

1 **15A NCAC 02C .0301 is proposed for adoption as follows:**

2 **Section .0300 Permitting and Inspection of Private Drinking Water Wells**

3
4 **15A NCAC 02C .0301 SCOPE AND PURPOSE**

5 (a) The purpose of the rules of this Section is to set out standards for permitting and inspection of private drinking
6 water wells as defined in G.S 87-85 by local health departments pursuant to G.S. 87-97.

7 (b) The rules of Section 15A NCAC 02C .0100 are applicable to private drinking water wells. In addition to the
8 provisions in Section 15A NCAC 02C .0100, the following shall apply:

9 (1) Separation distances required in 15A NCAC 02C .0107 STANDARDS OF CONSTRUCTION:
10 WATER SUPPLY WELLS shall apply to all additions. No potential source of groundwater
11 contamination shall be added within the minimum horizontal separation distances;

12 (2) In addition to the provisions in 15A NCAC 02C .0109 PUMPS AND PUMPING EQUIPMENT,
13 the builder, well contractor, pump installer, or homeowner, as applicable, shall provide assistance
14 when necessary to gain access for inspection of the well, pumps, and pumping equipment; and

15 (3) In addition to the requirements of 15A NCAC 02C .0113 ABANDONMENT OF WELLS, any
16 well which acts as a source or channel of contamination shall be repaired or permanently
17 abandoned within 30 days of receipt of notice from the local health department or within 30 days
18 of commencement of construction. The person abandoning the well shall provide a minimum 24
19 hour notice to the local health department prior to commencement of permanent abandonment
20 procedures.

21
22 *History Note: Authority G.S. 87-87; 87-97*

23 *Eff. July 1, 2008.*

24
25 **15A NCAC 02C .0302 is proposed for adoption as follows:**

26 **15A NCAC 02C .0302 DEFINITIONS**

27 The definitions in G.S. 87-85 and Section 15A NCAC 02C .0102 apply throughout this Section. In addition, the
28 following definitions apply throughout this Section:

29 (1) "Addition" means any structure that is constructed, altered or placed on property that contains one
30 or more wells. This would not include replacement of existing equipment within the existing
31 footprint of a structure and addresses only those situations for which a building permit is required.

32 (2) "Board of Health" means the County Board of Health or successor entity.

33 (3) "Certificate of Completion" means a certification by the Department that a private drinking water
34 well has been constructed or repaired in compliance with the construction permit or repair permit.

35 (4) "Construction of wells" means all acts necessary to construct wells for any intended purpose or
36 use, including the location and excavation of the well, placement of casings, screens and fittings,
37 development and testing.

- 1 (5) "Construction permit" means a well construction permit issued by the Department authorizing or
2 allowing the construction of any private drinking water well as defined in the rules of this Section.
- 3 (6) "Department of Environment and Natural Resources" or "Department" means the North Carolina
4 Department of Environment and Natural Resources. The term also means the authorized
5 representative of the Department. For the purposes of any notices required pursuant to the rules of
6 this Section, notice shall be mailed to "Division of Environmental Health, On-Site Water
7 Protection Section, North Carolina Department of Environment and Natural Resources," 1642
8 Mail Service Center, Raleigh, NC 27699-1642.
- 9 (7) "Local Health Department" means the county or district health department or its successor.
- 10 (8) "Person" means all persons, including individuals, firms, partnerships, associations, public or
11 private institutions, municipalities or political subdivisions, governmental agencies, or private or
12 public corporations organized or existing under the laws of this State or any other state or country.
- 13 (9) "Plat" means a property survey prepared by a registered land surveyor, drawn to a scale of one
14 inch equals no more than 60 feet, that includes: the specific location of all structures and proposed
15 structures and appurtenances, including but not limited to decks, porches, pools, driveways, out
16 buildings, existing and proposed wastewater systems, existing and proposed wells, springs, water
17 lines, surface waters or designated wetlands, easements, including utility easements, and existing
18 or proposed chemical or petroleum storage tanks above or below ground. "Plat" also means, for
19 subdivision lots approved by the local planning authority and recorded with the county register of
20 deeds, a copy of the recorded subdivisions plat that is accompanied by a site plan that is drawn to
21 scale.
- 22 (10) "Pumps and pumping equipment" means any equipment or materials utilized or intended for use in
23 withdrawing or obtaining ground-water including well seals.
- 24 (11) "Repair" means work involved in deepening, reaming, sealing, installing or changing casing
25 depths, perforating, screening, or cleaning, acidizing or redevelopment of a well excavation, or
26 any other work which results in breaking or opening the well seal.
- 27 (12) "Repair permit" means a well repair permit issued by the Department authorizing or allowing the
28 repair of any private drinking water well as defined in the rules of this Section.
- 29 (13) "Site plan" means a drawing not necessarily drawn to scale that shows the existing and proposed
30 property lines with dimensions, the specific location of all structures and proposed structures and
31 appurtenances, including decks, porches, pools, driveways, out buildings, existing and proposed
32 wastewater systems, existing and proposed wells, springs, water lines, surface waters or
33 designated wetlands, easements, including utility easements, and existing or proposed chemical or
34 petroleum storage tanks above or below ground.
- 35 (14) "Water supply" means any source of drinking water.

1 (15) "Water supply system" means pump and pipe used in connection with or pertaining to the
2 operation of a private drinking water well including pumps, distribution service piping, pressure
3 tanks and fittings.

4 (16) "Well contractor activity" means the construction, installation, repair, alteration or abandonment
5 of any well.

6 (17) "Well Contractor" means any person in trade or business who undertakes to perform a well
7 contractor activity or who undertakes to personally supervise or personally manage the
8 performance of a well contractor activity on the person's own behalf or for any person, firm, or
9 corporation in accordance with the well contractor certification requirements of 15A NCAC 27.

10 (18) "Well seal" means an approved arrangement or device used to cap a well or to establish and
11 maintain a junction between the casing or curbing of a well and the piping or equipment installed
12 therein, the purpose or function of which is to prevent pollutants from entering the well at the
13 upper terminal.

14
15 *History Note:* Authority G.S. 87-87; 87-97;
16 Eff. July 1, 2008.

17
18 **15A NCAC 02C .0303 is proposed for adoption as follows:**

19 **15A NCAC 02C .0303 APPLICATION FOR CONSTRUCTION PERMIT**

20 An application for a permit to construct, repair, or abandon a private drinking water well shall be submitted to the
21 Department by a property owner or the property owner's agent. The application shall include:

22 (1) Name, address and phone number of the proposed well property owner or owner's agent;

23 (2) Signature of owner or agent;

24 (3) Address and parcel identification number of the property where the proposed well is to be located;

25 (4) A plat or site plan as defined in the rules of this Section;

26 (5) Intended use(s) of the property;

27 (6) Other information deemed necessary by the Department to determine the location of the property
28 and any site characteristics such as existing sewage disposal systems, easements or rights of way,
29 existing wells or springs, surface water or designated wetlands, chemical or petroleum storage
30 tanks, landfills, waste storage, known underground contamination and any other characteristics or
31 activities on the property or adjacent properties that could impact groundwater quality or
32 suitability of the site for well construction;

33 (7) Any current or pending restrictions regarding groundwater use as specified in G.S. 87-88(a); and

34 (8) Any variances regarding well construction or location issued under 15A NCAC 02C .0118.

35
36 *History Note:* Authority G.S. 87-87; 87-97
37 Eff. July 1, 2008

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2 **15A NCAC 02C .0304 is proposed for adoption as follows:**

3 **15A NCAC 02C .0304 PERMITTING**

4 (a) Before issuing a well construction permit, the Department shall conduct a field investigation to evaluate the
5 topography, landscape position, available space and potential sources of groundwater contamination on or around
6 the site on which a private drinking water well is to be located. The Department shall issue a private water well
7 construction permit after determining the site can be permitted for a well meeting the rules of this Section.
8 Notwithstanding the above, the Department shall not issue a construction permit for a well in violation of
9 restrictions regarding groundwater use established pursuant to G.S. 87-88(a). The construction permit shall include
10 a site plan showing the location of potential sources of contamination and area(s) suitable for well construction. The
11 Department shall issue a written notice of denial of a construction permit if it determines a private water supply well
12 cannot be constructed in compliance with the rules of this Section. The notice of denial shall include reference to
13 specific laws or rules that cannot be met and shall be provided to the applicant.

14 (b) No person shall construct a private drinking water well without first obtaining a well construction permit from
15 the Department. No person shall repair a private drinking water well without first obtaining a well repair permit
16 except a well repair permit is not required for repairs involving only pumps and pumping equipment or storage
17 tanks.

18 (c) A well construction permit is valid for a period of five years except that the Department may revoke a permit at
19 any time if it determines that there has been a material change in any fact or circumstance upon which the permit is
20 issued. The validity of a construction permit or a repair permit is not affected by a change in ownership of the site
21 on which a private drinking water well is proposed to be located. Well construction permits issued under local well
22 ordinances prior to the effective date of these Rules remain valid for the term of those permits unless those permits
23 are suspended or revoked. The Department may suspend or revoke any permits issued upon a determination that the
24 rules of this Section have been violated.

25 (d) If there is an improperly abandoned well(s) on the site, the construction permit shall be conditioned upon
26 permanent abandonment of any improperly abandoned well(s) in accordance with the rules of this Section.

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28 *History Note: Authority G.S. 87-87; 87-88; 87-97*

29 *Eff. July 1, 2008.*

30
31 **15A NCAC 02C .0305 is proposed for adoption as follows:**

32 **15A NCAC 02C .0305 GROUT INSPECTION: CERTIFICATION**

33 (a) The well contractor shall contact the local health department to schedule a grout inspection before grouting a
34 private drinking water well. Contact shall include the location, permit number and anticipated time for grouting
35 each private drinking water well and the appointment shall be scheduled by the end of the business day before the
36 grouting is to occur except where the local health department has made provisions for scheduling inspections at
37 night or on the same day of the inspection.

1 (b) Upon completion of a grout inspection, the Department shall provide a written certification on the well permit
2 that a grout inspection was completed and is in compliance with the rules of this Section. When a local health
3 department is unable to conduct a grout inspection within one hour of the scheduled time, the well contractor may
4 grout a well without a grout inspection by the Department. The well contractor shall provide a written certification
5 to the local health department that the well has been grouted in compliance with the rules of this Section. A
6 completed Residential Well Construction Record form GW-1a indicating the well was grouted in compliance with
7 the rules of this Section shall serve as the well contractor's grout certification. For purposes of issuing a certificate
8 of completion, the well contractor's grout certification shall be accepted by the Department as evidence the grout
9 complies with the rules of this Section if the local health department:

- 10 (1) was contacted by the well contractor to schedule a grout inspection;
11 (2) was unable to inspect the grouting of the well within one hour following the scheduled time; and
12 (3) upon final inspection, finds no evidence to indicate the well grout does not comply with the rules
13 of this Section.

14
15 *History Note: Authority G.S. 87-87;87-97;*
16 *Eff. July 1, 2008.*

17
18 **15A NCAC 02C .0306 is proposed for adoption as follows:**

19 **15A NCAC 02C .0306 WELL COMPLETION AND CERTIFICATION**

20 (a) After receiving a permit to construct a private drinking water well, the property owner or his agent shall notify
21 the health department prior to well construction if any of the following occur:

- 22 (1) The separation criteria specified in 15A NCAC 02C .0107 cannot be met;
23 (2) The residence or business is located other than originally indicated;
24 (3) The use of the building is changed from the use permitted;
25 (4) There is a need to install the septic system in an area other than indicated on the permit;
26 (5) Landscaping changes have been made that affect the integrity of the well;
27 (6) There are current or pending restrictions regarding groundwater use as specified in G.S. 87-88(a);
28 or
29 (7) The water source for any well intended for domestic use is adjacent to any water-bearing zone
30 suspected or known to be contaminated.

31 (b) The well contractor shall maintain a copy of the well construction permit on the job site at all times during the
32 construction, repair or abandonment of the well. The well contractor shall meet all the conditions of the permit.

33 (c) Well construction shall not commence within 50 feet of a utility easement until the well contractor, owner or
34 agent has contacted North Carolina One Call Center, Inc. or other utility representatives designated to receive
35 written or oral notice of intent to excavate in accordance with G.S. 87-110(a), to have the easement and utility
36 located and marked.

1 (d) Upon completion of construction of a private water supply well, the Department shall complete a Well Log,
2 showing an “as built” drawing of the well location. The well contractor shall submit a copy of Residential Well
3 Construction Record to the local health department. Upon completion of construction or repair of a private drinking
4 water well for which a permit is required, the Department shall inspect the well and issue a Certificate of
5 Completion. Prior to the issuance of a Certificate of Completion, the Department shall: verify that the well was
6 constructed in the designated area according to the well construction permit, inspect the grout around the casing,
7 inspect the well head after the well seal is in place and obtain a well construction record from the Certified Well
8 Contractor. No person shall place a private drinking water well into service without first having obtained a
9 Certificate of Completion.

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11 *History Note: Authority G.S. 87-87; 87-97*
12 *Eff. July 1, 2008.*

13
14 **15A NCAC 02C .0307 is proposed for adoption as follows:**

15 **15A NCAC 02C .0307 WELL DATA AND RECORDS**

16 (a) Any person completing, abandoning or repairing any well shall submit a record of the construction,
17 abandonment or repair to the local health department within 30 days of completion of construction, abandonment or
18 repair. The record shall be on a form provided by the Department. In addition, the submission of the construction,
19 repair, or abandonment record must be submitted to the Division of Water Quality, as described in 15A NCAC 2C
20 .0114 (b)(1).

21 (b) The local health department shall maintain a registry of all permitted private drinking water wells, specifying the
22 well location and the water quality test results.

23
24 *History Note: Authority G.S. 87-87; 87-97;*
25 *Eff. July 1, 2008.*

26
27 **15A NCAC 02C .0308 is proposed for adoption as follows:**

28 **15A NCAC 02C .0308 APPEAL PROCEDURE**

29 Appeals concerning permit decisions or actions by the Department to enforce the rules of this Section shall be
30 conducted according to the procedures established in G.S. 150B, the Administrative Procedures Act.

31
32 *History Note: Authority G.S. 87-87;*
33 *Eff. July 1, 2008.*

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