

COMPLIANCE ADVISORY



New
Jersey
Department of
Environmental
Protection

Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

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NJDEP to Step up Enforcement of Well Drilling Program

Who is affected by this initiative?

Any person or business engaged in activities regulated by the New Jersey *Subsurface and Percolating Waters Act* N.J.S.A. 58:4A.1 et seq. and the associated regulations, N.J.A.C. 7:9D, may be affected by this initiative. These include any company and/or individual drilling, installing, constructing, repairing, replacing, or decommissioning a well for any purpose or any company and/or individual installing, repairing or replacing a well pump or other well pumping equipment.

Why is DEP Enforcement targeting this regulated group?

New Jersey's ground water is a critical resource, serving as a source of drinking water to a great number of residents. Proper construction or abandonment of wells can be a significant factor in the protection of groundwater quality and should contribute to the betterment of the health and welfare of the people of the State. Therefore, protection of New Jersey's aquifers and water supplies through proper well-drilling activities is a critical mandate of the NJDEP. Wells installed throughout New Jersey include potable wells, geothermal and geotechnical wells, soil borings and monitoring wells.

The NJDEP responds to and investigates consumer complaints involving improper well construction and well pump installation issues. NJDEP has confirmed a significant number of well and well pump-related violations. The nature of these violations is of great concern, because it threatens the quality of our aquifers and the safety of our water supplies. Some of the confirmed violations include wells and pumps installed by non-licensed or improperly licensed individuals, improper or faulty well construction and well pump installations, failure to obtain required permits, improper decommissioning of wells, and failure to timely submit well records and decommissioning reports. Some of the Department's specific concerns associated with these violations include:

- Improperly constructed wells can result in groundwater contamination and water quality degradation because faulty installed wells can act as conduits between sources of pollution and groundwater.
- Wells no longer in service and not properly decommissioned can act as conduits for groundwater contamination and can also pose a safety hazard.
- Wells that are installed for non-potable uses such as geothermal and geotechnical wells, soil borings and monitoring wells must also be properly constructed so they are not conduits for groundwater contamination.

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- Customers hiring NJ licensed well professionals to drill potable supply wells, and install and repair pumps are paying for this service. They should expect and deserve to have properly designed, constructed, and operating wells and well pumps.

NJDEP's review of properly completed applications prior to well construction or decommissioning activities and of properly completed and timely submitted drilling records and decommissioning reports is critical to allow the Department to work with customers and the drilling industry to ensure compliance with the regulations and protection of aquifers and water supplies.

What is DEP doing?

DEP's Water Compliance and Enforcement Program will be providing enforcement support to the Division of Water Supply's Well Permitting & Regulation Section, which is primarily responsible for inspection of the well sites. This support will include the issuance of formal enforcement actions with penalty assessments (which can be up to \$5,000 per day per violation), and the suspension or revocation of licenses.

What should property owners do?

1. Hire a driller licensed by NJDEP. A list of licensed pump installers, drillers and drilling companies is available at <http://www.nj.gov/dep/watersupply/well.htm>
2. Make sure the driller provides you with a copy of the permit(s) prior to start of drilling activities. Pump repairs do not require permits.
3. Check with your local health department to learn if a county or municipal well permit is required in addition to the state (NJDEP) well permit before installing a new potable well.

What should well drillers do?

Following is a check list that can help to ensure compliance, but it by no means represents all of the requirements with which you need to comply.

1. Make sure that you apply for and receive the appropriate permit prior to starting any well related job and that the appropriate licensed individual completes the job.
2. If your permit has been approved and you have to sub-contract the job, let the sub-contractor re-apply for the permit, otherwise you will also share liability for any violations they incur.
3. Make sure you submit all the follow-up reports and required paperwork within the prescribed time periods.

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Who should I contact with questions?

For any permit, licensed driller or inspection related questions, please contact the **Bureau of Water Systems and Well Permitting** at **(609) 984-6831** or via email at wellpermitting@dep.state.nj.us

For any questions regarding formal enforcement document please contact:

Water Compliance and Enforcement-Northern Field Office at **(973) 656-4099**
(Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren Counties).

Water Compliance and Enforcement-Central Field Office at **(609) 292-3010**
(Mercer, Middlesex, Monmouth, Ocean and Union Counties)

Water Compliance and Enforcement-Southern Field Office at **(856) 614-3655**
(Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties)

Where can I get more information?

Visit the following Web sites for additional information:

Compliance and Enforcement:

<http://www.nj.gov/dep/enforcement/>

Bureau of Water Systems & Well Permitting

<http://www.nj.gov/dep/watersupply/wswpermitting.htm>

Regulations:

http://www.nj.gov/dep/watersupply/NJAC7_9D.pdf

Please note this advisory is intended to be a summary explanation of a DEP initiative. It does not include all potentially applicable requirements. If you have any questions about compliance with this initiative, please contact the Enforcement office that serves your county, as specified above.