

**ARCHIVE:** Archived because revisions made to VAP rules in 2002 in OAC Chapter 3745-300 render inaccurate the rule citations in this document (technical content remains accurate under the 1996 VAP rules). Refer to VA30007.04.001 for the updated document.

**TITLE:** Rigor of Ground Water Assessment When Off-Property VAP Yield Data Exist

**DATE**

**EFFECTIVE:** May 2000

**KEYWORDS:** ground water, yield

**RULE:** Rule OAC 3745-300-10 (B)-classification, OAC 3745-300-07 (D)(6)-determination of yield

**QUESTION:** When yield information is needed to determine whether a zone falls below the VAP definition of ground water or to determine that the ground water falls below the Class A criteria and off-property yield information exists in the vicinity of a property seeking a covenant not to sue (CNS), how much property-specific yield testing does a volunteer need to conduct?

**BACKGROUND:** If the ground water zone beneath the property is contaminated with chemicals of concern (COCs) above unrestricted potable use standards, the ground water must be classified [OAC 3745-300-10 (B)]. This will more than likely require that the volunteer/CP determine the yield of the ground water. When testing is conducted for the purposes of determining the yield of a saturated zone underlying the property, the volunteer must conduct a sufficient amount of tests to determine the yield that is representative of the amount of ground water that is available [OAC 3745-300-07 (D)(6)].

**ANSWER:** Property-specific information must always be collected to determine whether a saturated zone does not meet the definition of ground water or whether a zone exceeding UPUS *does not meet* the criteria for Class A ground water. A Volunteer or a Certified Professional (CP) can always *assume* that the zone is ground water. Also, a Volunteer or CP may assume that a contaminated ground water zone is Class A provided that adequate regional data have been provided to indicate that the zone is not Critical Resource Ground Water.

Information from neighboring properties can be used, thus limiting the amount of property-specific yield testing that needs to be conducted.

However, the extent to which a Volunteer may rely on the neighboring properties would be dependent upon (but not limited to):

1. The size of the property which is the subject of the voluntary action compared to the size of the neighboring property: For example, a neighboring site that is only one acre in size may not provide field data sufficient enough to reduce the amount of property-specific information needed to determine the yield beneath a 30-acre site.
2. Verification that the yield data collected on the neighboring property were collected in accordance to the VAP rules.
3. The proximity of the neighboring property compared to the property that is the subject of the voluntary action. Data from a neighboring property that is adjacent to the volunteer's property may be considered with a greater confidence than data from neighboring properties that are separated by several parcels.
4. Verification that the geologic features underlying the neighboring property is similar to the geologic features underlying the property which is the subject of the Voluntary Action. Such verification may be provided by a comparison of the soil boring logs and the hydrogeologic testing data (e.g., hydraulic conductivity, flow gradients, depth to ground water, material types) between the two properties.

**OHIO EPA**  
**CONTACT:**

For any questions concerning this issue please contact the Division of Drinking and Ground Waters (Lisa Koenig, Sydney Poole or Jeff Patzke) at (614) 644-2752 or VAP central office at (614) 644-2924.