



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

EHS Circular Letter # 2007-28

DATE: July 16, 2007

TO: Directors of Health & Chief Sanitarians

FROM: Robert W. Scully, PE
Supervising Sanitary Engineer
Environmental Engineering Program

SUBJECT: WELL EXCEPTION REQUESTS

Legislation that became effective in July 2007 requires notification of property owners that abut properties where a subsurface sewage disposal system installation is proposed within the required setback from a water supply well(s). The legislation is applicable to private well exception requests that are submitted to this Department pursuant to Public Health Code Section 19-13-B103d (a)(3). The following language is included in Section 7 of Public Act No. 07-244:

Sec. 7. (NEW) (*Effective from passage*) (a) Any person who applies to the Department of Public Health for authorization relating to the repair or new construction of a subsurface sewage disposal system that involves the waiver of the proximity requirement of a subsurface sewage disposal system in relation to a private residential well, shall notify all owners of abutting properties of such application by certified mail, return receipt requested. The notice shall include a copy of the application. A decision by the Department of Public Health concerning such application shall constitute a final decision for purposes of section 4-183 of the general statutes.

(b) A decision approving such an application shall not be an affirmative defense for the owner of the subsurface sewage disposal system to any claim of liability for damages relating to contamination caused by the proximity of a subsurface sewage disposal system to a private residential well.

Attached is a revised well exception application. Local health departments must complete the form, and the owner of the property on which the sewage system repair is proposed must sign the application. By signing the application, the property owner is acknowledging that they are aware that they are responsible for notifying abutting property owners in accordance with the new legislation.

cc: Suzanne Blancaflor, Chief, Environmental Health Section, DPH
Pamela Kilbey-Fox, Chief, Local Health Administration Branch, DPH
William Gerrish, Director, Office of Planning and Communications, DPH

Enclosure



Phone: (860) 509-7296, Fax: (860) 509-7295
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 51SEW
P.O. Box 340308 Hartford, CT 06134
An Equal Opportunity Employer

Well Exception Application

To: Environmental Engineering Program
 Department of Public Health
 410 Capitol Ave., MS# 51SEW
 P.O. Box 340308
 Hartford, CT 06134-0308

Date: _____
Local Health Department: _____
Mailing Address: _____

Attn: _____

Telephone: _____

Subject Property: _____

(Address & Town) _____

Basis of Design
of Bedrooms: _____
or
Design Flow: _____

Repair for:
 _____ Tank
 _____ Leaching System
 _____ Tank & Leaching System

Exception for:
 _____ Tank
 _____ Leaching System
 _____ Tank & Leaching System

Wells affected:
 _____ Owner's well
 _____ Neighbor's well
 _____ Both

Affected Properties	Lot No. or Address	Property Owner's Name	Well Type	Distance of Well To:	
				New Tank	New System
Subject Property					
Front Adjacent Property					
Rear Adjacent Property					
Right Adjacent Property					
Left Adjacent Property					

Water suction pipe(s)? (Yes/No) If yes, provide distance if < 75 feet

Is the repair located closer to well(s) than existing system? (Yes/No)

Potability testing of affected wells? (Yes/No) If yes, are results satisfactory? (Yes/No)

Does subject property have any compliance issues concerning PHC Section 19-13-B100a? (Yes/No)

COMMENTS: _____

Detailed plan prepared by:
 _____ Professional Engineer
 _____ Licensed Installer
 _____ Other: _____

Plan reviewed by: _____
 (Please print)

Signature: _____

Attachments Included: Plan? (Yes/No) Soil Testing Data? (Yes/No) Other: _____

Applicant's Signature: _____
 (Subject Property Owner)

Note: In accordance with Public Act No. 07-244 Section 7, applicant is required to notify abutting owners of exception request (See EHS Circular Letter #2007-28).