

December 12, 1991

GMP #1

MEMORANDUM

TO: Regional Directors  
District Directors  
Regional Sanitarians  
Sanitarian Managers

FROM: Robert B. Stroube, M.D., M.P.H.  
State Health Commissioner

SUBJECT: Enforcement of Well Regulations

As all of you know, the Private Well Regulations have been effective for over a year now. For the most part their implementation has been relatively smooth. However, we have received several complaints from well drillers that wells are being installed without permits by some other well drillers.

When the regulations were first effective, the recommendation was to first educate the well drillers and the public on the requirements of the regulations in lieu of legal action. All well drillers should now be familiar with the requirements of the regulations. Their neglect to obtain a permit prior to constructing the well should be viewed as a blatant disregard for the regulations. Any construction of a well without a permit should be pursued through legal enforcement.

Section 2.12 of the Private Well Regulations states that no person shall construct a well or **allow** the construction of a well without a written construction permit from the commissioner. Therefore, effective immediately, any construction of a well without a permit should result in legal action by the local health department against the well driller and the property owner. No attempts should be made to determine if the well meets the minimum construction requirements of the regulations or if a permit can be issued. Also, any well driller who constructs a well without a permit should be reported to the Department of Commerce.

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It is not necessary to obtain approval from my office or the Division of Sanitarian Services to proceed with legal action. However, please keep the Bureau of Sewage and Water Services informed of any action taken by your offices. If you have any questions or need guidance, you should contact the Bureau of Sewage and Water Services.

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Water - Private Wells - Enforcement