



Environmental Health Division
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Summary of and Response to Comments Received on the Proposed Revisions to Article VII January 18, 2008

Written comments received on the proposed Article VII are summarized below. All comments received involved the issue of requiring a permit for well construction or abandonment. No comments were received on the definition of a Local Public Water System or the proposed regulations for public water systems.

Negative comments centered around the cost of the permit and the time associated with waiting for the permit to be issued and for inspections to be conducted. Several comments indicated that well drillers are now professionals and no further regulation is needed.

Positive comments included general support for the program.

Detailed Summary:

1. Objections were raised to the requirement that a homeowner connect to a municipal water supply if one is available. It should be the right of the property owner to make this decision and not a mandate by Tompkins County. The County lacks this authority to deny residents to use private drinking water systems. (refers to S-7.02)

Response: The language has been deleted from the proposed Code.

2. Does the well permit process include a provision to allow for "emergency wells?" If there was an emergency situation, the Code would cause unnecessary delay in providing water to the homeowner. (S-7.01)

Response: Language has been added to the proposed Code to address emergency situations.

3. The proposed fee (\$250) is excessively high. Some wells in Tompkins County would only cost \$1500 to drill. Cortland County only charges \$75.

Response: The fee charged depends on the cost of the program. The fee proposed for the program for 2007 was estimated to cover approximately half the cost of the program. Changes to the program are proposed in response to public input, and the proposed fee has been reduced to \$200 for new individual water wells. Lower fees are proposed for replacement wells.

4. Any fee should be assessed on a sliding scale. A flat fee discriminates against lower cost wells. Any charge should be correlated to the value of the well.

Response: We are proposing to have lower fees for replacement wells than for new wells. The fee charged depends on the cost of the program, and our costs will not necessarily vary with the cost of the well.

5. The fee for abandonment of a well should be eliminated. Charging residents that wish to abandon their wells will discourage landowners from formally abandoning wells in accordance with State regulation.

Response: The fee for well abandonment has been eliminated.

6. New York already has adequate Water Well Regulations recently enacted by the NYS Department of Health (NYSDOH). The Empire State Water Well Drillers Association (ESWWDA) worked with the NYSDOH in revising Appendix 5-B, which helped make drinking water safe for the consumer and workable for the well driller. Tompkins County is reinventing the wheel.

Response: The NYSDOH regulations do not address the implementation and enforcement of the requirements. The proposed County Code establishes a program for implementing and enforcing these requirements. Implementation by the Division of Environmental Health provides for important communication and coordination between the water and sewage programs to protect public health.

7. The proposed regulations are redundant with New York State Department of Environmental Conservation (DEC) requirements.

Response: DEC regulations require well drillers to be registered and information to be submitted for a well completion certificate. The proposed Division of Environmental Health program is a well permitting and inspection program, which the DEC program is not.

8. Concern was expressed about the time between filing the application and the issuance of the permit. Will permits be issued by mail or by fax or e-mail? (refers to S-7.03)

Response: We expect this program to be similar to the existing sewage system program. Generally, it should be a matter of a couple of days before the permit is issued. Permits can be issued by fax and possibly by e-mail.

9. Comments were received that disagreed that the expertise of a design professional as defined in the Code is required in the placement and construction of water wells. A registered well driller is considered a professional and should be allowed to determine the location of a well in accordance with Appendix 5-B. The proposed Code should be amended to require that a certified well driller submit the plan or, at a minimum, this provision should be amended to allow either a design professional or a certified water well driller to submit such “plan and specifications” to the Department. (refers to S-7.01(e))

Response: The intention is for a PE to be required for difficult sites.

10. A sketch should not be required. (refers to S-7.01(e))

Response: A sketch is required for determining and documenting proper well placement.

11. If the Code is changed to require that a County health official determines the location of the well, it would be very time consuming and expensive to the well driller and homeowner. The use of Professional Engineers will add significant cost and place an undue burden on the property owners of Tompkins County. (refers to S-7.01(e))

Response: The well location would be changed by the Division of Environmental Health only as necessary due to site or regulatory restrictions. The intention is for a PE to be required for difficult sites.

12. As long as a DEC Registered Well Driller or Pump Installer is completing the work, an inspection process is not warranted. It is logical to require inspections of work performed by an unlicensed and uncertified sewage system installer, there is no valid reason to require inspection of wells constructed by certified water well drillers/pump installers. (refers to S-7.04(d))

Response: The proposed Code has been modified to allow registered well drillers to self-certify their installations for individual water wells.

13. Well drillers expressed concern about delays until an inspection can be completed. Additionally, a well may remain uncovered and trenches open while waiting for an inspection to be completed, creating a hazard on construction sites. Excavations can also fill up with water which also presents serious issues for health and safety and add undue cost to the property owner. Remobilization costs may be incurred by the homeowner. (refers to S-7.04(b))

Response: We expect this program to be similar to the existing sewage permitting program. Generally, it should be a matter of a couple of days before the inspection is conducted. In response to other comments, we have modified the proposed regulations to allow well drillers for individual water wells to self-certify compliance. This change eliminates the concerns expressed in this comment for individual water wells.

14. Will provisions for enforcing the well driller registration program or Appendix 5-B and 5-D requirements be included?

Response: The Division of Environmental Health is not enforcing DEC requirements for well driller registration; however, a registered well driller will need to be identified on the County permit application. Appendix 5-B and 5-D are incorporated into the County Code.

15. The DEC has well drilling regulations that require the submittal of some of the information (well logs and hydrogeologic data) required under the proposed revisions to Article VII. How will the proposed regulations work with the DEC regulations?

Response: Under the proposed regulations, there will be little change in the process regarding the submittal of well logs. It is frequently difficult to get information, especially timely information, directly from the DEC. We have been requesting that the well drillers submit the well logs directly to us for several years. Under the proposed regulations, the owner will be responsible for submitting the information since the permit is issued to the owner. However, we expect the well drillers to continue to submit the information directly to us for the owners.

16. How will the County Water Well Certificate of Completion and the DEC's Well Completion Report form interact? Well drillers usually withhold a copy of the DEC Well Completion Report until the driller has been paid by the owner. Drillers may be concerned that the County proposes to issue a Water Well Certificate of Completion upon satisfactory inspection and/or a letter from a Design Professional. (refers to S-7.04(d))

Response: We plan to attach a copy of the DEC Completion Report to our Certificate of Completion.

17. The County proposed that testing for total coliform and nitrates be required. NYSDOH is proposing to promulgate a new reference standard, tentatively to be called "Appendix 75-C, Individual Water Well Water Quality Standards." The County may want to leave the door open to revising this section of the Code based on the language in the finalized Appendix 75-C. (refers to S-7.04(c))

Response: Considering the uncertain time frame for promulgating NYSDOH regulations, no changes were made.

18. We recommend to all our customers that they test their water annually; however, we feel that water quality testing should not be mandated by Tompkins County on new wells and should be at the discretion of the property owner. (refers to S-7.04(c))

Response: The Division of Environmental Health is requiring that testing be conducted; however, a permit will be issued regardless of the test results. If the results indicate poor water quality, the Division of Environmental Health will offer to assist the property owner in addressing the issue.

19. Tompkins County needs to enforce the State regulations regarding individuals installing pumps and servicing wells that are not Registered and Certified with and under New York State Law. If there is a problem, I am sure it can be traced back to unauthorized individuals completing such work. The new regulations do nothing to track who completes the work or to ensure it was performed by a Registered and Certified company or individual. Tompkins County should be enforcing the existing NYS Regulations that require all persons drilling wells and installing pump systems to be NYS Certified and Registered. This law is not fully enforced at this time.(refers to S-7.03)

Response: The Division of Environmental Health is not enforcing the DEC regulations; however, we can and do require that a registered well driller be named in the County permit application.

20. Will these or other regulations address low flow, turbidity and/or water quality requirements? One home owner stated that the Certificate of Occupancy was issued by the Code Enforcement Officer before there was running water in the house. Clean water quality test results obtained before closing were not reproducible by the home owner. There should be minimum standards for new wells to address flow levels, turbidity and honesty in securing samples for bacteria tests.

Response: These are sensitive and difficult issues to address. The Environmental Health Division plans to collect the samples for nitrate and bacteria, but we do not plan to hold back on the Certificate of Completion report if the test results indicate water quality concerns. Then the Certificate of Completion may have conditions. We cannot hold the well driller responsible for water quality; however, that information should be available to a purchaser or property owner or home owner.

21. If the County was interested in protecting the public, they would be holding training and information meetings with local drillers and Code Enforcement Officers for the water well construction standards and requirements in Appendix 5-B and 5-D. Why are other counties setting up trainings and providing information?

Response: NYSDOH is conducting training for the Code Enforcement Officers. The well drillers must be knowledgeable to obtain registration, and the ESWWDA assists well drillers. The Division of Environmental Health will conduct on-going education during our site visits.

22. The County should not be collecting the water samples. The homeowner can collect the sample. The results should be interpreted by a water well Professional, not the County, or the results will be misconstrued. (refers to S-7.04(c))

Response: To ensure proper sample collection, the Division of Environmental Health plans to collect the samples for the homeowner. We have extensive experience with sample collection and interpretation of results. The NYSDOH is also available for assistance.

23. One commentator pointed out that the DEC regulations allow an individual to perform certain tasks on his(her) own well and questioned whether it was necessary to restrict all work to well drillers or other professionals. The proposed Code is unclear whether a homeowner can construct, perform a yield test, abandon/decommission a well or if only a DEC registered well driller can perform these functions.

Response: NYS regulations permit a homeowners to perform maintenance, repair, and decommissioning activities; however, drinking water wells must be installed by a registered well driller. No changes were made to the proposed County Code.

24. Consistent with NYSDOH policy for water supply, the County may wish to further define their definition of a Design Professional to clarify that a Design Professional is a Professional Engineer. (refers to Article 1)

Response: Language has been added to the definition of a “Design Professional” for clarification and consistency with State policy.

25. Several sections of the Code refer to “abandon.” The County may wish to include the term “decommissioning” with “abandonment” because decommissioning provides for the proper abandonment of a well. Including the term decommissioning would also be consistent with language in 5-B.

Response: The Code was revised to include the suggested wording.

26. Is “adequately” defined in the County’s Code? Appendix 5-B contains a definition of “adequate” that was developed by DOH that may be useful?

Response: A definition was added to the proposed County Code.

27. USGS suggested that a static water level be measured and recorded even if no well yield tests are performed.

Response: The static water level is noted on the well log.

28. Suggested changing “permit proper inspection” to “provide proper inspection” so as to not confuse the use of “permit” with the well permit program. (refers to S-7.04(b))

Response: The Code was revised to include the suggested wording.

29. Type in the last sentence of 7.04(d) – change in to is?

Response: The typo was corrected.

30. Some comments were received suggesting changes to Subpart 5-2.

Response: Subpart 5-2 is part of the NYS Sanitary Code. Tompkins County cannot change the State Code.

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