

3745-9-02 **Scope and exemptions.**

- (A) In accordance with division (E) of section 6111.42 of the Revised Code, this chapter shall apply to the drilling, operation, maintenance and abandonment of a well or monitoring well to prevent the contamination of the ground water, except that these rules shall not apply to a private water system well as defined in Chapter 3701-28 of the Administrative Code. Unless otherwise noted, this chapter shall apply to the drilling, operation, maintenance and abandonment of a nonpotable well as defined in rule 3745-9-01 of the Administrative Code.
- (B) No provision of this chapter shall be construed so as to exempt any person from compliance with any section of the Revised Code, or any other rule of the Administrative Code, including the department of natural resources and the department of health, or any local ordinance or regulation.
- (C) No person shall provide water from a public water system well to the public following construction or alteration until plans therefor have been approved by the director in accordance with section 6109.07 of the Revised Code and Chapter 3745-91 of the Administrative Code.
- (D) After April 1, 2016, only private contractors holding a valid registration with the Ohio department of health, in accordance with Chapter 3701-28 of the Administrative Code, may do or oversee any of the following except as noted in paragraph (E) of this rule:
 - (1) Drill, construct, alter, repair or seal a public water system well.
 - (2) Install a pitless adapter or pitless unit into the casing of a public water system well.
- (E) After April 1, 2016, a community water system that is owned or operated by, or serves a public entity, may perform repairs on wells owned and operated by the public water system. Any contractor hired by a public entity must meet the requirements of paragraph (D) of this rule.
- (F) The director shall not issue a plan approval for a well serving a public water system, or alteration of such a well, in accordance with Chapter 3745-91 of the Administrative Code, that does not conform to the requirements of this chapter, or which will cause or contribute to contamination of the well or ground water.
- (G) The director may grant a variance of this chapter. A public water system requesting a variance shall submit a variance application as part of the application for plan approval. The variance application shall be reviewed as part of the plan approval in accordance with Chapter 3745-91 of the Administrative Code. The public water system shall include in the variance application a detailed explanation of the requested variance and a sufficient demonstration of at least the following information:
 - (1) Contamination of the ground water will not occur as a result of construction and operation of the well.
 - (2) The public health and welfare will not be endangered from contaminants because of

unsatisfactory location, protection, construction, operation or maintenance of the well, subject to requirements of the Safe Drinking Water Act (or SDWA).

- (H) Unless a well is otherwise required to comply with paragraph (A)(16)(b) of rule 3745-9-05 of the Administrative Code, a public water system shall comply with the rules in effect at the date of plan approval issued in accordance with Chapter 3745-91 of the Administrative Code, or the date of installation if no plan was approved, except for the following:
- (1) For a well installed prior to May 1, 2003, the casing shall terminate at least eight inches above finished grade and be equipped with a well cap, and the vent shall terminate at least three feet above the one hundred year floodplain elevation and be protected from damage.
 - (2) The director may require a plan approval for an alteration or other modification that is not inconsistent with this chapter, and chemical and microbiological monitoring, for a public water system that had been a private water system well that was constructed in accordance with Chapter 3701-28 of the Administrative Code.
 - (3) Any submersible well pump with a mercury seal in a public water system well shall be replaced, or modified to eliminate mercury seals, within thirty days of discovery; any submersible pump installed after May 1, 2003 shall not contain a mercury seal in accordance with paragraph (A)(14)(c) of rule 3745-9-05 of the Administrative Code.
 - (4) If a public water system well has a submersible pump with a mercury seal, the director may require sampling and analysis for mercury in the well and water system to ascertain if mercury has contaminated the ground water or water system.

[Comment: SDWA means the "Safe Drinking Water Act," 88 Stat. 1660 (1974), Title 42 U.S.C. 300(f), as amended by the "Safe Drinking Water Act Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 300(f), the "Safe Drinking Water Act Amendments of 1986," 100 Stat. 642, 42 U.S.C. 300(f), and the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C. 300(f), and regulations adopted under those acts. Copies of these codes may be obtained from the "U.S. Government Bookstore" toll-free at (866) 512-1800 or <https://www.gpo.gov/fdsys>, or from "Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH, 43215," (614) 644-2752. The code is available for review at "Ohio EPA, Lazarus Government Center, 50 West Town Street 700, Columbus, OH, 43215."]

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