

TO BE RESCINDED

1301:7-9-09 **Sensitive areas.**

(A) Purpose and scope.

For the purpose of prescribing rules pursuant to division (A)(2) of section 3737.88 of the Revised Code, the state fire marshal hereby adopts this rule to designate areas of this state as being sensitive for the protection of human health and the environment. This rule is adopted by the state fire marshal in accordance with Chapter 119. of the Revised Code and shall not be considered part of the "Ohio Fire Code."

(B) An area is defined as a sensitive area if the area meets one or more of the following criteria:

(1) The following areas associated with an aquifer declared by the federal government under the Safe Drinking Water Act (42 U.S.C.A. 300 to 300j26, as amended through January 7, 2011):

(a) Areas on Catawba island in Ottawa county;

(b) Areas in Guernsey county located within the following described boundaries:

Township	Section(s)
T8N-R9W	4, 5, 6, 7, 8, 9

"R" stands for range. "T" stands for township. "N" stands for north.
"W" stands for west.

(c) Areas associated with the buried valley aquifer system of the Great Miami/Little Miami river basins of southwestern Ohio petitioned for by the Miami Valley regional planning commission of Dayton, Ohio as determined by the U.S. environmental protection agency at 53 Fed. Reg. 15876 (1988), located within the following described boundaries:

(i) Areas in Champaign county located within the following described boundaries:

Township	Section(s)
R10T4	6, 12

R10T5	6, 12, 18, 30, 36
R10T6	24, 30, 36
R11T4	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 22, 23, 29, 30, 36
R11T5	1, 2, 3, 4, 5, 6, 7, 13, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
R11T6	19, 31, 32, 33, 34, 35, 36
R12T4	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25, 31
R12T5	1, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36
R13T4	1, 2, 3, 7, 8, 9, 13, 14, 15, 19, 20, 21, 25, 26, 27
R13T5	19, 20, 25, 26, 31, 32

"R" stands for range. "T" stands for township.

- (ii) Areas in Clark county located within the following described boundaries:

Township	Section(s)
R8T3	6, 12, 17, 18, 23, 24, 29, 30, 36
R9T3	1, 2, 7, 8, 13, 14, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
R9T4	6, 10, 11, 12, 16, 17, 21, 22, 27, 31, 32, 33
R9T5	12, 18, 21, 22, 23, 24, 28, 29, 30
R10T4	1, 2, 3, 4, 5, 7, 8
R10T5	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 17, 29, 33, 34, 35
R10T6	23, 28, 29, 33, 34, 35

"R" stands for Range. "T" stands for Township.

- (iii) Areas in Greene county located within the following described

boundaries:

Township	Section(s)
R5T4	17, 18, 22, 23, 24, 30
R6T2	1, 2
R6T3	18, 24, 25, 26, 27, 28, 29, 30, 31, 32
R7T2	1, 2, 6, 8, 12
R7T3	2, 3, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 36
R7T4	18, 23, 24, 28, 29, 33, 34
R8T2	1, 2, 3, 7, 8
R8T3	10, 13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 27, 28, 31, 32, 33, 34
R8T4	13

"R" stands for range. "T" stands for township.

Survey Tract(s)

386, 387, 389, 390, 417, 429, 432, 435, 438, 548, 571, 574, 576,
577, 598, 603, 616, 870, 904, 925, 929, 975, 1044, 1281, 1295,
1297, 1378, 1391, 1965, 2233, 2235, 2238, 2241, 2243, 2244,
2263, 2264, 2267, 2272, 2312, 2358, 2359, 2383, 2424, 2425,
2426, 2435, 2474, 2475, 2565, 2566, 3096, 3576, 3583, 3610,
3908, 3916, 4148, 4371, 4499, 4651, 4704, 4730, 4871, 9474,
10721, 12248

(iv) Areas in Logan county located within the following described boundaries:

Township	Section(s)
R13T4	4, 5, 10, 16
R13T5	17, 21, 22, 23, 27, 28, 29, 33, 34, 35, 36

"R" stands for range. "T" stands for township.

Survey Tract(s)

4493, 4525, 9878, 10109, 10718, 10719, 12099

- (v) Areas in Miami county located within the following described boundaries:

Township	Section(s)
R9T1	6
R9T2	3, 4, 5, 6, 10, 11, 12, 17, 18, 23, 24, 30, 31, 32, 33, 34, 35, 36
R10T1	1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 17, 18, 23, 24
R10T2	19, 25, 26, 31, 32, 33
R11T1	13, 17, 18, 19, 20, 23, 24, 26, 27
R12T1	19, 20, 25, 26, 27, 31, 32, 33
T7N-R4E	1, 2, 3, 10
T6N-R5E	12, 13
T4N-R6E	3, 4, 5, 6, 7, 10, 11, 14, 23, 24, 25, 26, 35, 36
T8N-R4E	36
T7N-R5E	17, 18, 19, 20, 28, 29, 30, 31, 32, 33
T5N-R6E	5, 8, 9, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33, 34
T6N-R6E	32
T7N-R6E	31, 32

"R" stands for range. "T" stands for township. "N" stands for north. "E" stands for east.

- (vi) Areas in Montgomery county located within the following described boundaries:

Township	Section(s)
R5T2	28, 29, 34, 35, 36
R6T1	3, 4, 5, 9, 10, 11, 12, 14, 15, 16, 17, 18, 21, 22, 25, 26, 27, 28, 31, 32

R7T1	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
R7T2	13, 14, 17, 18, 20, 21, 22, 23, 24, 27, 28, 29, 30, 32, 33, 34, 35, 36
R8T1	2, 3, 4, 5
R8T2	13, 19, 25, 31, 32, 33, 34, 35, 36
T3N-R4E	1, 3, 4, 5, 10, 11, 12, 13, 14, 23, 24
T4N-R4E	1, 12, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T5N-R4E	26, 35, 36
T2N-R5E	2, 3, 7, 10, 15, 17, 18, 19, 20, 22, 23, 26, 27, 28, 29, 30
T3N-R5E	6, 7, 16, 17, 21, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36
T4N-R5E	9, 10, 13, 14, 15, 16, 23, 24, 25
T5N-R5E	2, 3, 10, 11, 14, 15, 22, 23, 24, 25, 26, 36
T1N-R6E	3, 4, 5, 8, 17, 18, 19, 30
T2N-R6E	1, 2, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 19, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34
T3N-R6E	1, 2, 11, 13, 14, 23, 24, 26, 30, 31, 32, 35

"R" stands for range. "T" stands for township. "N" stands for north. "E" stands for east.

(vii) Areas in Preble county located within the following described boundaries:

Township	Section(s)
T6N-R2E	3, 9, 10, 15, 16
T4N-R3E	1, 2
T5N-R3E	2, 3, 4, 5, 9, 10, 11, 15, 22, 25, 26, 27, 34, 35, 36
T6N-R3E	3, 4, 32, 34
T7N-R3E	21, 22, 27, 28, 33, 34

"R" stands for range. "T" stands for township. "N" stands for

north. "E" stands for east.

- (viii) Areas in Shelby county located within the following described boundaries:

Township	Section(s)
T9N-R5E	1, 2, 3, 9, 10, 11, 12, 13
T7N-R6E	5, 6, 7, 8, 17, 18, 19, 20, 29, 30
T8N-R6E	31, 32

"R" stands for range. "T" stands for township. "N" stands for north. "E" stands for east.

- (d) Areas associated with the southern portion of the buried valley aquifer system of the Great Miami/Little Miami river basins of southwestern Ohio petitioned for by the Ohio-Kentucky-Indiana regional council of governments of Cincinnati, Ohio as determined by the U.S. environmental protection agency at 53 Fed. Reg. 25670 (1988), located within the following described boundaries:

- (i) Areas in Butler county located within the following described boundaries:

Township	Section(s)
R2T1	3, 4, 5, 6, 8, 9, 10, 11, 14, 15, 20
R3T1	1, 2, 3
R2T2	3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 21, 22, 23, 24, 27, 28, 29, 30, 33, 34, 35, 36
R3T2	22, 26, 27, 28, 31, 32, 33, 34
R3T3	12
R4T1	1, 2, 3
R4T2	7, 8, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34
T3N-R2E	13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36

T1N-R3E	5, 6, 7, 8, 18
T5N-R1E	2, 11, 14, 23, 24, 25, 36
T4N-R2E	1, 12
T5N-R2E	25, 30, 31
T2N-R3E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 28, 29, 32
T3N-R3E	29, 30, 31, 32, 33, 34, 36
T1N-R4E	4, 5, 6, 7, 8, 18
T2N-R4E	1, 2, 10, 11, 12, 13, 14, 15, 21, 22, 27, 28, 29, 30, 31, 32, 33

"R" stands for range. "T" stands for township. "N" stands for north. "E" stands for east.

- (ii) Areas in Clermont county located within the following described boundaries:

Survey Tract(s)

430, 590, 631, 1017, 1545, 1748, 1767, 2195, 4848

- (iii) Areas in Hamilton county located within the following described boundaries:

Township	Section(s)
R1T1	1, 2, 3, 4, 7, 8, 9
R1T2	28, 29, 30, 34
R1T3	1, 2, 3, 6, 7, 8, 9, 12
R1T4	24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
R1T5	13, 14, 17, 18, 19, 23, 26, 27, 28
R2T1	19, 25
R2T2	1, 7
R2T3	19, 25, 31

R2T4	13
T1N-R1E	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 20, 21, 22, 27, 28, 29, 30, 31, 32
T1N-R2E	6, 7
T2N-R1E	1, 2, 3, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 28, 29, 30, 32, 33, 36
T2N-R2E	3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 30, 31
FR1T1	5, 6
FR1T2	35, 36
FR1T4	12, 17, 18, 23, 24, 29, 30, 35
FR1T5	23, 24, 29, 30
FR2T1	5, 6, 11, 12, 17, 21, 22, 23, 24, 27, 31, 32, 33
FR2T3	1, 4, 5, 6, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28
FR2T4	3, 9, 13, 14, 15, 16, 19, 20, 21, 22, 23, 25, 28, 29, 31, 34, 35, 36
FR2T5	18, 22, 23, 24, 28, 33, 34

"R" stands for range. "T" stands for township. "N" stands for north. "E" stands for east. "FR" stands for fractional range.

Survey Tract(s)

395, 410, 427, 535, 536, 552, 1575, 1723, 1769, 1775, 2204

- (iv) Areas in Warren county located within the following described boundaries:

Township	Section(s)
R2T4	10, 11, 12, 16, 17
R3T3	4, 5, 6
R3T4	1, 2, 5, 6, 7, 8, 10, 11, 12, 16, 17, 21, 22, 27, 28, 33, 34, 35, 36

R3T5	7, 13, 19, 25, 31
R4T2	1, 2
R4T3	31
R4T4	4, 5, 6, 10, 11
R5T2	27, 31, 32, 33
R5T3	1
R5T4	20, 21, 25, 26, 31
T1N-R5E	3, 4, 5, 6, 7, 8
T2N-R5E	26, 27, 28, 29, 30, 31, 32, 33, 34

"R" stands for range. "T" stands for township. "N" stands for north. "E" stands for east.

Survey Tract(s)

399, 421, 520, 598, 631, 791, 1494, 1500, 1546, 1547, 1548, 2464, 2527

- (e) Areas associated with the Allen county area combined aquifer system ("ACACAS") as petitioned for by Spencerville Dumpbusters, Inc. of Spencerville, OH as determined by the U.S. environmental protection agency at 57 Fed. Reg. 53111 (1992), located within the following described boundaries:

- (i) Areas in Allen county located within the following described boundaries:

Township	Section(s)
T2S R5E	19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T2S R6E	31
T3S R4E	1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36
T3S R5E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T3S R6E	6, 7, 18, 19, 29, 30, 31, 32

T4S R4E	1, 2, 3, 10, 11, 12, 13, 14, 15
T4S R5E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
T4S R6E	4, 5, 6, 7, 8, 9, 17, 18, 19, 29, 30

"R" stands for range. "T" stands for township. "S" stands for south. "E" stands for east.

(ii) Areas in Auglaize county located within the following described boundaries:

Township	Section(s)
T4S R4E	19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T4S R5E	19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T4S R6E	31, 32
T5S R4E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26
T5S R5E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27
T5S R6E	5, 6, 7, 8

"R" stands for range. "T" stands for township. "S" stands for south. "E" stands for east.

(iii) Areas in Mercer county located within the following described boundaries:

Township	Section(s)
T4S R2E	1, 12, 13
T4S R3E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T5S R3E	1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 23, 24, 26

"R" stands for range. "T" stands for township. "S" stands for south. "E" stands for east.

- (iv) Areas in Putnam county located within the following described boundaries:

Township	Section(s)
T1S R4E	24, 25, 35, 36
T1S R5E	19, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T2S R5E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
T2S R6E	6

"R" stands for range. "T" stands for township. "S" stands for south. "E" stands for east.

- (v) Areas in Van Wert county located within the following described boundaries:

Township	Section(s)
T2S R4E	1, 2, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T3S R3E	1, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36
T3S R4E	4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33
T4S R4E	4, 5, 6, 7, 8, 9, 16, 17, 18

"R" stands for range. "T" stands for township. "S" stands for south. "E" stands for east.

- (f) Areas associated with the buried valley aquifer system of the Great Miami/Little Miami river basins of southwestern Ohio petitioned for by the Miami Valley regional planning commission of Dayton, Ohio as determined by the U.S. environmental protection agency at 53 Fed. Reg. 15876 (1988), and areas associated with the southern portion of the buried valley aquifer system of the Great Miami/Little Miami river basins of southwestern Ohio petitioned for by the

Ohio-Kentucky-Indiana regional council of governments of Cincinnati, Ohio as determined by the U.S. environmental protection agency at 53 Fed. Reg. 25670 (1988), located within the following described boundaries:

- (i) Areas in Butler county located within the following described boundaries:

Township	Section(s)
R2T3	227, 28, 32, 33, 34
R4T2	15
T2N-R3E	30, 31
T2N-R4E	23, 24

"R" stands for range. "T" stands for township. "N" stands for north. "E" stands for east.

- (ii) Areas in Hamilton county located within the following described boundaries:

Township	Section(s)
R1T1	10
R1T5	20
R2T4	7
FR1T4	34
R3T4	7

"R" stands for range. "T" stands for township. "FR" stands for fractional range.

- (iii) Areas in Montgomery county located within the following described boundaries:

Township	Section (s)
R8T2	4, 5, 6

"R" stands for range. "T" stands for township.

- (iv) Areas in Warren county located within the following described boundaries:

Township	Section (s)
T1N-R5E	1, 2

"R" stands for range. "T" stands for township. "N" stands for north. "E" stands for east.

- (2) The area is located within fifty horizontal feet of a private water supply well or developed spring not located on the same site as the UST system;
- (3) The area is located within one of the following and is not located on the same site as the UST system:
- (a) One hundred horizontal feet of a water supply well designated by Ohio environmental protection agency to be a public water supply and which has a net production rate of less than or equal to ten thousand gallons per day; or
 - (b) Two hundred horizontal feet of a water supply designated by Ohio environmental protection agency to be a public water supply and which has a net production rate of greater than ten thousand gallons per day to less than or equal to fifty thousand gallons per day; or
 - (c) Three hundred horizontal feet of a water supply designated by Ohio environmental protection agency to be a public water supply and which has a net production rate of greater than fifty thousand gallons per day.
- (4) The area is located within a half-circle shaped area one thousand feet upstream of a public water supply surface water intake where the base line of the half-circle is perpendicular to the stream at the intake and has a diameter of two thousand feet, and where the midpoint of the base line is the intake, and where the radius of the half-circle is one thousand feet, unless the owner or operator demonstrates to the state fire marshal that the UST system is located or will be located in a surface water drainage area that is actually downstream of the intake.

- (5) The area is located within two hundred horizontal feet of a lake or reservoir. To be considered a lake or reservoir for purposes of this paragraph the average surface area of the body of water must be a minimum of five acres.
- (6) The area is located within one hundred horizontal feet of a man-made underground structure, tunnel or cavity used primarily for pedestrian traffic or passenger-carrying vehicles;
- (C) An area is defined as a sensitive area if the area meets any of the criteria listed in paragraphs (B)(1)(a) to (B)(1)(d) or paragraphs (B)(2) to (B)(6) of this rule on or after September 1, 1992.
- (D) An area is defined as a sensitive area if the area meets any of the criteria listed in paragraph (B)(1)(e) of this rule on or after March 31, 1999.
- (E) An area is defined as a sensitive area if the area meets any of the criteria listed in paragraph (B)(1)(f) of this rule on or after March 1, 2005.

Effective:

Five Year Review (FYR) Dates: 05/17/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3737.88(A)(2)
Rule Amplifies: 3737.88(A)(2)
Prior Effective Dates: 9/1/92, 3/31/99, 3/1/05, 7/1/12