

ARCHIVE: Archived because this document no longer provides current guidance and because revisions made to VAP rules in 2002 in OAC Chapter 3745-300 necessitate revisions to this guidance.

TITLE: Ground Water Potable Use Standards and discharge to a surface water body

DATE

EFFECTIVE: 1998

KEYWORDS: ground water, potable, discharge, surface water, standards

RULE: OAC Rule 3745-300-08(D)(1)

QUESTION: What is the intent of OAC 3745-300-08(D)(1) since this rule speaks to only point source discharges and other regulated discharges as far as discharge from ground water (GW) to a surface water (SW) body is concerned. Currently, GW to SW discharge is not considered to be a regulated discharge.

ANSWER: The intent was to default to Ohio EPA Division of Surface Water's (DSW) judgement on the applicable standards as far as discharges to a SW body are concerned. In addition to complying with the requirements for permitted discharges, the VAP rules also look at DSW's surface water quality standards (SWQS) for the applicable standards in SW. Therefore, taken as a whole, and in light of the overall goal to prevent exposure (e.g., exceedance of applicable standards), GW discharges to SW must be managed in such a way that the exceedance of SWQS in the mixing zone of the SW body do not occur. The rationale for making such a determination lies in the following:

1. OAC 3745-300-10 says that for certain GW response requirements, the PUS should be met at the property boundary unless the GW discharges to a SW body in which case the rules point to 300-08(D). This indicates that the intent was to have SWQS supersede PUS when the discharge was a point source or a regulated discharge.
2. DSW currently has protocols for evaluating and permitting "point" source discharges and storm water issues. The belief during VAP rule making was that DSW would eventually develop a method for evaluation of "non-point" source

discharges in the future. This has not happened yet. However, other language in the VAP rules dealing with “source areas” (see definition in 3745-300-01), migration pathways, and prevention of exceedance of applicable standards requires that GW to SW discharges are appropriately addressed.

SUMMARY:

GW discharges to SW must be managed in such a way that the exceedance of SWQS in the mixing zone of the SW body do not occur.

OHIO EPA**CONTACT:**

For any questions concerning this issue, please contact the VAP central office at (614) 644-2924.