

(A) No person shall construct, alter or seal a private water system, test well or part thereof, unless a valid permit for the system has been issued by the board of health pursuant to this rule.

- (1) Any person intending to construct or alter a private water system or install a test well or component thereof, shall, either in person or through a designated agent, make application to the board of health for a permit. Permits may be completed in person, sent by mail, or submitted by fax or email where the board of health accepts electronic payment. Except as provided in paragraph (H) and paragraph (A)(1)(a) of this rule, no work shall commence until a valid permit has been issued and approved. Each application shall be accompanied by the appropriate fee established under this chapter and all information required under this rule. The applicant shall sign the application form, and shall indicate the name of any registered contractor intending to do the work, if known. An application becomes a permit upon validation by the local health district.

Any person intending to seal a well that is not being sealed due to the replacement of an existing well, shall apply for a permit not later than three business days after the well has been sealed.

- (2) If a plan is not required to be submitted under paragraph (E) of this rule the board of health shall determine whether the proposed construction, alteration, or sealing is in compliance with the provisions of this chapter within ten business days of receipt of a complete application and the appropriate fee. If a plan is required to be submitted under paragraph (E) of this rule the board of health shall determine whether the proposed construction or alteration is in compliance with the provisions of this chapter within fifteen business days of receipt of a complete application and the appropriate fee.
 - (a) Except for emergency work conducted under paragraph (H) of this rule, the board of health shall work with the applicant and the private water systems contractor to review the site conditions to ensure that all isolation distances are met in accordance with rule 3701-28-07 of the Administrative Code prior to the construction or alteration of the private water system.
 - (b) If the board of health determines that the proposed construction, alteration, or sealing of a private water system or test hole is in compliance with this chapter, the board of health shall issue a permit to the applicant. If a registered contractor was not indicated at the time of application, the applicant shall notify the board of health prior to the commencement of work on the private water system of the name of any registered contractor who intends to do the work.
 - (c) If the board of health determines that the proposed construction, alteration, or sealing does not comply with this chapter the board of health shall deny the application. The applicant and the registered

contractor, if known, shall be notified of the denial in writing by the board of health.

- (d) Within thirty days after the denial of an application to construct, alter or seal a private water system, the property owner or his designated agent shall be provided with an opportunity to appeal the decision and a hearing shall be provided if requested.
- (B) Each application to construct a private water system shall contain information about the location, design, construction, installation and development of the private water system or installation of test holes. The application shall include a site plan designating the location or area of the proposed or existing private water system or test hole, and distances from roadways, road rights-of-way, buildings, driveways, sewage treatment systems, sewers, existing or properly sealed water supply wells, oil and gas wells, above ground or underground fuel oil, liquid petroleum, chemical or gasoline storage tanks, streams, lakes, ponds or ditches, leaching pits and privies, manure ponds, lagoons or piles, lot lines, and easements and any other information required by the department or board of health.
- (C) Each application for the alteration of a private water system shall contain all pertinent information required by the department or board of health about the alteration of the private water system.
- (D) Each application for a permit to seal a private water system shall contain all information required by the department or board of health about the sealing of the private water system.
- (E) In addition to the requirements of this rule, an owner or his designated agent proposing to construct, or alter a private water system that meets one of the following criteria shall submit plans relating to the construction, work and equipment of the water system to the board of health in duplicate:
- (1) A private water system servicing a building as defined in section 3781.06 of the Revised Code;
 - (2) A private water system servicing other than one - two-, or three- family dwelling; or
 - (3) A private water system that uses a cistern, spring or pond as a source of water.
 - (4) A well drilled in an area of known flowing well conditions.
- (F) Plans required under paragraph (E) of this rule shall:
- (1) For a multi-family dwelling or building, include relevant information as to the number of individuals to be served;
 - (2) Be legible and accurately drawn with a north directional arrow;
 - (3) Include relevant elevations for ponds and springs;

- (4) Show the locations, layout, and type of all water system equipment, including but not limited to disinfection and filtration equipment;
 - (5) Include a listing of all materials to be used in construction, installation, or alteration of the water system;
 - (6) Show the layout of the water distribution piping from the source to the service connections; and
 - (7) Include any other information required by the department or board of health.
- (G) The board of health shall not approve any plan that does not conform to the requirements of this chapter. No permit shall be issued until the plans have been approved by the board of health. Modifications of approved plans that conform to the requirements of this chapter may be made by contacting the board of health.
- (H) When an emergency exists work may be commenced on the construction or alteration of a private water system prior to obtaining a permit, provided the private water systems contractor notifies the local health district the next business day, and a permit is applied for to the department within three working days after commencement of the construction or alteration. For purposes of this paragraph an emergency means that the existing private water system fails to produce an adequate amount of potable water which poses an immediate threat to health and safety and no alternative potable water source exists, and the failure occurs during non-business hours of operation of the board of health. The private water systems owner and contractor are not guaranteed approval of the system by the local board of health under an emergency construction.
- (I) If a permit has been issued for the construction of a well to be used for a new private water system, and the first attempt to drill the well is unsuccessful, then additional wells may be drilled within the area designated on the permit or the drilling site without obtaining additional permits, provided the original permit has not expired. All dry holes and test holes not converted to private water systems, or boreholes left without casing, grout and caps and not completed within thirty days, shall be sealed according to rule 3701-28-17 of the Administrative Code and a well sealing report or well log as required under section 1521.05 of the Revised Code shall be filed for each dry hole with the Ohio department of natural resources, division of soil and water resources, the board of health, a copy provided to the private water system owner, and a copy retained by the registered contractor who performed the sealing.
- (J) Permit applications, permits and completion forms shall be on forms prescribed or approved by the department. The board of health shall specify in such permits the date upon which the permit expires and that the issuance of the permit is conditioned upon the right of the board of health or the department to enter upon the premises of the private water system identified in the permit at any reasonable time prior to, during, or after completion of the work specified in the permit for the purpose of determining compliance with this chapter.
- (K) A permit shall be obtained for any non-potable well, agricultural well, public water system or geothermal system that is to be converted into a private water

system and shall be regarded as a new construction. A non-potable well is a well where the water is not used for human consumption, or other potable uses. The converted system shall be reviewed by the board of health prior to issuance of the permit to ensure the well meets all requirements of this chapter. The board of health shall review a well log or downhole camera survey to ensure compliance, and may also review dye test, water sample data, or other information presented by the well owner or a private water systems contractor.

- (L) A person intending to seal a well, and construct a new well on the same premises to replace the well to be sealed, shall only be required to obtain one permit.
- (M) If the private water system has not been constructed, sealed or altered within one year from the date of permit issuance, the permit shall automatically expire. The board of health may extend the permit period for an additional six months.
- (N) For purposes of this rule, "date of completion" means:
 - (1) The date on which the well, spring, pond, hauled water storage tank or cistern is installed;
 - (2) The date on which the installation of the pump or pumping equipment is completed, or
 - (3) The date on which the private water system is completed if a pump or pumping equipment will be installed by a person other than the contractor identified on the permit;
 - (4) If no completion form is filed with the local health district, the date the well log is filed with the department of natural resources by the private water systems contractor;
 - (5) The date the disinfection, filtration or other treatment equipment to remove contaminants is installed;
 - (6) When more than one private water systems contractor work on a private water system, the date of completion for each private water systems contractor is the date that person completes their portion of the work on the private water system.
- (O) The person completing any portion of the work on a private water system under a permit and the entire system has not been completed, shall contact the board of health by submitting a completion/job status form within ten business days of completion of that portion of the work. Submission of a completion/job status form may be done by walk-in, fax or electronic mail. Leaving a telephone message with the board of health is not considered proper notification.
- (P) Within thirty days of the date of completion of a private water system as described in paragraph (N) of this rule, a completion/job status form shall be submitted to the board of health by the person completing the work.
- (Q) Within thirty days of the drilling, alteration or sealing of a well, dry hole, or test hole, or the date of completion of a well, a copy of the well log or sealing report required to be filed with the Ohio department of natural resources, division of

soil and water resources, as required under section 1521.05 of the Revised Code shall also be submitted to the board of health, to the private water system owner, and the registered contractor shall retain a copy.

- (R) Within thirty days of the date of completion of an alteration that does not require a well log to be filed under section 1521.05 of the Revised Code, the person who performs the alteration shall file a completion/job status form with the board of health.
- (S) Upon receipt of the well log, completion/job status, sealing, disinfection, or other required completion forms, the board of health shall conduct an inspection and collect a water sample(s) in accordance with rule 3701-28-04 of the Administrative Code and the following requirements:
 - (1) Through December 31, 2011, the initial water sample shall be tested for nitrates, escherichia coli and total coliform or optionally a coliform CFU count. After January 1, 2012, the initial water sample shall be tested for nitrates, escherichia coli and a coliform CFU count. Repeat water samples collected for a system after the first sample shall be tested for escherichia coli and a coliform CFU count, or pathogenic microorganisms as applicable.
 - (2) The board of health may prescreen the water sample for nitrates using a method approved by the director.
 - (3) The board of health shall provide the water sample results to the applicant and the private water systems contractor.
 - (4) The board of health shall report the findings of water tests which indicate a presence of escherichia coli, pathogenic microorganisms or nitrates in excess of maximum contaminant levels, as set forth in rule 3701-28-04 of the Administrative Code, to the director.
- (T) If the sample obtained from the private water system exceeds the maximum contaminant levels for microbiological contaminants specified in paragraph (J) of rule 3701-28-04 of the Administrative Code, the private water system shall not be approved, unless effective remediation measures to eliminate the coliform, escherichia coli, or any primary pathogenic organism are implemented for the private water system after enhanced disinfection and an investigation has been performed under paragraphs (H) and (I) of rule 3701-28- 11 of the Administrative Code. Upon determination that the private water system is in compliance with this chapter, continuous disinfection of the system may be installed.
- (U) If the sample obtained from the private water system indicates that the maximum contaminant level for nitrates has been exceeded the board of health shall provide information to the private water system owner on the health risks of nitrates, and options for the treatment of the private water system to reduce the nitrates to acceptable levels. If additional sampling is performed on the private water systems for any of the contaminants referenced in paragraph (J) of rule 3701-28-04 of the Administrative Code and listed in Chapter 3745-81 of the Administrative Code, and levels exceeding the maximum contaminant level are identified in the water sample from the private water system, the board of health shall provide information to the private water systems owner on the health risks

of that contaminant, and options for treatment of the private water system. The department shall also post health risk information and options for treatment on the department's website.

- (V) After the receipt of the results of the water samples(s), and upon the basis of the board of health's inspection(s) and review of all completion/job status, alteration or well log forms as applicable, the water sample results, and all other pertinent data relative to the private water system, the board of health shall approve the private water system if the system is in compliance with the provisions of this chapter. A private water system shall not be approved that is not in compliance with this chapter. The private water system shall not be used for human consumption until the private water system has been approved by the board of health.
- (W) If repeated coliform, escherichia coli or other primary pathogenic organisms are found in samples from the well that exceeds the maximum contaminant levels specified in paragraph (J) of rule 3701-28-04 after using the disinfection procedure in paragraph (H) of rule 3701-28-11 of the Administrative Code, the board of health shall notify the director and shall undertake a joint investigation with the private water systems contractor of the private water system to determine the source of contamination and approve possible remediation measures, including continuous disinfection as described in rule 3701-28-15 of the Administrative Code.
 - (1) The investigation may include, but not be limited to:
 - (a) A dye test;
 - (b) A down-hole camera recording of the constructed well;
 - (c) Tests appropriate for the site and system conditions.
- (X) A private water system shall not be approved unless a water sample from the private water system meets the standards specified in paragraph (J) of rule 3701-28-04 of the Administrative Code.
- (Y) Once the board of health approves the private water system the permit is invalid.
- (Z) Except for one-two and three-family dwellings, the following existing private water systems providing water for human consumption or potable uses shall have a water sample collected annually from the private water system by either the board of health, a water systems operator licensed by the Ohio environmental protection agency or a laboratory approved by the Ohio environmental protection agency or the department, and the sample shall be analyzed for the presence of coliform, escherichia coli or other primary pathogenic organisms as specified in paragraph (J) of rule 3701-28-04 of the Administrative Code and reported to the board of health:
 - (1) An adult care facility as required by rule 3701-20-12 of the Administrative Code;
 - (2) A community alternative home as required by rule 3701-16-11 of the Administrative Code;

- (3) A recreational vehicle park, recreation camp, combined park-camp or temporary park-camp as required by rule 3701-26-10 of the Administrative Code;
 - (4) A manufactured home park as required by rule 3701-27-12 of the Administrative Code;
 - (5) A marina as required by rule 3701-35-04 of the Administrative Code;
 - (6) An agricultural labor camp as required by rule 3701-33-05 of the Administrative Code;
 - (7) A resident day camp as required by rule 3701-25-07 of the Administrative Code;
 - (8) A retail food service operation or retail food establishment as required by rule 3717-1-05 of the Administrative Code;
 - (9) A foster home as required under rule 5101:2-7-12 of the Administrative Code, a residential facility as required under rule 5101:2-9-04 of the Administrative Code, and children's residential centers, group homes, residential parenting facilities, and licensed child care centers as required under rule 5101:2-12-15 of the Administrative Code, and licensed type A homes as required under rule 5101:2-13-12 of the Ohio Administrative Code;
 - (10) A private home operated as a bed-and-breakfast that prepares and offers food and water to guests;
 - (11) A hotel, transient hotel, extended stay hotel or residential hotel as defined by section 3731.01 of the Revised Code.
- (AA) If the water sample collected under paragraph (Z) of this rule exceeds the maximum contaminant level for bacterial or primary pathogenic organisms under paragraph (J) of rule 3701-28-04 of the Administrative Code, the private water system owner shall disinfect the private water system in accordance with rule 3701-28-11 of the Administrative Code. The private water system shall be re-sampled after disinfection and the results reported to the board of health. If the water sample collected after disinfection exceeds the bacterial standard under paragraph (J) of rule 3701-28-04 of the Administrative Code, the system owner shall implement corrective actions as needed to obtain a bacteriologically safe water supply. If the corrective action implemented in this paragraph is the installation of continuous disinfection as required under rule 3701-28-15 of the Administrative Code, then annual samples to ensure the continued performance of the disinfection system shall be collected.
- (BB) Any private water system constructed, altered or sealed by a person who has not obtained a registration, as required under rule 3701-28-18 of the Administrative Code, or is not exempt from registration pursuant to paragraph (A) (2) of rule 3701-28-18 of the Administrative Code shall not be approved. The board of health shall not grant a variance to this rule unless the portion of the private water system constructed is assessed and deemed acceptable by a

registered private water systems contractor, or that portion of the system is reconstructed by a registered private water systems contractor.

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