

## FAQ - Scope, Responsibility, and Exceptions (Grandfathering)

### Ohio Administrative Code (OAC) 3701-28-02

December 2012

#### Question:

#### 1. Who is in charge of water quality and safety in Ohio?

*In Ohio, two agencies have the primary responsibility to oversee drinking water issues, the Ohio Environmental Protection Agency (Ohio EPA), and The Ohio Department of Health (ODH). The Ohio Department of Natural Resources (ODNR) collects well logs for all water wells drilled in Ohio including those used for private, public and non potable use such as agricultural wells. They use the well logs to create resource information such as groundwater maps. ODNR also oversees coal mining, oil and gas drilling and does investigate protect public and private water wells from these potential sources of contamination.*

*<http://www.dnr.state.oh.us/water/Home/maptechs/default/tabid/3783/Default.aspx>*

*Private water systems are regulated by the Ohio Department of Health under Sections 3701.344 to 3701.347 of the Ohio Revised Code and Chapter 3701-28 of the Ohio Administrative Code.*

*-Domestic private water wells are regulated under Ohio Administrative Code (OAC) Chapter 3701-28 by the local health department. A permit is required from the local health department prior to beginning construction. Any person (unless they are the homeowner who lives at the location) who works on the private well, up to the discharge of the pressure tank, is required to be a registered private water system contractor with the Ohio Department of Health.*

*You can review the rules for private water systems at <http://www.odh.ohio.gov/rules/final/f3701-28.aspx>*

*You may also review homeowner guidelines for new construction of a private water system at <http://www.odh.ohio.gov/ASSETS/5585F967CC8E47D086E302CAD8298E3D/HomeownersConstructing%20a%20PWS.pdf> or see the attached pdf.*

*Wells constructed solely for agricultural purposes such as watering the lawn or garden have to be constructed in accordance with OAC 3701-45-09 under the Ohio EPA.*

**Question:**

- 2. Are there any state rules or laws that directly prevent the construction of a private water well within the corporation limits of a city?**

*There are no **state** laws or rules specifically prohibiting the construction of a well within city, however private water well construction restrictions can be adopted by a local ordinance or be a part of a well head protection plan for a municipal well. Public water utilities can also specify the requirements and restrictions for keeping private water systems under authority granted to them by the Ohio EPA.*