

Connecticut Private Well Conference

April 23, 2019

The Basis for Changes to the CT DPH Proposed Private Well Regulations

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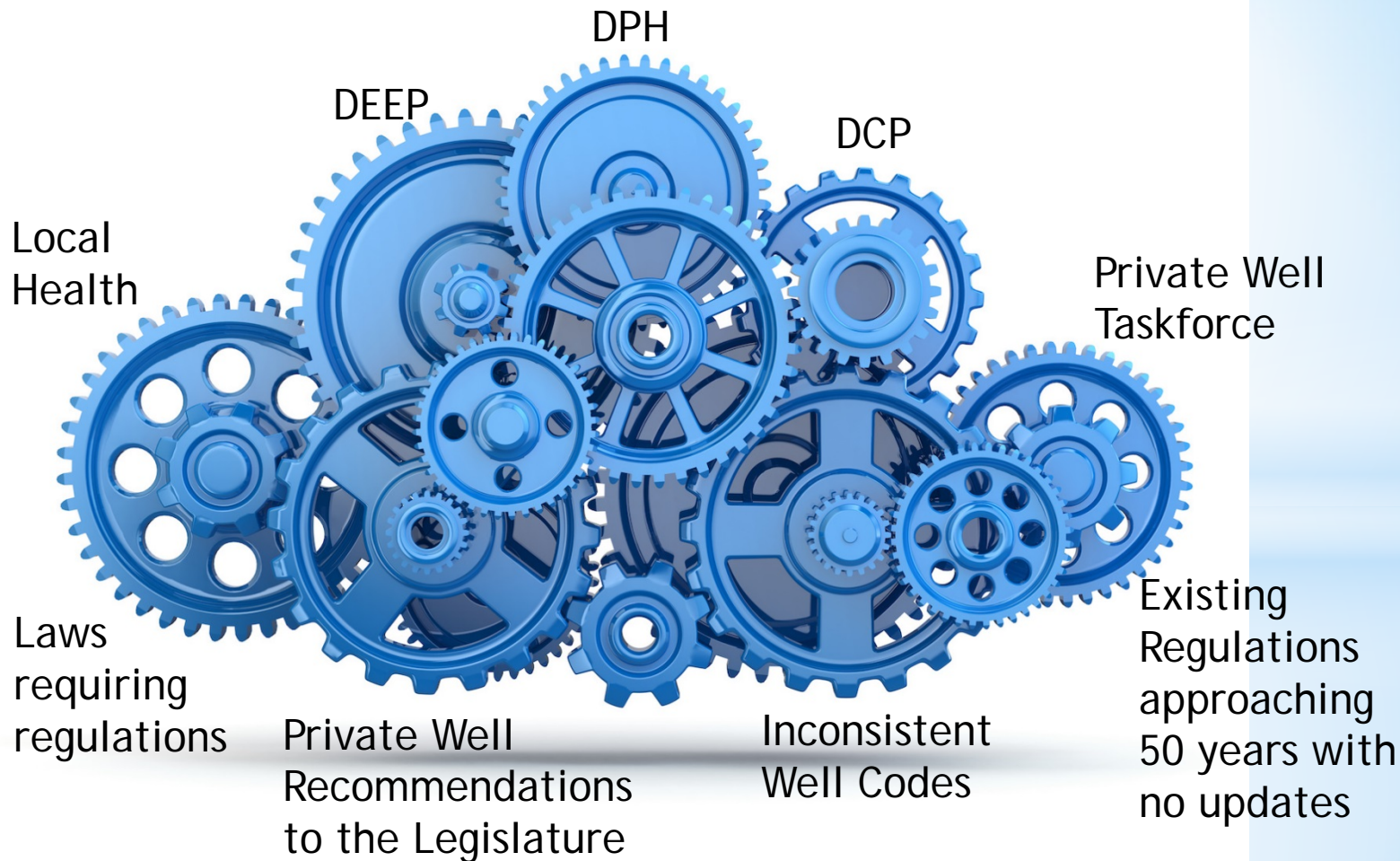


Connecticut Department of Public Health
Keeping Connecticut Healthy



There are many moving parts to updating the existing regulations and many have provided valuable input.

THANK YOU!





Basis for Changes to the Private Well Regulations:

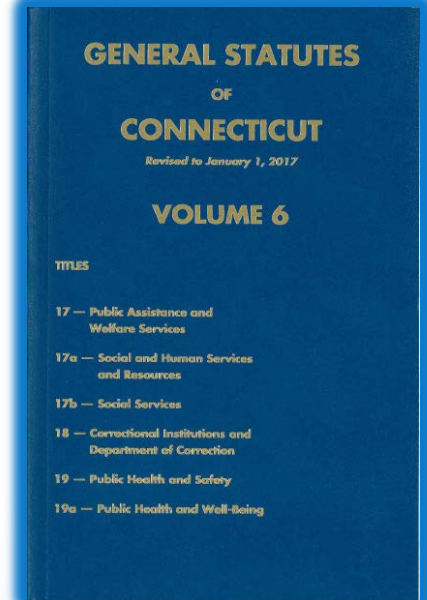
Why is DPH making Changes to the Private Well Regulations ?

- 1) The Connecticut General Statutes (CGS) require the Commissioner of Public Health to establish regulations.
- 2) To address inconsistencies that existing between the Public Health Code Regulations and the Connecticut Well Drilling Code Regulations.
- 3) The report to the Connecticut General Assembly required of Public Act 08-184 provided recommendations to modify regulations to address concerns with the purity and adequacy of private wells.
- 4) To update the regulations to better align with present day standards and current authorizing statutes.
- 5) To consolidate all regulations for private wells and semi-public wells under one section of the regulations.

Statutory Requirements

CGS Section 19a-37 (c): The Commissioner of Public Health shall adopt regulations, in accordance with chapter 54, for the testing of water quality in private residential wells and wells for semipublic use.

- Public Act 16-66 amended subsections (b), (f), (g) and (i) of Sec. 19a-37 by adding references to wells for semipublic use.



A semi-public well supplying a commercial or industrial building with less than 25 employees. Commercial or industrial buildings are non-residential.



A semi-public well supplying more than 25 people for a period of time that is less than 60 days per year. An example would be a summer camp with 1,000 kids and staff that operates for 21 days.

Statutory Requirements:

Well Permit Exceptions - CGS Section 19a-37 (e):

The Commissioner of Public Health **shall adopt regulations**, in accordance with chapter 54, to clarify the criteria under which the commissioner may issue a **well permit exception** and to describe the terms and conditions that shall be imposed when a well is allowed at a premises (1) that is connected to a public water supply system, or (2) whose boundary is located within two hundred feet of an approved community water supply system, measured along a street, alley or easement. Such regulations shall (A) provide for notification of the permit to the public water supplier, (B) address the quality of the water supplied from the well, the means and extent to which the well shall not be interconnected with the public water supply, the need for a physical separation, and the installation of a reduced pressure device for backflow prevention, the inspection and testing requirements of any such reduced pressure device, and (C) identify the extent and frequency of water quality testing required for the well supply.



Inconsistencies in Well Codes

Sec. 25-128-33: These regulations, together with the regulatory provisions of Chapter 482 of the CGS, and the section of the Public Health Code relating to wells, shall be collectively known as the Connecticut Well Drilling Code.

Sec. 25-128-38. Application of public health code: The regulations for the construction of wells, as provided herein, shall be construed in a manner consistent with the provisions of Sections 19-13-B51 to 19-13-B51m, inclusive, of the Public Health Code. In the event any conflict shall appear, the interpretation of the regulations shall be made which affords the greater protection of the public health.

Examples of Inconsistencies:

- ◆ Definitions
- ◆ Construction standards (grouting, casing depth)
- ◆ Dug wells





Private Well Recommendations to the Connecticut General Assembly

Public Act 08-184 Sec. 51

The Department of Public Health, in consultation with the Departments of Environmental Protection and Consumer Protection, shall convene a working group of individuals to study and make legislative recommendations to ensure that property owners of new construction, with a private water supply well that serves as the source of drinking water are assured of an adequate supply of water that meets current standards for potability as defined in the regulations of Connecticut state agencies. The working group shall also study and make recommendations concerning the installation of replacement water supply wells on properties where there is insufficient area to meet the current separation distances as specified in the regulations of Connecticut state agencies.

Adequate supply of water

Meet standards for potability

Recommendations for replacement wells on lots with insufficient area

Private Well Recommendations to the Connecticut General Assembly



Connecticut Department of Public Health

RECOMMENDATIONS TO THE
CONNECTICUT GENERAL ASSEMBLY
FOR ENSURING THE ADEQUACY AND PURITY OF NEW
PRIVATE DRINKING WATER WELLS

June 30, 2009

The following individuals were instrumental in the preparation of this paper. The Agencies involved thank all involved for their time and effort in preparing this document.

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Private Well Recommendations to the Connecticut General Assembly

Adequate supply of water

- ◆ The report discusses Section 25-128-39 of the Connecticut Well Drilling Code for adequate relations of diameter, depth and yield.
- ◆ Discussion of high water volume use above typical domestic needs (lawn irrigation systems, filling swimming pools, whirlpool tubs, full body showers).
- ◆ Discussion of how a well with a deeper depth and higher capacity pump that installed in proximity to existing wells may influence the adequate supply of the neighboring wells.
- ◆ The report acknowledges that simultaneous yield tests would require cooperation of neighbors and would be difficult, if not impossible to obtain.
- ◆ **The workgroup made a recommendation that for new construction, the sanitary radius of the water supply well be located on the same property or overlap into open spaces (conservation areas or wetlands).**
- ◆ **The proposed regulations will address this recommendation.**



Private Well Recommendations to the Connecticut General Assembly

Adequate supply of water

- ◆ The report acknowledged there are areas of the State where groundwater is scarce to non-existent due to the hydrogeological conditions of the underlying bedrock aquifer and in some cases wells need to be drilled over 1,000 feet deep.
- ◆ Discussion of increased costs to install a well pump in deep wells and how the homeowner or builder may try to decrease costs and have the pump installed at a shallower depth, which limits the available storage in the well borehole.
- ◆ **The workgroup made a recommendation that a well pump record be required statewide thus enabling directors of health to verify that the well and pump configuration is compliant with existing regulations. It would also provide the homeowner with additional information about their well that is often overlooked and not necessarily retained.**
- ◆ **The proposed regulations will address this recommendation.**



Private Well Recommendations to the Connecticut General Assembly

Meet Standards for Potability

- ◆ The report discusses the minimum required testing of a new well per Section 19-13-B101 of the Regulations of Connecticut State Agencies (RCSA) and additional testing that may be required under Section 19a-37 of the Connecticut General Statutes when “reasonable grounds” exist.
- ◆ The report discusses how the Maximum Contaminant Levels (MCLs) for private wells references the listing of MCLs in the section of regulations for public water system (RCSA Section 19-13-B102); however not all subsections are appropriately referenced. MCLs for radiological parameters are not currently referenced in the 19-13-B101 regulations for private wells.
- ◆ **The workgroup made a recommendation to modify the regulations to include existing MCLs for radionuclides to apply to private wells.**
- ◆ **The proposed regulations will address this recommendation.**

Private Well Recommendations to the Connecticut General Assembly

Replacement wells on lots with insufficient area

- ◆ The report discusses the presence of many existing homes built on small lots prior to the development of a sanitary radius setback distances for private wells and how the small lot sizes present challenges to meet required setback distances when an existing well needs to be replaced.
- ◆ **The workgroup recommended a variance mechanism to allow for a replacement well be installed. In such situations the goal would be to make an existing situation better and prevent condemnation of an existing home.**
- ◆ **The workgroup provided draft regulations for establishing the regulatory framework to allow for the variance mechanism for a replacement well.**
- ◆ **The proposed regulations will address this recommendation.**



Updating the Regulations

The existing Public Health Code Regulations pertaining to well construction were last updated on January 12, 1971.

- Example: RCSA Section 19-13-B51d “If a sewer is constructed of extra heavy cast iron pipe with leaded joints or equal approved type of tight joint, a minimum separating distance of twenty-five feet shall be maintained.”
- Is there anybody in the room that has seen cast iron sewer pipes used with leaded joints in the recent past? After 48 years its time to make some updates!

The existing private well regulations pertaining to testing and water quality (RCSA Section 19-13-B101) were last updated on December 23, 1997.

- Since 1997 there have been eight changes to Section 19a-37 of the Connecticut General Statutes where there are criteria for testing not reflected in the existing 19-13-B101 regulations.
- The updated regulations will be aligned with the authorizing Statutes.



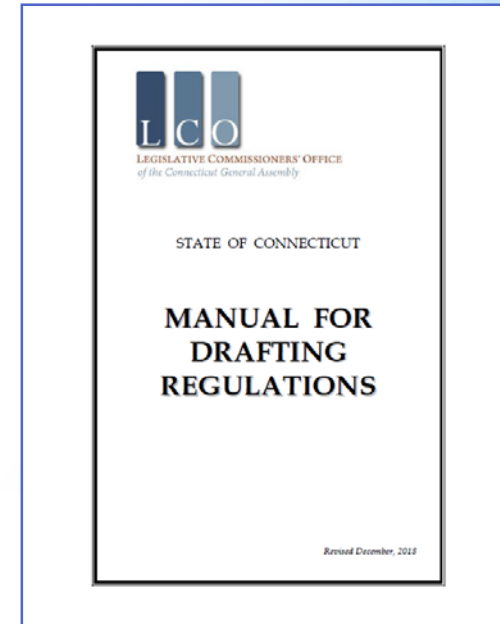
Assigning Section Number of Regulations According to Section Number of Authorizing Statute

Existing private well regulations are under Title 19 of the Regulations of Connecticut State Agencies

- 💧 Section 19-13-B101
- 💧 Section 19-13-B51a through m, inclusive
- Revised Regulations will be under Title 19a
- 💧 Section 19a-37-1

Text and Language Conventions, Numbering and Lettering

- ✓ Do not omit provisions that are to be deleted; bracket them.
- ✓ Underline new language.
- ✓ If an entire section or a subunit of a section is new, the new language should be preceded by "(NEW)" and the section or subunit should NOT be underlined.
- ✓ Check that the catchline accurately reflects the text of the section.
- ✓ Assign section numbers to each section of the regulation according to the section number of the authorizing statute under which the regulation is being enacted, followed by a hyphen and an additional letter or number.
- ✓ Number the sections of the proposed regulation.
- ✓ Use numbers in parentheses for definitions.
- ✓ Use letters in parentheses for subsections.



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Thank you!

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