

ARCHIVE: Archived due to the 2014 rule revision. The TGC language was incorporated into rule. The rule revision eliminates the need for the TGC for the 2014 rules, but the TGC is still applicable under the 2009 rules.

TITLE: Use of Off-Property Yield Data for Classification of Ground Water

**DATE
EFFECTIVE:** January 2004

HISTORY: Update of VA30007.04.001 - Revision was necessary to reflect changes in the rule citations that became effective in March 2009.

KEYWORDS: Ground water classification, yield determination, off-property data

**RULE/
AUTHORITY:** OAC 3745-300-07(F)(7) and (8); 3745-300-10(A)

QUESTION: When yield information is needed to determine whether the water in a saturated 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(A)]. This will more than likely require that the volunteer or CP determine the yield of the ground water zone. 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 available [OAC 3745-300-07(F)(7) and (8)].

ANSWER: Property-specific information must always be collected to determine whether a saturated zone does not meet the definition of ground water per OAC 3745-300-01 or whether a zone exceeding UPUS does not meet the criteria for Class A ground water (OAC 3745-300-10(B)(2)). 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 the zone is not Critical Resource Ground Water in accordance with OAC 3745-300-07(F)(7)(b)(i).

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):

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1. The size of the property that 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 (OAC 3745-300-07(F)(7) and (8)).
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 hydrogeologic features underlying the neighboring property are similar to the hydrogeologic features underlying the property that 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 (OAC 3745-300-07(E)(2)).

RELATED TGC DOCUMENTS:

The following TGC documents relate to the determination of ground water yield beneath the property:

- VA30007.03.007 - Determining Maximum or Average Annual Yield
- VA30007.03.008 - Biasing Yield or Hydraulic Conductivity Testing to Areas of Highest Yield or Hydraulic Conductivity
- VA3007.03.009 - Appropriate Application of Yield and Hydraulic Conductivity Data
- VA30007.03.010 - Determining Ground Water Yield When Well Intakes Are Less Than 80% of the Thickness of a Saturated Zone

OHIO EPA CONTACT:

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