

DATE: March 11, 1993

TO: All Office Engineers

THRU: E.H. Bartsch, P.E., Director  
Office of Water Programs

FROM: Allen R. Hammer, P.E., Director  
Division of Water Supply Engineering

SUBJECT: Water - Procedure - Enforcement - Abandonment of  
Waterworks

#### **DELETE WM 400**

Under the Waterworks Regulations, there is no civil or criminal action that we may take to prevent an owner from closing (abandoning) a waterworks. If a PWS has ten (10) or more connections, the State Corporation Commission (SCC) may have to give "permission" to the owner to abandon the waterworks; this applies whether or not the waterworks in question has a certificate from the SCC.

You cannot take over the operation of the waterworks; you cannot ask the owner to continue operations on behalf of the Department, and you cannot, in any way, infringe upon the property rights of the waterworks owner.

When you learn of an actual or pending abandonment, take the following actions:

1. Notify the Central Office DWSE of the situation.
2. If asked by the Central Office, contact the SCC and relay the information to them.
3. Notify the consumers of the facts about the closing.
4. Notify the local health director.
5. Notify the city or county and PSA and investor-owned waterworks, and request that they consider taking over operation and possible ownership of the waterworks. Note that the water supply will be lost; all homeowners will have to make other arrangements for potable water. Any outstanding or new building permits may be affected.

6. If possible, assist in the development of a Homeowner's Association to deal with the problem. Similar consumer groups have purchased their waterworks in the past.
7. "Needy" consumers may qualify for assistance from a legal aid office.
8. See if the owner will delay closing of the waterworks to allow for action as discussed under #5 and #6 above.
9. As a last resort, we may be able to get assistance from the Office of Emergency Services if the people are without water and the local governing body has declared a local emergency exists.

Even after all these efforts, you still may not be able to prevent the closing of the waterworks. Again, we have no legal standing and can only function as facilitators should such a situation arise.

ARH/dmc