SECTION .0300 - PERMITTING AND INSPECTION OF PRIVATE DRINKING WATER WELLS

15A NCAC 02C .0301 SCOPE AND PURPOSE

- (a) The purpose of the rules of this Section is to set out standards for permitting and inspection of private drinking water wells as defined in G.S 87-85 by local health departments pursuant to G.S. 87-97.
- (b) The rules of 15A NCAC 02C .0100 are applicable to private drinking water wells. In addition to the provisions in 15A NCAC 02C .0100, the following shall apply:
 - (1) The well owner shall not place potential sources of groundwater contamination closer to the well than the separation distances specified in 15A NCAC 02C .0107(a)(2) or .0107(a)(3), as applicable;
 - (2) In addition to the provisions in 15A NCAC 02C .0109 PUMPS AND PUMPING EQUIPMENT, the builder, well contractor, pump installer, or homeowner, as applicable, shall provide assistance when necessary to gain access for inspection of the well, pumps, and pumping equipment; and
 - (3) In addition to the requirements of 15A NCAC 02C .0113 ABANDONMENT OF WELLS, any well which acts as a source or channel of contamination shall be repaired or permanently abandoned within 30 days of receipt of notice from the local health department. The person abandoning the well shall provide a minimum 24-hour notice to the local health department prior to commencement of permanent abandonment procedures.

History Note: Authority G.S. 87-87; 87-97; July 1, 2008.

15A NCAC 02C .0302 DEFINITIONS

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

- (1) "Addition" means any structure that is constructed, altered or placed on property that contains one or more wells. This would not include replacement of existing equipment within the existing footprint of a structure and addresses only those situations for which a building permit is required.
- (2) "Board of Health" means the County Board of Health or successor entity.
- (3) "Certificate of Completion" means a certification by the Department that a private drinking water well has been constructed or repaired in compliance with the construction permit or repair permit.
- (4) "Construction of wells" means all acts necessary to construct wells for any intended purpose or use, including the location and excavation of the well, placement of casings, screens and fittings, development and testing.
- (5) "Construction permit" means a well construction permit issued by the Department authorizing or allowing the construction of any private drinking water well as defined in the rules of this Section.
- (6) "Department of Environment and Natural Resources" or "Department" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department. For the purposes of any notices required pursuant to the rules of this Section, notice shall be mailed to "Division of Environmental Health, On-Site Water Protection Section, North Carolina Department of Environment and Natural Resources," 1642 Mail Service Center, Raleigh, NC 27699-1642.
- (7) "Local Health Department" means the county or district health department or its successor.
- (8) "Person" means all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this State or any other state or country.
- (9) "Plat" means a property survey prepared by a registered land surveyor, drawn to a scale of one inch equals no more than 60 feet, that includes: the specific location of all structures and proposed structures and appurtenances, including but not limited to decks, porches, pools, driveways, out buildings, existing and proposed wastewater systems, existing and proposed wells, springs, water lines, surface waters or designated wetlands, easements, including utility easements, and existing or proposed chemical or petroleum storage tanks above or below ground. "Plat" also means, for subdivision lots approved by the local planning authority and recorded with the county register of deeds, a copy of the recorded subdivisions plat that is accompanied by a site plan that is drawn to scale.

- (10) "Pumps" and "pumping equipment" means any equipment or materials utilized or intended for use in withdrawing or obtaining ground-water including well seals.
- (11) "Repair" means work involved in deepening, reaming, sealing, installing or changing casing depths, perforating, screening, or cleaning, acidizing or redevelopment of a well excavation, or any other work which results in breaking or opening the well seal.
- "Repair permit" means a well repair permit issued by the Department authorizing or allowing the repair of any private drinking water well as defined in the rules of this Section.
- "Site plan" means a drawing not necessarily drawn to scale that shows the existing and proposed property lines with dimensions, and the specific location of all structures and proposed structures and appurtenances, including decks, porches, pools, driveways, out buildings, existing and proposed wastewater systems, existing and proposed wells, springs, water lines, surface waters or designated wetlands, easements, including utility easements, and existing or proposed chemical or petroleum storage tanks above or below ground.
- "Water supply system" means pump and pipe used in connection with or pertaining to the operation of a private drinking water well including pumps, distribution service piping, pressure tanks and fittings.
- "Well contractor activity" means the construction, installation, repair, alteration or abandonment of any well.
- (16) "Well Contractor" means any person in trade or business who undertakes to perform a well contractor activity or who undertakes to personally supervise or personally manage the performance of a well contractor activity on the person's own behalf or for any person, firm, or corporation in accordance with the well contractor certification requirements of 15A NCAC 27.
- "Well seal" means an approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or curbing of a well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the well at the upper terminal.

History Note: Authority G.S. 87-87; 87-97; July 1, 2008.

15A NCAC 02C .0303 APPLICATION FOR CONSTRUCTION PERMIT

An application for a permit to construct, repair, or abandon a private drinking water well shall be submitted to the local health department for the county where the well is to be located by a property owner or the property owner's agent. The application shall include:

- (1) Name, address and phone number of the proposed well property owner or owner's agent;
- (2) Signature of owner or agent;
- (3) Address and parcel identification number of the property where the proposed well is to be located;
- (4) A plat or site plan as defined in the rules of this Section;
- (5) Intended use(s) of the property;
- Other information deemed necessary by the Department to determine the location of the property and any site characteristics such as existing or permitted sewage disposal systems, easements or rights of way, existing wells or springs, surface water or designated wetlands, chemical or petroleum storage tanks, landfills, waste storage, known underground contamination and any other characteristics or activities on the property or adjacent properties that could impact groundwater quality or suitability of the site for well construction;
- (7) Any current or pending restrictions regarding groundwater use as specified in G.S. 87-88(a); and
- (8) Any variances regarding well construction or location issued under 15A NCAC 02C .0118.

History Note: Authority G.S. 87-87; 87-97; July 1, 2008.

15A NCAC 02C .0304 PERMITTING

- (a) No person shall construct a private drinking water well without first obtaining a well construction permit from the Department. No person shall repair a private drinking water well without first obtaining a well repair permit except a well repair permit is not required for maintenance or pump repair or replacement. Disinfection in accordance with 15A NCAC 02C .0113 is a maintenance activity that does not require a repair permit.
- (b) Before issuing a well construction permit, the Department shall conduct a field investigation to evaluate the topography, landscape position, available space and potential sources of groundwater contamination on or around the site on which a private drinking water well is to be located. The Department shall issue a private water well construction permit after determining the site can be permitted for a well meeting the rules of this Section. Notwithstanding the above, the Department shall not issue a construction permit for a well in violation of restrictions regarding groundwater use established pursuant to G.S. 87-88(a). The construction permit shall include a site plan showing the location of potential sources of contamination and area(s) suitable for well construction. The Department shall issue a written notice of denial of a construction permit if it determines a private drinking water well cannot be constructed in compliance with the rules of this Section. The notice of denial shall include reference to specific laws or rules that cannot be met and shall be provided to the applicant.
- (c) A well construction permit is valid for a period of five years except that the Department may revoke a permit at any time if it determines that there has been a material change in any fact or circumstance upon which the permit is issued. The validity of a construction permit or a repair permit is not affected by a change in ownership of the site on which a private drinking water well is proposed to be located. Well construction permits issued under local well ordinances prior to the effective date of these Rules remain valid for the term of those permits unless those permits are suspended or revoked. The Department may suspend or revoke any permits issued upon a determination that the rules of this Section have been violated.
- (d) If there is an improperly abandoned well(s) on the site, the construction permit shall be conditioned upon repair or abandonment of any improperly abandoned well(s) in accordance with the rules of 15A NCAC 02C .0100.

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

15A NCAC 02C .0305 GROUT INSPECTION: CERTIFICATION

- (a) The well contractor shall contact the local health department to schedule a grout inspection before grouting a private drinking water well. Contact shall include the location, permit number and anticipated time for grouting each private drinking water well and the appointment shall be scheduled by the end of the business day before the grouting is to occur except where the local health department has made provisions for scheduling inspections at night or on the same day of the inspection.
- (b) Upon completion of a grout inspection, the Department shall provide a written certification on the well permit that a grout inspection was completed and that the grouting is in compliance with the rules of 15A NCAC 02C .0100. When a local health department is unable to conduct a grout inspection within one hour of the scheduled time, the well contractor may grout a well without a grout inspection by the Department. The well contractor shall provide a written certification to the local health department that the well has been grouted in compliance with the rules of 15A NCAC 02C .0100. A completed Well Construction Record form GW-1 indicating the well was grouted in compliance with the rules of this Section shall serve as the well contractor's grout certification. For purposes of issuing a certificate of completion, the well contractor's grout certification shall be accepted by the Department as evidence the grout complies with the rules of this Section if the local health department:
 - (1) was contacted by the well contractor to schedule a grout inspection;
 - (2) was unable to inspect the grouting of the well within one hour following the scheduled time; and
 - upon final inspection, finds no evidence to indicate the well grout does not comply with the rules of this Section.

History Note: Authority G.S. 87-87; 87-97; July 1, 2008.

15A NCAC 02C .0306 WELL COMPLETION AND CERTIFICATION

- (a) After receiving a permit to construct a private drinking water well, the property owner or his agent shall notify the health department prior to well construction if any of the following occur:
 - (1) The separation criteria specified in 15A NCAC 02C .0107 cannot be met;
 - (2) The residence or other structure is located other than indicated on the permit;
 - (3) The use of the structure is changed from the use specified on the permit;
 - (4) The septic system needs to be changed from the location indicated on the permit;
 - (5) Landscaping changes have been made that may affect the integrity of the well;
 - (6) There are current or pending restrictions regarding groundwater use as specified in G.S. 87-88(a);
 - (7) The water source for any well intended for domestic use is adjacent to any water-bearing zone suspected or known to be contaminated; or
 - (8) Any other changes occur in the information provided in the application for the well permit.
- (b) The well contractor shall maintain a copy of the well construction permit or repair permit on the job site at all times during the construction, repair or abandonment of the well. The well contractor shall meet all the conditions of the permit.
- (c) Upon completion of construction of a private drinking water well, the Department shall complete an "as built" drawing of the well location. The well contractor shall submit a copy of Residential Well Construction Record to the local health department. Upon completion of construction or repair of a private drinking water well for which a permit is required, the Department shall inspect the well and issue a Certificate of Completion. Prior to the issuance of a Certificate of Completion, the Department shall: verify that the well was constructed in the designated area and according to the well construction permit and the rules of this Subchapter. The Department shall inspect the grout around the casing, inspect the well head after the well seal is in place and obtain a well construction record from the Certified Well Contractor. No person shall place a private drinking water well into service without first having obtained a Certificate of Completion.

History Note: Authority G.S. 87-87; 87-97;

July 1, 2008.

15A NCAC 02C .0307 WELL DATA AND RECORDS

- (a) Any person completing, abandoning or repairing any well shall submit a record of the construction, abandonment or repair to the local health department and the Division of Water Quality within 30 days of completion of construction, abandonment or repair. The record shall be on a form provided by the Department.
- (b) The local health department shall maintain a registry of all permitted private drinking water wells, specifying the well location and the water quality test results until the well is permanently abandoned in accordance with this Subchapter.

History Note: Authority G.S. 87-87; 87-97;

July 1, 2008.

15A NCAC 02C .0308 APPEAL PROCEDURE

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

History Note: Authority G.S. 87-87;

July 1, 2008.