

**ANR Form 3**  
**Notice of Overshadowing by a Constructed Wastewater System and/or Potable Water Supply**

To \_\_\_\_\_ (Overshadowed Landowner):

Recently, I constructed a water supply and/or wastewater system after receiving a Wastewater System and Potable Water Supply Permit from the Department of Environmental Conservation. Changes were made to the actual location of my water supply and/or wastewater system during construction so that what was actually constructed may affect your property. These construction changes still comply with the technical standards of the Wastewater System and Potable Water Supply Rules (Rules).

The technical standards in the Rules include required isolation distances around the supply or system. These isolation distances are designed to prevent a wastewater system from being built too close to a well or a well too close to a wastewater system in order to protect drinking water quality and human health.

The isolation distances for my constructed water supply and/or wastewater system extend onto your property. The extension of these isolation distances is often referred to as an “overshadowing” of property.

In 2010, the legislature determined that people who own property that will be “overshadowed” by the required isolation distance be notified of that fact. This form is being sent to you in order to provide that notice. Attached to this form is a copy of a plan that accurately depicts the isolation distance(s) around my water supply or septic system that extend onto your property.

Please consider the following facts from the Agency of Natural Resources to help you understand what this actually means to you:

1. Under the existing Rules, an evaluation of the horizontal relationship between existing and newly proposed wastewater systems and potable water supplies is required during the review of any application. Therefore, the horizontal locations between your current water supply and wastewater system and what I constructed were identified and, despite the changes that occurred during construction, still complies with the Rules.
2. What is not assessed when a permit is issued is the possibility for the water supply and wastewater system authorized by the permit to affect or restrict potential future development of a water supply or wastewater system on your property. These possible restrictions exist because of the required isolation distances between potable water supplies and wastewater systems.
3. It is important to note that overshadowing in many instances may have no effect on the ability to develop adjoining properties. Whether there is actually any effect is a very site specific determination that depends on a number of factors. For example, the fact that an isolation distance from a wastewater system may prohibit where a well could be drilled may have no real effect because that portion of the neighboring property that is overshadowed by the wastewater system is too steep to be accessed by a well drilling rig. Another example is where a well isolation distance means that no wastewater system could be placed in a certain area but that overshadowed area is a wetland that prevents the construction of a wastewater system.

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4. When considering potential effects on your property, you should be aware that you may drill a well within the identified well isolation zone and you may build a wastewater system in the identified septic isolation zones provided the well or septic system otherwise complies with the technical standards of the Rules. What may not be allowed without providing additional technical information is putting a wastewater system in a well isolation zone and putting a well in a wastewater system isolation zone.

5. The water supply and wastewater system isolation zones only restrict the construction of water supplies and wastewater systems. Construction of other things such as houses, garages, and driveways may be in the isolation zones as allowed by the Rules.

6. This notification requirement did not start until 2010 and the state permit program has been in place since 1969 so it is possible that there are existing water supplies or wastewater systems that “overshadow” your property or that your own wastewater system and/or water supply “overshadows” your neighbor’s property.

**7. VERY IMPORTANT: Although the legislature has required notification to potentially affected landowners, the legislature did not give the Agency of Natural Resources the authority to deny a permit application based on isolation zones that may “overshadow” your property.**

Please contact me if you have any questions.

Sincerely,

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

8/29/12 Last Revised 9-10-12 (To Comply with Acts 145 and Act 117)