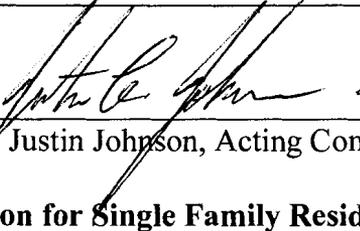


**Guidance Document #2007-02**

Issued 9-26-2007

  
Justin Johnson, Acting Commissioner, DEC

**Replacement Well Exemption for Single Family Residences on their Own Individual  
Lots  
§1-304(a)(22)**

1. This exemption may be used when the existing water supply serves more than one building, provided that the replacement water supply will serve only one single family residence on its own individual lot.

Examples include a replacement well installed to enable a single family residence to disconnect either from a municipal system or from a well shared with another lot.

2. The resulting new water supply must comply with the Rules, if possible, and must be at least as compliant with the Rules as the water supply being replaced.

Example: A person proposes to disconnect from a public community water supply and replace it with an individual water supply such as a drilled well. Unless the public community water supply is considered failed, and cannot be repaired, any replacement drilled well, shallow well, or spring must be a fully complying with the Rules (i.e. it must meet all isolation and construction requirements that would be applied to a new project).

3. The variance provisions related to water supplies appear in the Water Supply Rules as section 3.7.2(e) and as §1-806 of the Wastewater System and Potable Water Supply Rules, effective September 29, 2007.
4. In order for the landowner to qualify for this exemption the appropriate exemption form must be completed and filed in the land records in the town where the property is located.
5. This exemption applies only when one water supply is replaced with another one. A permit is required if the proposal is to connect an additional water supply to an existing single family residence.
6. Any abandoned water supply, or connection to a water supply, must be properly abandoned in accordance with any applicable rules in order to prevent contamination of any water supply or groundwater aquifer.

**Guidance Document #2007-02**

7. If a state or local permit prohibits a replacement well from being located in some designated areas on the lot, this exemption does not override any of those permit restrictions.
8. Please note that while this exemption exists, it is still strongly recommended that people review other available information such as existing state and local permits, contact neighboring property owners, and consider future construction such as replacement wastewater disposal systems prior to deciding to use this exemption.

If there are any questions about the proposed location of the replacement well, please contact your Regional Environmental Office.