



PHILIP D. MURPHY
Governor

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 802
TRENTON, NJ 08625-0802



LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

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Subject: Prior Approvals for Potable Water Wells

Reference: N.J.A.C. 5:23-1.4, 2.15

Municipal or county boards of health have the responsibility for enforcing the Standards for the Construction of Public Non-Community and Nonpublic Water Systems, Chapter 12 of N.J.A.C. 7:10, the Safe Drinking Water Act. These standards require that samples of raw water be collected and analyzed for bacteria before certification can be issued.

Newly installed wells should not be used for potable water purposes until bacteriological standards are met.

The Uniform Construction Code regulations at N.J.A.C. 5:23-2.15(a)5 state that the application for a construction permit shall include a statement that all required State, County, and local prior approvals have been given, including such certifications as the construction official may require. N.J.A.C. 5:23-1.4 states that "prior approvals" shall mean the necessary certifications of any Federal or State agency, or any political subdivision of the State, which are conditions precedent to the issuance of a construction permit, or a Certificate of Occupancy or Certificate of Approval.

Hence, the construction official should require certification of the nonpublic water supply as a condition for the issuance of a construction permit. If this requirement creates a hardship for the permit applicant, the construction official may issue the permit prior to certification of the water supply with the condition that no Certificate of Occupancy will be issued until the water supply has been certified.