

FIRE DEPARTMENTS MUST NOT INJECT WATER TO RECHARGE WELLS WITHOUT PROPER PERMITS

It is not an uncommon practice to recharge a well that has “dried up”. Wherein, due to extremely dry or drought conditions, the available water level in a well drops to unreachable levels. These wells may be “recharged” by injecting water into the well to bring the water level back up to the level of the pump. This is a temporary fix until the aquifer can refill the well normally. Since this water will be used for human consumption, there are both state and federal regulations on how this recharging should be accomplished. Not only must the water be potable, the equipment and methods used must meet specific health standards.

OFPC has received a notice from the New York State Department of Health, Bureau of Water Supply Protection (BWSP) regarding the injection of water into wells. The BWSP is bringing forward the Public Health Concerns and regulatory problems of using uncertified bulk water haulers for the purpose of injecting water into wells. The BWSP is responsible for certifying Bulk Water Haulers who deliver water for human consumption, food preparation or culinary practices. Some uncertified haulers have argued that they are supplying water for purposes other than human consumption or saying that the well owners agree not to consume the water; neither of those arguments relieves the hauler from complying with Title 10 NYCRR Part 5-6.

Additionally, the United States Environmental Protection Agency (EPA) has the responsibility to prevent contamination of the aquifer. The EPA manages the Federal Underground Injection Control Program and requires water haulers to have a federal permit to inject water into wells. This is stated in the Code of Federal Regulations (CFR), Title 40 CFR Section 144.11, 144.81(6) and 144.83.

Fire departments are strongly discouraged from undertaking these actions. Recharging a well may seem like the “neighborly” thing to do, or considered a “local emergency”, you may actually be placing citizens at risk for serious health effects if recharging is not conducted properly. Failure to comply may result in Violations, Fines and/or Federal Actions. Fire Departments are not exempt from any of these actions.



Distributed by the
NYS Division of Homeland Security and Emergency Services

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February 26, 2013

Mr. Bryant D. Stevens
State Fire Administrator
DHSES – Office of Fire Prevention and Control
One Commerce Plaza
99 Washington Avenue – Suite 500
Albany, NY 12210-2833

Re: Injecting Water into Wells

Dear Mr. Stevens:

The New York State Department of Health's Bureau of Water Supply Protection (BWSP) would like to bring to your attention concerns regarding hauling water and injecting the water into wells. The Department has long discouraged this practice for several reasons, not the least being the simple economic inefficiency of this practice from the loss of delivered water to the aquifer. There are also significant public health concerns and regulatory problems with this practice.

The BWSP certifies bulk water haulers who deliver water for human consumption, food preparation, or culinary purposes. All haulers who deliver water for the purpose described above must be certified as prescribed in 10 NYCRR 5-6, and may be subject to violations or fines for delivering water if they are not certified. However, uncertified haulers with unknown sanitation practices have been injecting water into wells and claiming that this practice is not regulated because the water is not for human consumption, and/or that the well owner has agreed not to consume the water. Neither of these arguments eliminates the requirement that this form of water delivery be performed by certified haulers.

In addition to public health and State regulatory concerns, the United States Environmental Protection Agency (EPA) has determined that water hauled and injected into a well requires a federal permit under the Federal Underground Injection Control (UIC) program. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water and endanger human health – Federal Regulations in Title 40 of the Code of Federal Regulations (CFR). Section 144.11 states that all underground injection must be either authorized by rule or authorized by permit. Pursuant to 40 CFR 144.81(6), recharge wells used to replenish an aquifer are considered Class V injection wells and require authorization. Pursuant to 40 CFR 144.83, owners and operators of injection wells must submit inventory information to EPA prior to injecting into the well.

The BWSP does not implement the federal UIC program and the State's certification of a hauler does not exempt the hauler from the UIC regulations. The EPA has informed the BWSP that failure to obtain a permit from the EPA for this type of operation constitutes noncompliance with UIC program regulations and may subject the hauler and the property owner to federal enforcement attention.

The BWSP has notified certified bulk haulers (letter attached), as well as local health departments, the State Office of Emergency Management, the Department of State, the New York State Department of Environmental Conservation, and the Empire State Water Well Drillers Association regarding EPA's UIC program.

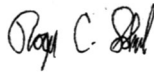
If you/your staff are aware of the practice of recharging wells with bulk water, please refer the hauler to the EPA's UIC program. The contact information is as follows:

Nonny Ortega
Ground Water Compliance Section
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866
(212) 637-4234

If you have any questions on New York State's certified bulk hauler program, please feel free to contact Ms. Teresa M. Boepple, P.E., BWSP Section Chief, at (518) 402-7654 or at tmb03@health.state.ny.us.

Thank you for your support.

Sincerely,



Roger C. Sokol, Ph.D
Director
Bureau of Water Supply Protection

cc:

Mr. William Davis, OFPC

ecc:

Mr. William Davis, OFPC

Mr. Cambridge

Mr. Jackson

Ms. Jones Rafferty

BWSP Section Chiefs

Mr. Treacy/Ms. Salisbury

Regional Directors of Environmental Health

Water Supply Field Coordination