OKI GROUNDWATER COMMITTEE  
MARCH 2, 2005 - 10:00 A.M.  
OKI Board Room  
720 East Pete Rose Way (at the corner of Eggleston Avenue)*

AGENDA

1. Welcome/Introductions

2. Announcements

3. Update on Local Groundwater Management Efforts  
   * Mike Ekberg, Dwight Culbertson, Mark Koch, Dick Renneker

4. OKI Staff Update

5. Dealing with the Fuel Spill at Seven Mile Creek  
   * Dave Weihrauch, City of Oxford

6. Ohio’s Regulation of Sand and Gravel Mining near Water Supplies  
   * Tom Hines, Ohio Department of Natural Resources

7. Other Business

ADJOURNMENT

* SEE the MAP and DIRECTIONS on the REVERSE HARD COPY  
  (or in separate attachment to email)
Butler County / Milford Township
January 13, 2005

Gasoline and kerosene were spilled in proximity to Oxford’s Wellhead Protection Area when a tanker truck crashed at the intersection of Route 127 & 73.
Northwest Butler County
Buried Valley Aquifer
It was a dark and stormy night
Ruptured tank with crushed bulkheads
Production Wells 5, 6, 7 & 8
Incident Command

Corby Hansell
Milford Township
Fire Chief

City of Oxford
Scott Flanigan
Fire Department Lieutenant

City of Oxford
David Weihrauch
Water Treatment Plant Manager

Middletown
Hazmat Unit

Ohio Environmental Protection Agency
Dale Farmer
On-Scene Coordinator

Mutual response fire crews from Camden, Oxford and Somerville as well as St. Clair, Hanover and Wayne Townships
Record breaking January for precipitation and stream stages

- 15 Miami Conservancy District precipitation monitoring stations surpassed previously established records for January including Collinsville, where 5.82 inches of the new record 6.81 inches fell before the 13th of the month. This combined with a basin wide runoff of melt-water from approximately 2 feet of snow from late December producing top-10 stream stage records at most of MCD’s stream gauging stations.

From MCD January 2005 report
More good news

- Good communication practices allowed those wells influencing the hydraulic gradient to be shut down quickly.
- The rain diminished as clean up crews arrived.
- Streams were within their banks and beginning to fall.
- The ground was saturated with water and discharging to the streams rather than recharging the aquifer.
- Petroleum distillates are aqua phobic.
Communicate Communicate Communicate

**ASAP**

- OEPA
- Someone who **KNOWS** if for no other reason to confirm you are on the right track.
- The boss (and how often would you care to be updated?)

**Review**

- Identify potential stakeholders and contact them
- Document financial impacts whether you intend to submit a claim or not
- What on earth does that note say?
Thank you

Jonathan Levy PhD., Miami University Geology
Scott Riegert, L,B & G Inc.
Dale Farmer, OEPA Emergency & Remedial Response
Dan Cloyd, OEPA DDGW
Jeff Davidson, OEPA DDGW

Butler County American Red Cross
Photos courtesy of St. Clair Township Fire & Rescue
Mission: To Provide For The Responsible Development Of Ohio’s Energy And Mineral Resources In A Safe, Environmentally Sound Manner
Division of Mineral Resources

Programs

- Oil and Gas
- Coal
- Abandoned Mine Lands
- Mine Safety
- Industrial Minerals
Statutes Administered

- Chapter 1509 ORC
- Chapter 1513 ORC
- Chapter 1514 ORC
- Chapter 1561 ORC
- Chapter 1563 ORC
- Chapter 1565 ORC
- Chapter 1567 ORC
- Chapter 1571 ORC
Oil and Gas Regulation

- New Locations
- Producing Facilities
- Enforcement
- Emergency Response
- Underground Injection
- Idle and Orphan Wells
- Plugging
- Site Restoration
Coal Regulatory Program

- Permits
- Mining Plans
- Salvaging and Protection of Topsoil
- Pollution Prevention
- Regrading to Approximate Original Contour

- Replacement of Topsoil
- Erosion Prevention
- Revegetation
- Restoration of Land Use Capabilities and Productivity
Abandon Mine Lands Program

- Inventory
- Complaint
- Investigation
- Project Selection
- Project Design

- Public Bidding
- Contracting
- Construction
- Maintenance
Mine Safety Program

- Surface Mine Inspections
- Underground Mine Inspections
- Enforcement
- Accident Investigation
- Mine Rescue
- Safety Training
Industrial Minerals Law Regulates the Mining of:

- Sand and Gravel
- Limestone and Dolomite
- Clay
- Gypsum
- Sandstone
- Shale and Halite
- Other Excavated Stone or Substance of Commercial Value
Industrial Minerals Regulation

- Permits
- In-stream Mining Permits
- Mining Plans
- Control of Adverse Affects from Blasting and Dewatering
- Retention of Materials to Complete Re-grading
- Re-shaping Land Forms
- Measures for Public Safety
- Resoiling and Revegetation Where Necessary
- Preparation of Lands for Future Land Uses Including Development
SAND & GRAVEL
Industrial Mineral Mining Law Revisions
First Major Revision
Since 1975
Why Revise the Law
The Writing Was on the Wall

- Vesper Bill
- Hydrologic Issues
- Bond Adequacy Issues
- Enforcement Issues
- Zoning Issues
- Litigation Issues
What’s Different?
Surface Mining Operation

- Includes In-Stream Mining
- Excludes Routine Dredging for purely navigational or flood control purposes
- Excludes extraction or removal of minerals within a sanitary landfill for the landfill activities
In-stream Mining Operations

- Production of Minerals from the Bottom of the Channel of a Watercourse that Drains a Surface Area of More than 100 Square Miles
- Operations under a Current Section 10 Permit from the Corp of Engineers are Exempt until the Permit Expires
- Permits are issued for a 2-Year Term
Permitting

- Permit Term
- Public Notice
- Permit Fees
- Permit Transfers
- Right of Successive Renewals
- Acreage Fees

- Application Requirements for Hydrologic Info.
- Significant Permit Revision - Public Notice
- Bond Rate Revision
Permit Term

- Mining Permits Issued for 15 years
- Renewals Issued for 15 years
- In-stream Mining Permits Issued for 2-years
- Renewals of In-stream Mining Permits 2-years
Public Notice

- Required for Permit Applications

Exceptions:
- When Plans for Zoning of the site Allow Mining, Or; a Zoning Variance or Conditional Use Permit for which Public Notice and Opportunity for Comment has been received within 365 days of the Submission of the Permit Application
## Fee Rate Revisions

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>Previous</th>
<th>Revised</th>
<th>ORC SECTION</th>
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</thead>
<tbody>
<tr>
<td>Permit Fee-Surface</td>
<td>$250</td>
<td>$500</td>
<td>1514.02(B)</td>
</tr>
<tr>
<td>Permit Fee-In-stream</td>
<td>N/A</td>
<td>$250</td>
<td>1514.02(B)</td>
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<tr>
<td>Renewal Fee-Surface</td>
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<td>$1000</td>
<td>1514.021 (A)</td>
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<tr>
<td>Renewal Fee-In-Stream</td>
<td>N/A</td>
<td>$500</td>
<td>1514.021 (A)</td>
</tr>
<tr>
<td>Annual Fees</td>
<td>$250</td>
<td>No change</td>
<td>1514.03</td>
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<tr>
<td>Small Operator</td>
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<tr>
<td>Annual Filing Fee-In-Stream</td>
<td>N/A</td>
<td>$250</td>
<td>1514.03</td>
</tr>
<tr>
<td>Annual Filing Fees-Surface</td>
<td>$250</td>
<td>$500</td>
<td>1514.03</td>
</tr>
<tr>
<td>Annual Acreage Fee</td>
<td>$30 per acre</td>
<td>$75 per acre</td>
<td>1514.03</td>
</tr>
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# Bond Rate Revisions

<table>
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<th>ACTIVITY</th>
<th>Previous</th>
<th>Revised</th>
<th>ORC SECTION</th>
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<tr>
<td>Minimum Bond  (New Permits)</td>
<td>$2,000</td>
<td>$10,000</td>
<td>1514.04</td>
</tr>
<tr>
<td>Original Bond (plus minimum)</td>
<td>$500/acre</td>
<td>$1000/ac</td>
<td>1514.04</td>
</tr>
<tr>
<td>Annual Bond for affected acre</td>
<td>$500/acre</td>
<td>$1000/ac</td>
<td>1514.03</td>
</tr>
<tr>
<td>In-Stream Mining Bond</td>
<td>N/A</td>
<td>$1000/ac</td>
<td>1514.04</td>
</tr>
<tr>
<td>Grading &amp; Seeding Release</td>
<td>50%</td>
<td>75%</td>
<td>1514.04 (B)</td>
</tr>
<tr>
<td>Maintenance Release</td>
<td>50%</td>
<td>25%</td>
<td>1514.04 (B)</td>
</tr>
</tbody>
</table>
Performance Standards

- Hydrology Information - Dewatering
- Dewatering of Wells - Complaints
- Blasting
- In-Stream Mining
- Near Stream Prohibitions
Blasting Performance Standard

- Ground Vibration Limitations shall not exceed Frequency-dependent PPV
- Air Blast Limitation Added - 133 dB
- Blasting must be Conducted by Certified Blasters
- Seismograph Monitoring Requirements
Near-Stream Mining Prohibitions

No Excavation within:

- 120 feet of any Designated Wild, Scenic, or Recreational River
- 75 feet of Watercourse >100 sq. mi.
- 50 feet of Watercourse 25-100 sq. mi. without a Variance
Near-Stream Prohibitions (Continued)

No Surface Mining Activity Within:

- 75 feet Designated Wild, Scenic, or Recreational River
- 75 feet of a Watercourse >100 sq. mi. without a Variance
- 50 feet of a Watercourse 25-100 sq. mi. without a Variance
- Current Permitted Activities may continue until permit is renewed
Prohibited Mining

- In-Stream Mining in any Portion of a River Designated as a National Wild or Scenic River
- During Periods of Low Flow
- During Critical Fish or Mussel Spawning Seasons
- In Areas known for Critical Spawning Habitat for Fish or Mussels listed as Federal or State Endangered Species
Bond Release Schedule

- Bond Release will be Granted in a 75% - 25% Ratio
- 75% Release upon Completion of Filling, Grading, and Resoiling
- 25% Release upon Completion of Planting and all other Requirements
Local Bonding for Reclamation

1514.04
Revision Prohibited
Government Agencies from requiring bond or other Financial Assurance for Reclamation
Rulemaking Obligations
Groundwater Modeling / Water Replacement

- Permitting Criteria
- Data Requirements
- Cone of Depression Determinations
- Water Replacement
Permit Transfers

Permit Renewals

Criteria Defining a “Significant Revision”
In-Stream / Near Stream Mining Criteria

- Rules Authorizing Variances
- Low Flow Mining Periods
Blasting Rulemaking

- Seismographic Monitoring
- Protection of Buildings and Structures
- Training, Examination and Certification of Blasters
- Standard Blast Signals
- Blasting Records and Flyrock Reports
- Safety Measures for Blasting
- Permissible Ground Vibration Limits
Civil Penalties

- May be assessed for Non-Compliance with an Order by the Chief
- Shall not exceed $1000 per day
- Each day of Continued Non-Compliance may be Considered a Separate Violation for Civil Penalty (30 day cap)
- In Assessing Chief will consider: Seriousness, Effect, and History
The Challenges of Ground Water Modeling

In the Regulatory Context of Ohio’s Industrial Minerals Law
Background

- Prior Law was silent on groundwater resource evaluations and impact;
- Prior Law was limited in its scope of permitting requirements regarding water resources;
- The Division of Mineral Resources Management was involved in regular investigations and litigation surrounding water resource diminution.
Law Revision

Provides for:

- Premining evaluation of resources
- Premining modeling of draw-down
- Premining consideration of impacts
- Premining mapping of the projected cone-of-depression
Law Revision (continued)

Provides for:
- Predictable Potential for Impact
- Predictable Liability for Company
- Defined Statutory Replacement
- Mechanism for Resolution of Disputes
- Defined Enforcement Tools
The Challenges

- Development of regulations defining how the statutory mandates will be applied.
- Determining extent of data requirements needed to do modeling.
- Creating a modeling mechanism that will provide a reasonable projection of the dewatering impacts in varied environmental circumstances.
How the Law is designed to Work

- Water supply is adversely affected by dewatering activities at the mine
- Homeowner files a complaint with Division of MRM or the mine operator

If water supply is within the established cone-of-depression:

- Mining company is obligated to replace the water supply with a supply of comparable quality and quantity
Temporary Water Supplies

Required for Owners of Real Property within 72 hours of the Company’s receipt of the complaint.
Permanent Water Supply Replacement

- Required for Impacted Supplies
- No later than 28 days after receipt of a complaint
- Comparable Quantity and Quality
- Rebuttable Presumption
Sand and Gravel Mining Near Public Water Supply Wells
<table>
<thead>
<tr>
<th>Permit #</th>
<th>Operator</th>
<th>County</th>
<th>Distance to Well</th>
</tr>
</thead>
<tbody>
<tr>
<td>IM-200</td>
<td>American Aggregates</td>
<td>Butler County</td>
<td>Cincinnati well field is @1000 feet from permit area.</td>
</tr>
<tr>
<td>IM-149</td>
<td>Martin Marietta</td>
<td>Butler County</td>
<td>Cincinnati well field is @1000 feet from permit area.</td>
</tr>
<tr>
<td>IM-366</td>
<td>American Aggregates</td>
<td>Clark County</td>
<td>Fairborn wellfield is within 600 feet of permit area.</td>
</tr>
<tr>
<td>IM-449</td>
<td>City of Springfield</td>
<td>Clark County</td>
<td>Springfield wellfield is within 400 feet of permit area.</td>
</tr>
<tr>
<td>IM-1023</td>
<td>Olen Corporation</td>
<td>Franklin County</td>
<td>50-100 feet</td>
</tr>
<tr>
<td>IM-394</td>
<td>Riverbend Sand &amp; Gravel</td>
<td>Greene County</td>
<td>Fairborn wellfield is within 800 feet of permit area.</td>
</tr>
<tr>
<td>IM-720</td>
<td>Southern Ohio Aggregates</td>
<td>Hamilton County</td>
<td>Village of Cleves well is @1000 feet</td>
</tr>
<tr>
<td>IM-1273</td>
<td>Watson Gravel</td>
<td>Hamilton County</td>
<td>Village of Cleves well is @1000 feet</td>
</tr>
<tr>
<td>IM-148</td>
<td>Martin Marietta</td>
<td>Hamilton County</td>
<td>500 ft from well</td>
</tr>
<tr>
<td>IM-462</td>
<td>American Aggregates</td>
<td>Miami County</td>
<td>City of Troy well is within 200 feet from permit area.</td>
</tr>
<tr>
<td>IM-916</td>
<td>Riverbend Sand &amp; Gravel</td>
<td>Montgomery County</td>
<td>Jefferson Regional Water Authority wellfield is within 300 feet of permit area.</td>
</tr>
<tr>
<td>IM-436</td>
<td>John L. Garber Materials</td>
<td>Richland County</td>
<td>Wellfield is within 500-600 feet of permit area.</td>
</tr>
<tr>
<td>IM-615</td>
<td>American Aggregates</td>
<td>Warren County</td>
<td>County water well field is within 200 feet of permit area.</td>
</tr>
<tr>
<td>IM-371</td>
<td>Morrow Gravel Inc.</td>
<td>Champaign</td>
<td>Urbana wellfield is within 1000 feet of permit area.</td>
</tr>
<tr>
<td>IM-192</td>
<td>Oster Sand &amp; Gravel</td>
<td>Stark County</td>
<td>American Water Company well field within 500 feet of permit area.</td>
</tr>
<tr>
<td>IM-908</td>
<td>American Sand &amp; Gravel</td>
<td>Stark County</td>
<td>American Water Company well field within 100 feet of permit area.</td>
</tr>
<tr>
<td>IM-1186</td>
<td>National Aggregate</td>
<td>Stark County</td>
<td>Waynesburg village well within 400 feet of the permit area.</td>
</tr>
</tbody>
</table>
Legal Challenge to Permit for Mining Near Public Water Well Field

Village of Belville, Ohio
Mid-Ohio Resources, Inc.
Permit IM-2191
Division of Mineral Resources Mgmt.
Background Legal References

Section 1514.02(A)(10)(h) provides: the measures the operator will perform to prevent damage to adjoining property and to achieve all of the following general performance standards for mining and reclamation:

During mining and reclamation, ensure that contamination, resulting from mining, of underground water supplies is prevented. Upon completion of reclamation, ensure that any watercourse, lake, or pond located within the site boundaries is free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, waterfowl, or other beneficial species of aquatic life.
 Permit Issuance Appealed to the Reclamation Commission

- Reclamation Commission Upheld Permit Issuance
- Appeal to Common Pleas Court withdrawn
Legal References

- Ohio Government Web Page
  Reference Ohio Revised Code
  Chapter 1514

Reference Ohio Administrative Code
Section 1501:14 -
Contacts

Local Questions:

- Rich Pennington; Mike Mitchell, Inspectors
  Lebanon Office
  513-932-3030
- Bill Boyle, Regional Manager
  Bellefountaine Office
  937-599-1445
Contact Persons

- Permitting Questions:
  Tom Hines, Permitting Manager
  614-265-1047

- Blasting Questions:
  Mike Mann, Blasting Specialist
  330-339-2207
QUESTIONS ??
Our Vision

Leading change in Ohio Government through Innovation, Excellence, and Partnering in Natural Resource Stewardship.
OKI GROUNDWATER COMMITTEE MEETING SUMMARY  
Wednesday, March 2, 2005  
OKI Board Room

Attendees:

Jim Fox, Chair  
Village of Indian Hill  
Peg Collins  
League of Women Voters  
Dan Cloyd  
Ohio EPA - Southwest District  
Barry Conway  
City of Springboro  
J. Dwight Culbertson  
City of Fairfield  
Frank Divo  
SOWC  
Mike Ekberg  
Miami Conservancy District  
Bob Fischer  
Paramount’s Kings Island  
Carl Gatton  
Warren County Water Service  
Brian Gibson  
Clermont County General Health District  
William Gollnitz  
Greater Cincinnati Water Works  
Tom Hines  
Ohio Department of Natural Resources  
Jamie Hinkle  
Western Water Company  
Todd Kehr  
City of Trenton  
Scott Kirk  
Western Water Company  
Mark Koch  
Miller Brewing Company  
Matthew Lindsay  
Miami Valley Regional Planning Commission  
Mike Lippert  
City of Wyoming  
Sonny Lewis  
City of Franklin  
Robert Marsh  
Southwest Regional Water District  
Bruce Pletsch  
Miami Conservancy District  
Mike Proffitt  
Ohio EPA  
Allison Reed  
Ohio EPA – Southwest District  
Dick Renneker  
Warren County  
K.D. Rex  
Hamilton Co. Regional Planning Commission  
Tom Schumann  
USGS  
Ken Shearwood  
Village of New Richmond  
Cliff Shrive  
ARCADIS  
Jim Steritz  
CINERGY  
David Weihruch  
City of Oxford  
Bruce Whittleberry  
Greater Cincinnati Water Works

OKI STAFF  
Bruce Koehler, Fran Malone, Ben Otto, Jane Wittke
**Welcome and Introductions**
Jim Fox called the meeting to order at 10:05 a.m. Everyone introduced themselves and their affiliation.

**Announcements**
Allison Reed, OEPA, announced the next free backflow prevention training for drinking water. It will be worth 2 contact hours and it will be offered on three dates: March 29, Green Co Career Center, 9-11:30 am; April 28, Edison Community College, Piqua; May 18, Southern State Community College, Hillsboro.

Another Groundwater workshop entitled “Designing Your Drinking Water Sources Protection Plan” for municipal systems in Clermont and Brown Counties is available. It will be a hands-on program and the enrollment will be small, Tuesday, April 12 at East Fork State Park. For more information, contact Allison at Ohio EPA Southwest District.

Dave Weihrauch requested that people with regulated water systems contact him to fill out a survey from the AWWA Ohio Section Water Utility Council to give input to the proposed changes in the Ohio Administrative Code in regards to staffing and operator certification.

**Updates on Local Groundwater Management Efforts**
**Mike Ekberg, Miami Conservancy District** - In January MCD held a liaison Committee meeting that was very well attended. Input was collected about what MCD’s groundwater program should be for 2005-2006. The themes that were recurring were:
- Groundwater/surface water interactions, especially the effect of gravel pits and gravel mining on groundwater quality;
- understanding the impacts of flooding on groundwater quality on wells in the flood plains along rivers;
- understanding the interaction between rivers and the aquifers;
- looking into land application of chemicals to understand their impact on groundwater quality;
- continuing the state of the aquifer reports for the Great Miami Watershed; and
- providing some assistance to communities for their source water protection planning efforts.

A related two-year work plan is in process. One direct outcome of the January meeting is an agreement for MCD to do a multi-phased study with the Greater Cincinnati Water Works covering the impact of gravel mining and gravel pits on local groundwater quality.

**Dwight Culbertson, City of Fairfield**, reported for the Hamilton-New Baltimore Groundwater Consortium. He gave the committee a reminder that the dates set for
Great Miami River Days this year are September 10 and 11 in Hamilton. On July 22 & 23, there will be a Great Miami River Clean up event from Dayton to the Ohio River.

Gravel mining in Butler County is a significant concern because of its potential effects on groundwater, such as those that can be caused by the abandonment of gravel mining pits once mining is finished. Martin Marietta is demonstrating some civic responsibility for their mining areas. Members of the Consortium have met with Martin Marietta and have purchased a 31-acre tract of land that will be developed as a buffer between the wells of Hamilton and City of Cincinnati. A grant for purchase was obtained through the Ohio Department for Natural Resources (ODNR) and the money will be put to good use. A bike trail will be installed on this property among other things.

Dwight also reported that Martin Marietta and the City of Fairfield have agreed to explore alternatives for a site that is currently being mined and is contiguous to Fairfield and groundwater-producing areas. The mine is not scheduled to close any time soon, but Martin Marietta has agreed in principle to the development of a comprehensive planning document that would allow re-development of the site for beneficial uses, such as recreation. This allows re-development to be considered in the continued mining of the site and how this site is mined in the future. It also is a great opportunity for Martin Marietta and the City of Fairfield to work toward a shared goal.

**Mark Koch, Miller Brewing,** gave an update about the water table levels in the Trenton area. Five years ago, it was reported that the water tables in the Trenton were very sensitive to drought conditions. A well monitored by ODNR showed water levels about 30 feet below the land surface in January 2000. In January of 2005, by comparison, the water level is back to 19 feet below the land surface, which is great recharge due to record rainfalls.

**Dick Renneker, Warren County, reported** that the County’s north well field, between Middletown and Franklin, in the heart of the Miami Valley, is being expanded with the addition of three or four additional wells, which will increase capacity from 2.5 million gallons a day (mgd) to 8-9 mgd. Cleaning of existing wells is in process with the hope of increasing yield as well. Streambank stabilization of Clear Creek is also in process. All this work will ultimately result in de-commissioning the County’s well near Trader’s World.

The County’s south wellfield in the Landen-Kings Mill area is in the process of being expanded from 6 mgd to 9-12 mgd. Source water protection planning is underway, and the consultants are in the information gathering stage of a two-year process.

In addition, Warren County is working with Butler County and Greater Cincinnati Water Works near the Voice of American site to develop an interconnection for water supply in emergency circumstances.
**OKI Staff Updates**

_Brue Koehler_ thanked Bruce Whitteberry for giving a presentation to the Friends of the Great Miami in January at the Bolton Water Plant, and said it gave the group a higher sense of mission.

Bruce said that OKI staff is providing support to the Regional Conservation Council for their annual meeting on March 29 that includes an educational program on Clean Water Act Section 401 and 404 water quality permits. The meeting will be at the Sanitation District No. 1 main office in Fort Wright, Kentucky.

_Jane Wittke_ highlighted the brochure available as the committee entered, entitled “Where do We Grow from Here?” which summarizes the policy development work of the OKI’s Land Use Commission (LUC) and opportunities for public feedback. The Land Use Commission’s charge is to bring about more consistency between transportation planning at the regional level and land use planning on the local level. The LUC policy report is undergoing public review through an on-line survey on OKI’s website, www.oki.org, and public meetings in all eight of OKI’s counties between March 1 and 16. The public meetings feature an interactive presentation to gather comments and feedback, and she urged the committee to attend the meeting nearest them and to fill out the on-line survey.

She also commented on the Ohio budget process currently underway. The Governor’s budget proposes that there be no General Revenue Fund (GRF) dollars given to fund Ohio EPA. GRF funding in the past has supported programs that affect drinking water and surface water, as well as small appropriations to support regional water management planning at organizations like OKI from 1997-2001. Instead, the Governor is proposing that a ton-by-ton surcharge be added to solid waste, saying that the surcharge revenue would make up for the GRF money that is disappearing, which is about $25 billion per year for Ohio EPA programs and $14 million for ODNR’s recycling programs.

The reaction to the Governor’s budget has been mixed, and it is not clear if his proposal will in fact generate sufficient funds to replace previous GRF appropriations. Given the budget climate and shift from GRF to surcharge dollars for Ohio EPA’s water programs, renewed appropriations for regional water management planning are unlikely. The state budget this year is even darker than the past few biennia. For example, legislators are discussing cuts to the local government fund, which is state monies that go to local governments.

**Dealing with the Fuel Spill at Seven Mile Creek,** _Dave Weihrauch, City of Oxford_

Gasoline and kerosene were spilled in proximity to Oxford’s Wellhead Protection Area when a tanker truck crashed at the intersection of Route 127 & 73 on January 13. Dave Weihrauch reported on lessons learned from dealing with the fuel spill, showed its location in relation to the nearest wellfield, described the incident chain of command,
and commented on several fortunate circumstances, including heavy rains that prevented an explosion.

Precipitation rates approached a half inch per hour when the tanker rolled into an energized steel light pole. The tank burst and bulk heads designed to segregate the product failed. The actual duration of the release was estimated to be 5 – 10 minutes. Fortunately, the rain helped avoid any flash point explosions, as the air was full of kerosene fumes that could be smelled for miles away.

The spill was just outside the 1-year time-of-travel area for the Seven Mile Valley Wellfield. Good communication practices allowed those wells influencing the hydraulic gradient to be shut down quickly, and they were closed for three days, during which time the City of Oxford pumped exclusively from the Four Mile Valley wellfield. The rain diminished as HAZMAT clean up crews arrived. Streams were within their banks and beginning to fall. The ground was saturated with water and discharging to the streams rather than recharging the aquifer. Petroleum distillates are aqua-phobic and appear to be good food for the food chain that lives close to the surface of the water.

Dave commented that the Ohio EPA prefers to be disturbed at home rather than being surprised in the morning by the media or others, which led him to call Dan Cloyd of the Southwest District Office on the night of the spill. The lesson here is that communication was the key to success in a HAZMAT event of this magnitude. Many accolades were given for the level of communication and skill that prevented this from being a much more serious event. A summary of Dave’s Power Point presentation is attached.

**Ohio’s Regulation of Sand and Gravel Mining near Water Supplies, Tom Hines, Ohio Department of Natural Resources**

Tom Hines explained that he is responsible for supervising the permitting, hydrology, and bonding section for ODNR’s Division of Mineral Resources Management. This includes all the performance bonding for oil and gas drilling and enforcing the regulatory performance standards and reclamation standards for industrial minerals mining. He stated that the mission of the Mineral Resources Management Division is to provide for responsible development of mineral and energy resources in a safe and environmentally sound manner.

Mr. Hines gave an extensive presentation on the regulation of mining in the state of Ohio, including sand and gravel mining, with particular attention to the revised legislation and regulations for industrial mineral mining in Ohio enacted in 2002, the first major revision since 1975. (A copy of his Power Point presentation is attached.)

For example, the bond rate increased and permit time periods have been limited. In-stream mining permits are now issued for 2 years and public notice is required for
permit applications. The bond release schedule was revised to assure that 85% of the reclamation was finished before the bond was lifted from the project.

Ohio mining laws now regulate in-stream mining. Prior law was silent on groundwater resource evaluations and impacts. The Division of Mineral Resources Management was involved in regular investigations and litigation surrounding water resource diminution.

The new revisions of the law provide for evaluation of the resources and consider the impacts of the mining and the need to predict the liability for the Company that is doing the mining. There needs to be a mechanism for resolution of disputes between the mining company and the area residents where the mines exist.

The new law requires temporary water supplies within 72 hours of the first complaint that local wells were running low. Permanent water replacement is required for impacted supplies within 28 days of a complaint, and the replacement must be of comparable quantity and quality. In most cases a drawdown of ten feet is allowed before permanent water supply replacement is required.

Mr. Hines clarified that ODNR has not issued an in-stream mining permit since the 2002 law was enacted. He commented that over the years he has heard concerns from communities about potential de-watering from mining, and mentioned a legal challenge to a permit for mining near a public well field in Belville, Ohio, in the northeast part of the state. He also commented that he would have liked to see higher reclamation bonds required, but the ones set in the 2002 law were arrived at by legislative compromise. He also explained that the Joint Committee on Agency Rule Review (JCARR) revisits regulations every 5 years.

In the question and answer period, Mr. Hines took several questions. He clarified that sand and gravel mining operations already existing when the 2002 legislation was passed do not have to do modeling unless the scope of their operations change. He also clarified that there is no specific prohibited distance for a mine to be located from a public water supply well. When mining permits are considered, notification goes from ODNR to Ohio EPA and local governments, but not to water suppliers directly.

In response, several comments were made by committee members that public water suppliers had not been invited to participate in the development of the 2002 legislation, in which the Ohio Aggregate and Mineral Association had been involved, and that with current regulations, the considerable expense of groundwater modeling related to mining impacts seems to fall on public water suppliers rather than mining operators.

**Adjournment**
Jim Fox announced that the next meeting will be either May 18 or May 25, 2005. The meeting was adjourned at 12:30pm.