

Upcoming Public Well Location and Protection Requirements

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The New York State Department of Health (NYSDOH) is in the process of establishing regulatory requirements for the construction of water wells in New York. Following the tragic events at the Washington County Fair, the State enacted Chapter


395 of the Laws of 1999 (also known as the Water Well Driller Registration Law). Among other items, this law requires that the NYSDOH promulgate rules and regulations to establish standards for water wells. This includes drilling, constructing, abandonment, repair, maintenance, water flow and testing, and pump standards for such wells. I have served on the Technical Advisory Committee that has provided comments on the proposed rules to NYSDOH.

In the latest draft regulations (available by calling 518-473-7488 or emailing regsqna@health.state.ny.us) NYSDOH proposes to replace the existing Appendix 5-B (the "Rural Water Supply" booklet) of its rules and regulations, with a new Appendix 5-B, entitled "Standards for Water Wells". In addition, NYSDOH is proposing to add a new Appendix 5-D, entitled "Special Requirements for Wells Serving Public Water Systems". This new Appendix 5-D is a separate list of added requirements for public water system wells.

One of the most important sections of the new Appendix 5-D would deal with water well location and protection. For the first time, state regulations will explicitly state that the owner of a public water system must possess legal title to lands within 100 feet of the well. In addition, the owner must control land use activities within 200 feet of the well through ownership, lease, easement, or other legally enforceable arrangement (a local law?).

Appendix 5-D also specifies minimum separation distances from potential sources of contamination. These separation distances are either 200 or 300 feet depending upon the contaminant source. For example, the minimum separation distance from a public well to a manure land spreading site would be 200 feet and the minimum distance to a chemical storage site, not protected from the elements, would be 300 feet. Importantly, these separation distances would be increased by 50% if the ground water enters the public well at a depth of less than 50 feet.

Please keep in mind that these are proposed regulations that could be subject to change. However, any public water systems planning for new wells should take

these locating and protection requirements carefully into account. If you have any questions about the proposed well requirements, please call me at 1-888-NYRURAL or email me: Winkley@nyruralwater.org. 

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