

ARCHIVE: Archived because revisions made to VAP rules in 2002 in OAC Chapter 3745-300 necessitate revisions to this guidance. However, this document is accurate under the 1996 VAP rules. Refer to VA30010.03.004 for the updated document.

OHIO EPA

DIVISION OF EMERGENCY AND REMEDIAL RESPONSE VOLUNTARY ACTION PROGRAM

FREQUENTLY ASKED QUESTION #14: Determination of Wells Used for Potable Purposes

PURPOSE

This series of fact sheets is intended to provide guidance regarding the Agency's position concerning the interpretation of certain Voluntary Action Program (VAP) rule requirements. The information provided within these documents is based upon Agency evaluation of several VAP no further action letters submitted with the intent of obtaining a covenant not to sue, USD submitted request, as well as assistance provided for several VAP technical assistance projects.

QUESTION

How should it be determined as to whether wells used for potable purposes exist within ½ mile of a property boundary per the Voluntary Action Program rules [OAC 3745-300-10(C)(2)(a) and 3745-300-10(D)(1)(d)]?

BACKGROUND

OAC 3745-300-10(C)(2)(a) states that if ground water is in a saturated zone currently utilized as a source of water for potable purposes within ½ mile of the property boundary, then the ground water is Class A. Also, if an Urban Setting Designation is considered, the Certified Professional (CP) must demonstrate that no wells for potable water supply exist within ½ mile of the property boundary [OAC 3745-300-10 (D)(1)(d)]. However, an Urban Setting can still be designated if the CP can demonstrate that the capture zone of a potable water supply well does not extend under the property or properties, or the well is part of a community water supply with a Wellhead Protection Plan (WHP) endorsed by Ohio EPA and the owner of the public water supply consents

in writing to the designation [(D)((1)(d)(i) and (ii)]. Potable use is defined as the use of ground water for such activities as drinking, showering (OAC 3745-300-01(A)(33)).

ANSWER

The Ohio EPA considers ground water to be currently utilized if an active well exists within ½ mile of the property boundary in the zone being classified. At a minimum, the evaluation should include the following:

1. Check Publicly Available Records.

- a. An evaluation of well logs on file at ODNR is required.¹ The evaluation needs to include not only those wells logs that are located by ODNR on a U.S.G.S Quadrangle map, but also those well logs that are on file but have not been located by ODNR (herein referred to as unlocated well logs). The location of potential wells should be determined for the unlocated well logs to evaluate whether any wells are within ½ mile of the property boundary. The city and street address and/or driller's location description can be used to help eliminate from consideration those unlocated wells that are obviously not within ½ mile; therefore, locations for these wells do not need to be determined. Ohio EPA recognizes that despite reasonable efforts made by the CP, it may not be possible to assign a potential location to all wells. If all wells cannot be located, other efforts (or lines of evidence) may be needed, such as a more extensive visual survey.
- b. A review of county or other local Health Department records to determine whether well permits have been issued for potable use. [NOTE: Records may only go back 10 years.]
- c. An inquiry of other local authorities with jurisdiction over installation of wells used for potable purposes.

2. Conduct a visual survey of the area within ½ mile of the property.²

The visual survey may involve as simple as a drive-by observation or as extensive as conducting a door-to-door survey, or mail survey. The "level of effort" needed for the visual survey is property-specific and dependent on the other documentation supporting the well location evaluation. Other documentation could include:

¹ The Phase II rule OAC 3745-300-07(D)(7)(b) requires that for the purposes of classifying the ground water, the volunteer, at a minimum, must review the ODNR well logs for properties on which ground water has or is reasonably anticipated to have concentrations of concern in excess of generic or risk-derived unrestricted potable use standards.

² Phase II rule OAC 3745-300-07(D)(7)(a) requires that for the purpose of classifying the ground water underneath the property, the volunteer must identify any visual evidence of ground water use in the areas where ground water has or is anticipated to have concentrations of concern in excess of generic or risk-derived unrestricted potable use standards.

- a. An ordinance requiring residents/businesses to connect to the public drinking water system.
- b. A ban on drilling water wells in the area.
- c. A local requirement or ordinance which states that a permit for installation of a water supply well must be issued by the Health Department or other local authority.

The weight of the above evidence is dependent on whether these can be, and have been effectively monitored and enforced by the local authority having the jurisdiction.

Other possible lines of evidence that wells used for potable purposes do not exist within ½ mile include:

- ▶ Interviews with or surveys of local drillers to determine whether they have installed wells for potable purposes in the area.
- ▶ Interviews with or surveys of local water purveyors to determine whether water service is provided to the area within ½ mile.

3. Evaluation of Potentially Located Wells

After identifying all potential wells within ½ mile from a visual survey or from public records, one should assume that well(s) exist for potable purposes or provide evidence that: 1) the well(s) no longer exists, 2) that it is used for purposes other than potable use, or 3) demonstrate that the well's intake is not within the ground water zone being classified.

- a. Sufficient evidence that a well identified from public records no longer exists could include one or more of the following:
 - i. An abandonment report filed with ODNR or the local or county health department,
 - ii. Confirmation by the local or county health department that the well no longer exists, or
 - iii. Documentation provided by the well owner that the well no longer exists (either through multiple attempts to contact well owner by mail and verbal contact.)
- b. Sufficient evidence that an identified well is not currently utilized for potable water supply could include:
 - i. Contact is made with the well owner and he/she confirms that the well is for non-potable purposes.
 - ii. The well is only used to monitor ground water quality or quantity.

- iii. Documentation that indicates there is no possibility that a person could use the well for potable purposes (e.g., non-functional due to the absence of pumps or connecting plumbing and that the well owner does not plan to refit the well).
 - iv. Checking with the PWS for active accounts and, if an account exists, the amount of usage is sufficient enough to be used for potable purposes. (NOTE: This should not be used as a line of evidence without first attempting to contact the well owner.)
 - v. Determine whether the property is occupied and whether water is needed at the property. This is particularly important for properties that do not have water accounts with the city.
- c. Evaluate whether the wells identified for potable purposes are in the same ground water zone being classified. (Note: not applicable for obtaining a USD designation.)