Procedures and requirements for registration;
- (D-E) Licensing of inspectors; fees for the licensing of contractors and inspectors;
- (F) Standards governing the design and construction of private water systems;
- (G-H) Requirements and procedures for permitting and inspections, and water samples collected from private water systems;
- (I) Procedures for the assessment and collection of monetary penalties for failure to comply with the rules;
- (J) Procedures and requirements governing the filing of complaints.

### **Section 3708.03**

- (A) The Board of Health must submit an application to the Director to administer the permitting and inspection program for a 3 year period. A Board of Health may administer the program in more than one county. The counties must be contiguous and MOU's must be established with the other Board's of Health.
- (B) The Director shall review the application for compliance and identify any deficiencies in the application and require corrections for compliance. Only one Board of Health may administer the program in a given county.
- (C) Boards of Health with approved contracts must:
  - Administer the permitting and inspection program.
  - Employ at least one licensed inspector. An inspector must be available at all times.
  - Establish a permit fee in accordance with the methodology.



- Maintain accurate records and conduct enforcement.
- (D) The state must periodically audit the local program for compliance.
- (E) The state may administer the program in a county without an approved board of health to administer the program.
- (F) The contractual program must be established and operational in each county within 2 years.

#### **Section 3708.04**

- (A-B) Provides authority to ODH to administer the private water systems program, provide technical support and assistance directly or through contracts with other state agencies, and seal wells on private or public property that may contaminate ground water.

#### **Section 3708.05**

- (A) Requires licensing of well drilling contractors within 270 days of passage of the legislation.
- (B) Any person who applies must meet the following:
  - Be at least 18 years old.
  - Pass an examination prior to application
  - Meet the work related experience requirements
  - Meet the surety bond requirements.
  - Pay the license fee.
- (C) Licenses are valid for 2 years. The state must review applicants and approve or deny licenses
- (D) The state will prepare and administer the examinations, which may be structured according to each category of license, or may use an examination prepared by a testing agency.
- (E) Provides for grandfathering of existing registered contractors, but requires passing the examination and completing the experience requirements within 3 years.
- (F) A contractor must meet the continuing education and surety bond requirements, and pay the renewal fee to obtain renewal of a license.
- (G) Establishes authority for reciprocity agreements with other states for licensing.

#### **Section 3708.06**

- (A) Requires the registration of any contractor who installs, alters, or abandons a spring, cistern, pond, or hauls water within 270 days of passage of the legislation.
- (B) Registrants must pay a registration fee and meet the surety bond requirements established by rule.
- (C) Requires the director to issue or deny registrations to applicants.

- (D) Registrations are valid for two years and may be renewed upon payment of the renewal fee and satisfying the surety bond requirements.

**Section 3708.07**

- (A) Requires the licensing of persons who inspect and permit private water systems within 270 days of passage of the legislation.
- (B) Applicants for an inspection license must:
- Be at least 18 years of age;
  - Be a registered sanitarian, or have a B.S. degree in civil engineering or geology;
  - Pass an examination prior to submitting an application for a license;
  - Pay the license fee (may be paid by employer);
- (C) Authorizes the director to review applications for an inspector's license and accept or deny the license based on compliance with the requirements.
- (D) The Director will prepare and administer the examination for applicants, or may use an examination prepared by an outside testing agency.
- (E) Any person who is a registered sanitarian, or a geologist or civil engineer employed by ODNR or Ohio EPA may submit an application for a license without taking and passing the examination. Any person receiving a license within the 12 month grace period must take and pass the examination within 3 years.
- (F) The license is valid for two years and may be renewed upon meeting the requirements for renewal.
- (G) No one may hold a drilling license and an inspector's license simultaneously.

**Section 3708.08**

- (A) Defines "administering agency" as the responsible board of health for that county.
- (B) Requires the issuance of a permit by the administering agency to construct, install, alter, repair or seal a private water system.
- (C) Establishes a standard permit application form and specifies the information to be included on the form.
- (D) Requires the submittal of a permit fee with the permit application. The administration portion of the fee shall be returned to the Ohio Department of Health. Allows for site inspections related to permit applications, and authorizes approval or denial of the permit application by the local health department based on compliance with the requirements of Section 3708.02.
- (E) Upon approval of the permit, a copy of the application will be provided to the owner of the private water system, the licensed contractor, with a copy retained by the local health department. Permits are valid for one year and are non-transferrable. If the first well is unsuccessful, a second well may be attempted under the same permit. All unsuccessful wells shall be properly sealed.

- (F) The licensed contractor is required to file the well log with the well owner, the local health department and ODNR. The licensed contractor must disinfect the private water system, request the collection of a water sample, and file the completion forms.
- (G) The licensed inspector will inspect the system and collect the sample (with the exception of well sealing) for analysis according to standards established by rule. Any noted deficiencies must be corrected prior to the collection of a sample. If contamination is suspected, additional water samples may be collected for further analysis.
- (H) If the water samples meet the established standards, the local health department shall approve the system. If the standards are not met, the inspector will work with the licensed contractor and the homeowner on corrections to the system. Up to 3 samples can be collected. If the deficiencies cannot be corrected, the licensed contractor shall be responsible for sealing the well at their expense. If deficiencies with the well cannot be identified, and the water samples still do not meet the standards, then the Ohio EPA shall be notified of potential contamination of the aquifer, and the local health department shall require the licensed contractor to seal the well, and work with the owner to obtain a new system.
- (I) All work on a private water system must be completed before expiration of the permit.

#### **Section 3708.09**

- (A-D) Establishes procedures for application of a variance from the rules.
- (E) Authorizes the Director of ODH to grant a variance if compliance with the established requirements are met.

#### **Section 3708.10**

- (A) Authorizes right of entry by the Director of ODH or any of his agents to inspect or investigate private water systems or to collect samples.
- (B) Authorizes right of entry for a responsible board of health to inspect or investigate private water systems or to collect samples.

#### **Section 3708.11**

- (A) Allows the licensed inspector to issue a notice of deficiency or stop work order to a licensed contractor or registrant for failure to comply with applicable requirements established in the law or related rules. Upon compliance with the requirement, the notice of deficiency or stop work order shall be withdrawn.
- (B) Upon continued noncompliance, the director of ODH shall be notified and shall review the issuance of the order within three days. The Director shall determine whether the issuance is justified, and if so shall, issue a notice of violation and may require the licensed contractor or registrant to make

corrections to the private water system, assess an administrative penalty, suspend or revoke a license or registration in accordance with the rules. Upon compliance, the notice of violation shall be withdrawn and discontinue any suspension or revocation proceedings.

- (C) Monetary penalties shall be deposited into the deficiency correction fund. Monies from this fund may be used to correct violations. The director shall record all costs associated with the correction of the private water system and may place a lien against the real property of the licensed contractor or registrant involved, or may initiate a civil action to recover costs incurred.
- (D) The Director may notify any licensed contractors or registrants that they may be subject to suspension or revocation of the license or registration if at least 3 notice of deficiencies or stop work orders are received in a 6 month period, or 2% of the total systems that a contractor has installed in a 6 month period. The Director may suspend or revoke a license or registration if at least 6 notice of deficiencies or stop work order violations, or totaling 4% of all systems installed by the contractor or registrant are received in a 12 month period.

#### **Section 3708.12**

- (A) Establishes procedures for filing a verified complaint with the Director of Health alleging that a person has failed, is failing, or will fail to comply with the law or rules of this chapter.
- (B) Requires the Director of Health to investigate all complaints and take actions as required.
- (C) The Director may hold a hearing regarding the complaint and must follow public notification requirements.
- (D) Complaints may be consolidated for enforcement and administration.

#### **Section 3708.13**

Establishes the private water systems fund and specifies that the director shall use these funds exclusively for the administration and enforcement of this chapter and related rules.

#### **Section 3708.14**

Establishes the deficiency correction fund and specifies the use of these monies related to correction of violations for private water systems.

#### **Section 3708.15**

- (A) Revises the composition and role of the private water systems advisory council. Expands the membership to 11 and adds representation from ODNR and Ohio EPA.
- (B) The role of the council shall be expanded to conduct reviews and make recommendations regarding rules adopted under this chapter; review and

make recommendations regarding the administration of this chapter and resulting rules, the examinations for licensing, and advise the director on denial, suspension, or revocation of a license or registration.

**Section 3708.99**

Allows for the commencement of criminal actions against any person who violates any provision of this chapter or associated rules, or associated permits, licenses, registrations or variances, for a fourth degree misdemeanor.

**Section 3709.09**

Removes the reference to the revised code section 3701.344 which is the current authorization for the private water systems program and establishes this as an interim section.

**Section 4736.01**

Removes the reference to the revised code section 3701.44.

*Please contact Rebecca Petty (614-466-4801) or John Wells (614-752-2685), Bureau of Local Services, Ohio Department of Health if you have any questions or comments or fax comments to (614)466-4556.*