



Clarification Regarding the Required Setback from an OWTS to a Well or Cistern

The Water Quality Control Division (Division) has received inquiries regarding the differences noted within Regulation 43 and the Water Well Construction Rules (2 CCR 402-2) relative to the required isolation distances from an On-site Wastewater Treatment System (OWTS) to a water supply or cistern. The following is provided as a clarification of these requirements.

Table 7-1 of Regulation 43 states in part that the minimum horizontal distance between a spring, well, or suction line to a Soil Treatment Area, Sand Filter, or Sub-surface Dispersal System must be 100 feet. The required separation to a septic tank is 50 feet.

Section 10.2.2 of the Water Well Construction Rules states: *“Wells shall not be located closer than one hundred (100) feet horizontally to the nearest existing source of contaminants or fifty (50) feet from a septic tank, sewer line or other vessel containing contaminants. A request for variance must be submitted and written approval from the Board must be obtained prior to the construction of a well that cannot meet this spacing requirement.”* The last sentence of this section states that a variance may be issued by the Board of Examiners of Water Well Construction and Pump Installation Contractors.

Section 43.4(O)(5)(f) of Regulation 43 states: *“No variance from the horizontal setback from a well shall be issued unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors.”* This item indicates that if a variance is granted by the Board of Examiners of Water Well Construction and Pump Installation Contractors, then a local Board of Health has the authority to also grant a variance to these setback requirements should it so choose.

Regulation 43 does not match the Water Well Construction Rules as closely for the horizontal distance requirements between a cistern and components of an OWTS. Section 11.4 of the Water Well Construction Rules defines the acceptable location of a cistern as: *“Location Variance - A cistern shall not be located closer than one hundred (100) feet horizontally to the nearest existing source of contaminants or fifty (50) feet from a septic tank, sewer line or other vessel containing contaminants. A request for variance must be submitted and written approval from the Board must be obtained prior to the construction of a cistern that cannot meet this spacing requirement.”*

However, Table 7-1 of Regulation 43 states in part that the horizontal distance between a Potable Water Supply Cistern and all components of an OWTS must be a minimum of 25 feet. The 25 foot requirement of Regulation 43 is in conflict to Section 11.4 of the Water Well Construction Rules. Subsequently, as the Water Well Construction Rules are the more stringent of the two regulations, those are the requirements that will apply to these setbacks.

For additional information contact:

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