



**STATE OF TENNESSEE**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
**Division of Water Resources**  
312 Rosa L. Parks Avenue  
11<sup>th</sup> Floor, Tennessee Tower  
Nashville, Tennessee 37243-1102

October 2, 2023

Certified Mail  
**7020 3160 0001 2284 6895**

Mr. John Bingham #742  
Bingham Well Drilling  
735 ST RT 3305  
Eddyville, KY 42038

RE: **NOTICE OF VIOLATION - FIFTH VIOLATION (Cases # 128473 & 128865)**  
Failure to Submit Notice of Intent (NOI)  
Failure to Submit Driller Reports  
Failure to Submit NOI Fees

Dear Mr. Bingham,

On September 1, 2023, the Tennessee Department of Environment and Conservation, Division of Water Resources (Division) sent you an email inquiring whether you performed a rework/deepening of the water well located at 163 Bartee Rd, Indian Mound, TN 37079. On that same day, there was further correspondence with your office personnel indicating that the email would be forwarded to you. The Division mailed a letter to you on September 18, 2023, which was received at your office on September 21, 2023. In that letter, you were given seven (7) calendar days to respond to the questions below.

- 1) Did you perform a rework of the water well located at 163 Bartee Rd. in Stewart County?
- 2) If you did perform this work, when was the work performed?
- 3) If you did perform this work, you are required to submit the Driller Report for this well.

The response was due on September 28, 2023; however, the Division received no e-mail from you or your representative.

Additionally, on September 26, 2023, the Division received a request for information for two wells located at 418 7 Mile Ridge Rd, Indian Mound, TN 37079. A review of our records showed that DWR had not received a Notice of Intent (NOI) for these two wells, nor had we received the Driller Reports or NOI Fees. These wells were drilled on or around March 13, 2022. The April 7, 2022, Notice of Compliance Review Meeting contained a requirement that you bring to the meeting "any information and documents pertaining to any additional wells that your company has drilled/constructed for which the Division has no record". Because you did not submit NOIs for these two wells prior to drilling them, you were required to notify the Division of them on the date of the Compliance Review Meeting.

A Compliance Review Meeting (CRM) was held on May 2, 2022. During the CRM, you signed a Letter of Agreement (LOA) to comply with the Well Construction Rules. However, you are currently in violation of the following:

**Division Rule 0400-45-09-.10(b)** states:

*Every well driller, within sixty (60) days after completion of a water well, shall submit a report on the construction or reconstruction of the well to the Department. The well completion report shall be made on a form provided by the Department, or a reasonable facsimile approved by the Department.*

**Division Rule 0400-45-09-.10(c)** states:

*A Notice of Intent to drill a water well must be submitted by the property owner or the licensed well driller to the Director in the manner prescribed by the Department, prior to commencement of drilling a water well in Tennessee. The licensed driller is required to have sufficient documentation that a Notice of Intent was submitted to the Division of Water Resources before beginning operations at a drill site.*

1. *Fee receipt of the Notice of Intent.*
2. *Confirmation number of the Notice of Intent or other approved format approved by the Director and issued by the Department.*

**Division Rule 0400-45-09-.10(d)** states:

*The Notice of Intent fee or copy of the receipt for a Notice of Intent fee shall accompany the submission of the driller's report. No well or borehole shall be drilled unless the driller has documentation that a Notice of Intent has been filed. All well reports shall be submitted with documentation of the Notice of Intent fee being paid. Documentation of the fee being paid shall consist of the receipt originating from a Notice of Intent or money collected and enclosed with the original driller's report by the driller for the Notice of Intent. A Notice of Intent and fee is not required for well closure, deepening or reworking any water well or closed loop geothermal borehole. The amount of the Notice of Intent fee shall be reviewed by the Department at least every five (5) years and shall currently be scheduled as follows:*

1. *Water wells for production of water per property site \$75*

**CORRECTIVE ACTION: ENFORCEMENT**

The Division's review of your license history, which includes but is not limited to, a Director's Order, and nine (9) NOVs since December of 2018 are indicative of a clear disregard to the Department's Statutes and Rules. Additionally, you failed to report the two water wells located at 418 7 Mile Ridge Rd, Indian Mound, TN 37079 to the Division after you were instructed to do so during the Compliance Review Meeting. Due to your non-compliance, the Division has referred your file to the Division's Enforcement Unit. You are required to submit all fees and delinquent documents concerning the above referenced wells (NOI fees and driller reports) as well as any information and documents pertaining to any additional wells that your company has drilled/constructed for which the Division has no record.

You may contact Ashby Barnes at [Ashby.Barnes@tn.gov](mailto:Ashby.Barnes@tn.gov) or (615) 532-0176 Richard Rogers at (615) 218-7781 or at [Richard.Rogers@tn.gov](mailto:Richard.Rogers@tn.gov) should you have any questions concerning this correspondence.

Sincerely,

Richard W. Rogers V., P.G. for:  
Anna R. Sartors  
Manager, Drinking Water Unit

cc: Jessica Murphy, Compliance and Enforcement Unit, Water Resources NCO  
Nashville EFO – Michael Murphy, Scotty Sorrells, Emily Smith  
Jackson EFO – Conner Franklin, Will Little, Libby Williams