

Rule Analysis

Fiscal Impacts of Proposed Rules 15A NCAC 02C .0300 Permitting and Inspection of Private Drinking Water Wells Environmental Management Commission

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Impacts are primarily local, but also impact state and private industry resources

Purpose of Rules

The rules 15A NCAC 02C .0300 are proposed for adoption by the Environmental Management Commission to meet the legislative mandate in Session Law 2006-202 amendments to G.S. 87-87 requiring the Commission to adopt rules governing the permitting and inspection by local health departments of private drinking water wells pursuant to G.S. 87-97 effective July 1, 2008. This impacts all newly constructed or reconstructed private drinking water wells of less than 100,000 gallons per day capacity in counties that were not previously permitting and inspecting private drinking water wells.

Protection of our state's precious groundwater resources from contamination at well excavation sites requires that wells be located away from potential sources of contamination and be constructed to prevent infiltration of contaminated water into the water-bearing aquifer. The lack of enforcement of existing construction standards leaves our priceless groundwater resources in peril of irreversible damage. Requiring county health departments to enforce minimum construction standards for wells is expected to assure the groundwater aquifers are better protected from contamination and can continue to provide safe drinking water for our state's population in the future.

Basic Economic Impact

Baseline / Assumptions

The number of private drinking water wells being constructed is not known, but the Department of Environment and Natural Resources estimates it to be between 10,000 and 20,000 per year statewide. For this analysis we are assuming 15,000 private drinking water wells will be drilled each year.

Prior to the passage of Session Law 2006-202 there were 32 out of 85 local health departments already permitting and inspecting private drinking water wells under local ordinances. Assuming those counties account for about one-third of new wells, the impact of this law will be to require permitting and inspection of the other two-thirds, or 10,000 wells, constructed annually. Those activities and some additional work anticipated, but not required by the rules will impact local health departments to employ an additional 28.4 full-time equivalent Environmental Health Specialist positions

statewide at an annual cost of \$2,748,977. Costs to private industry and property owners are estimated to be approximately \$2,250,000. The legislation allows counties to pass on a portion of their costs to property owners through permit fees, but fees rarely recover the bulk of local expenditures.

Annual Cost Estimates

Activity	Local Impact	Private Impact
Permitting	\$ 769,520	
<i>Grout Inspection*</i>	<i>\$1,099,591</i>	<i>\$1,500,000</i>
Wellhead Inspection	\$ 824,693	
Well Abandonment	\$ 55,173	\$ 750,000
Total Anticipated Impact	\$2,748,977	\$2,250,000

**Grout inspections are not required in the proposed rules, but it is anticipated local health departments will want to verify grout placement to seal the excavations. That cost is included as a potential cost for counties and well contractors.*

Cost to Counties for Permitting

G.S. 87-97(d) and (e) and proposed rule **15A NCAC .0304 PERMITTING** require local health departments to conduct a field investigation of each private drinking water well site and to issue a permit meeting the rules or deny a permit in writing. The 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 proposed will require an environmental health specialist from the county health department to visit the well site and prepare a permit.

Approximately 60 percent of well permits will be issued concurrently with septic system permits, which already require a site visit. The additional work to locate potential sources of contamination surrounding the well site and complete paperwork for the well permit will require about one hour per permit.

About 40 percent of well permits will either be separate from the septic system site visit or will require a follow-up visit to a site with space limitations or changes in the intended use of the property. Those permits will require approximately two hours for the local environmental health specialist to issue.

It is estimated that approximately 6,000 wells per year will be permitted concurrently with septic tank permits and 4,000 wells per year will be permitted separately from septic systems requiring separate site visits. The total time needed for issuing 10,000 permits per year will be approximately 14,000 man-hours for environmental health specialists in counties required to begin well programs under the new law and rules.

14,000 man-hours divided by 1,760 hours per employee in a year equals 7.95 full time equivalents for environmental health specialists. The cost of an environmental health specialist including salary, benefits, office space, training and office support is approximately \$96,795 per year, the cost to counties for the manpower for permitting private drinking water wells will be approximately \$769,520.

Cost to Counties for Wellhead Inspections

G.S. 87-97(g) and proposed rule **15A NCAC 02C.0306 WELL COMPLETION AND CERTIFICATION** require the local health department to inspect the well head after completion of each new private drinking water well and keep a log showing the actual location of the well. This will require one site visit for each well completed, or approximately 10,000 site visits per year statewide. Some of the wellhead inspections can be done on the same visit as a septic system final inspection, while other wells may require more than one visit to pass final inspection.

It is anticipated the number of visits for wellhead construction final inspections will be approximately 10,000 final inspections per year statewide. If each inspection takes approximately 1½ hours to complete, this will require 15,000 man hours to complete. 15,000 man-hours divided by 1,760 hours per year per person equates to 8.52 full-time equivalents for environmental health specialists. The total cost to counties for wellhead final inspections is \$824,693.

Potential Cost of Well Grout Inspection (not required under the proposed rules)

Proposed rule **15A NCAC 02C .0305 GROUT INSPECTION; CERTIFICATION** requires well contractors to notify the local health departments when they will be constructing a new well and to provide an opportunity for the county health department to inspect the grout used to seal the excavation as it is put in place. The rule does not require the county to conduct grout inspections, but it has been the experience of counties with well programs that those inspections are necessary to assure aquifers are properly protected from inflow of contaminated water. The Department anticipates a large percentage of well grouts will be inspected during placement.

The requirement for well contractors to make appointments for a grout inspection will cause some delays for the well contractor if the inspector arrives late. The proposed rule limits the delay to no more than one hour, but it is reasonable to expect an average delay of about 30 minutes per well to comply with this requirement. Delays in well construction can be costly to the well contractor with an estimated cost of \$300 per hour when a large well rig sits idle. The cost to well contractors for delays on grout inspections is anticipated to be approximately \$150 per well multiplied by 10,000 wells per year or a total of \$1,500,000 per year. All known well drillers in North Carolina qualify as small businesses.

While the proposed rule does not require counties to conduct grout inspections, it will be impossible to carry out a successful well program without inspecting grouting on a large percentage of new wells during construction. The manpower needs for counties to do a good job of assuring the protection of groundwater resources will likely include additional manpower for grout inspections. Assuming counties spend 2 hours per well conducting grout inspections on every well, the cost to counties to provide 20,000 man-hours, or 11.36 full-time equivalents, would be \$1,099,591.

Cost of Abandonment of Improperly-constructed Wells

Proposed rule **15ANCAC 02C .0307 ABANDONMENT OF WELLS** requires “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 Health Department or within (30) days of commencement of the construction”. This may impose an additional cost for some property owners seeking to construct new wells to replace contaminated wells. It is not known how many wells might need to be repaired or abandoned, but the cost of permanently abandoning an existing well could be in the range of \$1,500. This additional cost is anticipated to affect less than 5 percent of new wells constructed. Abandonment of 500 wells per year would cost about \$750,000.

Local health departments will need to conduct inspections to assure wells that serve as a source of groundwater contamination have been properly abandoned. The well abandonment activity is best inspected during the filling of the well and will generally require a separate inspection. Inspection of abandonment of 500 wells per year at two hours per inspection will likely cost counties not currently doing those inspections an additional 1,000 man-hours, or 0.57 full-time equivalents at a cost of \$55,173.

Methodology for determining cost of an Environmental Health Specialist

To determine the cost to counties to provide Environmental Health Specialists for field work, a sample of costs were collected from several counties chosen to provide a fairly representative sample of health departments. The counties chosen were Cleveland County, a rural county with rapid population growth, Wake County, an urban area with rapid growth, Pitt County with a moderately sized municipality and moderate growth, and Scotland County a rural county with minimal growth pressures. To capture the full cost of employing an Environmental Health Specialist, including management, office space, office support, transportation and training, the entire amount the counties budget for environmental health programs was divided by the number of field staff doing hands-on field work in each county and the four-county sample as a whole. The results are as follows:

County	Cleveland	Pitt	Scotland	Wake	4 Counties
Environmental Health Budget	\$855,799	\$1,275,000	\$220,783	\$3,562,606	\$5,914,188
Number Field Staff	10.5	14.6	3	33	61.1
Cost per Field Person	\$81,505	\$87,329	\$73,594	\$107,957	\$96,795

The number of full-time equivalents needed for each activity was calculated by adding up the total amount of time needed to conduct the activity on all wells for a year and dividing by the number of work hours a field person has in a year. Hours available were determined by subtracting 104 days of weekend time, 10 days of holiday time, 14 days of vacation time, 12 days of sick leave, and three days for training from 365 days in a year and then multiplying the work days times 8 hours per day. This yields 220 days per year multiplied by 8 hours per day equals 1,760 hours per year.

This method gives a good estimate of annual costs, but fails to account for some up-front costs for counties that must hire new staff to meet the added workload. New positions require purchases of tools, office furniture and equipment. This cost will vary widely depending on if a county purchases a vehicle for employee use. Up-front costs also include salary, transportation and meals for orientation and training of new employees first beginning work with a local health department. Seed money has been made available to county health departments to help cover the initial costs of program setup.

Impact on State Appropriations

The Department has made seed money available to county health departments to assist with setting up new well programs ahead of the mandatory deadline of July 1, 2008. An additional 38 local health departments have adopted local well ordinances and begun Private Drinking Water Well Programs. \$800,000 of funding was provided by the Legislature to provide seed money to local health departments and followed by another \$300,000 this year. The Department is providing an additional \$900,000 to bring the seed money available to a total of \$2,000,000. Only 15 local health departments have not initiated local well programs as of July 2007.

To provide training and technical support for local Environmental Health Specialists, the Department has created four new Environmental Health Regional Specialist positions and an Administrative Assistant position within the Division of Environmental Health, On-site Water Protection Section. State appropriations for the training and technical support functions include \$271,079 recurring and \$27,550 non-recurring funds.

Benefits

The benefits of increased enforcement of well construction standards will include extending the useful life of our state's groundwater resources as a drinking water source, reduced morbidity, mortality and associated health care costs from consumption of water from contaminated sources, greater local and state vigilance to prevent the introduction of contaminants into drinking water and competitive improvements in the well construction industry.

Prior to the legislation leading to these rules, there was little or no enforcement of well construction standards in 62 of North Carolina's 100 counties. Wells are being constructed in a manner that increases contamination of groundwater with bacteria and other contaminants from ground surface and subsurface sewage disposal and chemical storage tanks.

Large numbers of wells are contaminated and serve as a source of increased morbidity and mortality in our population. Conscientious Certified Well Contractors are at a competitive disadvantage to illegal well contractors who act with relative impunity to construct substandard wells without the necessary components to protect our precious aquifer systems. Since wells are constructed underground, it is easy to conceal substandard construction and difficult to identify sources of contamination after it occurs. Once contaminated, aquifers often cease to be a usable drinking water source and cannot be remediated.

Expanding enforcement of well construction standards statewide will standardize construction practices to include all required safeguards to protect aquifers from contamination. Involving local health departments will provide local expertise and oversight to identify potential sources of groundwater contamination and tailor programs to deal with the particular contaminants and geology of local groundwater resources. Standardization of construction practices will level the playing field and remove the competitive disadvantage currently faced by Certified Well Contractors who invest the time and materials to safeguard our groundwater resources. Increased compliance will slow the growth in the number of North Carolinians who consume drinking water injurious to their health and will improve productivity and reduce health care costs.

Risks

There are several risks that could affect the financial impact of these rules. Permit denials will have an economic impact on property owners and may result in local health departments having to defend their decisions in contested case hearings. Contested cases over denial of septic system permits are commonplace and similar motivation may exist for contested cases involving denial of well permits. That would require additional county health department staff time and would affect state staff at the Attorney General's Office and Office of Administrative Hearings.

An additional risk is that placing wells near an unrecognized source of contamination may yield well water that is not fit for consumption. If contaminated wells cannot be used for drinking and the local health department could have recognized the contamination prior to permitting, the damages could result in tort claims against the county health department and the Department of Environment and Natural Resources. Those claims could result in shared costs for extending water lines, replacing wells, or possibly abandoning houses with no access to drinkable water. These types of costs have been incurred regarding improper septic system placement and have resulted in additional work for the Attorney General's Office and claims payment costs for the Department and local health departments in the past. Improper well placement or inadequate construction and inspection could also result in approval of a well that would contaminate an aquifer making it unusable for an entire community. The Department and local health departments could be held liable for catastrophic damages in such cases.

Summary of Proposed Rules 15A NCAC 02C .0300
Permitting and Inspection of Private Drinking Water Wells

Rules are proposed for adoption into 15A NCAC .02C .0300 to govern Permitting and Inspection of Private Drinking Water Wells as follows:

.0301 SCOPE AND PURPOSE Provides information about which wells are covered by the rules of this Section, that the rules of Section 15A NCAC 02C .0100 also apply and lists some requirements in addition to the .0100 rules. Additional provisions require additions to a property to respect setback requirements for the well, requiring builders, well contractors, pump installers or homeowners to help provide access for well inspections and require permanent abandonment of wells that serve as a source or channel of contamination to groundwater.

.0302 DEFINITIONS defines terms used in the rules.

.0303 APPLICATION FOR CONSTRUCTION PERMIT requires the property owner or agent to make application for a permit to construct a private water supply well and specifies what information is needed to include contact information, parcel identification, plat or site plan, intended use of property, information about potential sources of contamination at the site, and any variances or restrictions that could affect use of the site.

.0304 PERMITTING Requires local health departments to make a field investigation to determine if a well can be constructed to meet the rules and to issue permits including a site plan showing areas where a well can be located and the location of any potential sources of contamination. The rule also requires a written notice of denial for sites unable to be permitted. This rule prohibits construction of a private drinking water well without a well construction permit.

.0305 GROUT INSPECTION; CERTIFICATION Requires the well contractor to notify the local health department when a well is to be grouted and make an appointment for a grout inspection. If the department is unable to inspect and certify the grout within one hour of the appointed time the well contractor can complete the grouting and certify to the health department how the well was grouted. The health department must accept the contractor's grout certification if the health department was contacted to schedule a grout inspection, the health department was unable to conduct an inspection, and no evidence is found that the well was improperly grouted.

.0306 WELL COMPLETION AND CERTIFICATION Requires owners to inform the local health department of any site changes, the well contractor to have a well construction permit at the job site and have any utilities within 50 feet of the well marked, and the health department to conduct a final well head inspection, mark the well location on the well log and issue a certificate of completion.

.0307 WELL DATA AND RECORDS Requires any person completing, repairing or abandoning a well to submit records of those activities to both the local health department and the Division of Water Quality.

.0308 APPEAL PROCEDURE States that appeals are governed by the Administrative Procedures Act.

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

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3 **SECTION .0300 PERMITTING AND INSPECTION OF PRIVATE DRINKING WATER WELLS**

4
5 **15A NCAC 02C .0301 SCOPE AND PURPOSE**

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

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

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

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

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

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

23 *Eff. July 1, 2008.*

1 **15A NCAC 02C .0302 is proposed for adoption as follows:**

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3 **15A NCAC 02C .0302 DEFINITIONS**

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

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

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

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

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

15 (5) "Construction permit" means a well construction permit issued by the Department authorizing or
16 allowing the construction of any private drinking water well as defined in the rules of this Section.

17 (6) "Department of Environment and Natural Resources" or "Department" means the North Carolina
18 Department of Environment and Natural Resources. The term also means the authorized
19 representative of the Department. For the purposes of any notices required pursuant to the rules of this
20 Section, notice shall be mailed to "Division of Environmental Health, On-Site Water Protection
21 Section, North Carolina Department of Environment and Natural Resources," 1642 Mail Service
22 Center, Raleigh, NC 27699-1642.

23 (7) "Local Health Department" means the county or district health department or its successor.

24 (8) "Person" means all persons, including individuals, firms, partnerships, associations, public or private
25 institutions, municipalities or political subdivisions, governmental agencies, or private or public
26 corporations organized or existing under the laws of this State or any other state or country.

27 (9) "Plat" means a property survey prepared by a registered land surveyor, drawn to a scale of one inch
28 equals no more than 60 feet, that includes: the specific location of all structures and proposed
29 structures and appurtenances, including but not limited to decks, porches, pools, driveways, out
30 buildings, existing and proposed wastewater systems, existing and proposed wells, springs, water
31 lines, surface waters or designated wetlands, easements, including utility easements, and existing or
32 proposed chemical or petroleum storage tanks above or below ground. "Plat" also means, for
33 subdivision lots approved by the local planning authority and recorded with the county register of
34 deeds, a copy of the recorded subdivisions plat that is accompanied by a site plan that is drawn to
35 scale.

36 (10) "Pumps and pumping equipment" means any equipment or materials utilized or intended for use in
37 withdrawing or obtaining ground-water including well seals.

1 (11) "Repair" means work involved in deepening, reaming, sealing, installing or changing casing depths,
2 perforating, screening, or cleaning, acidizing or redevelopment of a well excavation, or any other work
3 which results in breaking or opening the well seal.

4 (12) "Repair permit" means a well repair permit issued by the Department authorizing or allowing the
5 repair of any private drinking water well as defined in the rules of this Section.

6 (13) "Site plan" means a drawing not necessarily drawn to scale that shows the existing and proposed
7 property lines with dimensions, the specific location of all structures and proposed structures and
8 appurtenances, including decks, porches, pools, driveways, out buildings, existing and proposed
9 wastewater systems, existing and proposed wells, springs, water lines, surface waters or designated
10 wetlands, easements, including utility easements, and existing or proposed chemical or petroleum
11 storage tanks above or below ground.

12 (14) "Water supply" means any source of drinking water.

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

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

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

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

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

1 **15A NCAC 02C .0303 is proposed for adoption as follows:**

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3 **15A NCAC 02C .0303 APPLICATION FOR CONSTRUCTION PERMIT**

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

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

7 (2) Signature of owner or agent;

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

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

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

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

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

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

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

21 *Eff. July 1, 2008.*

1 **15A NCAC 02C .0304 is proposed for adoption as follows:**

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

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

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

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

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

28 *Eff. July 1, 2008.*

1 **15A NCAC 02C .0305 is proposed for adoption as follows:**

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3 **15A NCAC 02C .0305 GROUT INSPECTION: CERTIFICATION**

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

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

18 (1) _____ was contacted by the well contractor to schedule a grout inspection;

19 (2) _____ was unable to inspect the grouting of the well within one hour following the scheduled time; and

20 (3) _____ upon final inspection, finds no evidence to indicate the well grout does not comply with the rules of
21 this Section.

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

24 *Eff. July 1, 2008.*

1 **15A NCAC 02C .0306 is proposed for adoption as follows:**

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3 **15A NCAC 02C .0306 WELL COMPLETION AND CERTIFICATION**

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

6 (1) The separation criteria specified in 15A NCAC 02C .0107 cannot be met;

7 (2) The residence or business is located other than originally indicated;

8 (3) The use of the building is changed from the use permitted;

9 (4) There is a need to install the septic system in an area other than indicated on the permit;

10 (5) Landscaping changes have been made that affect the integrity of the well;

11 (6) There are current or pending restrictions regarding groundwater use as specified in G.S. 87-88(a); or

12 (7) The water source for any well intended for domestic use is adjacent to any water-bearing zone
13 suspected or known to be contaminated.

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

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

19 (d) Upon completion of construction of a private water supply well, the Department shall complete a Well Log, showing
20 an "as built" drawing of the well location. The well contractor shall submit a copy of Residential Well Construction
21 Record to the local health department. Upon completion of construction or repair of a private drinking water well for
22 which a permit is required, the Department shall inspect the well and issue a Certificate of Completion. Prior to the
23 issuance of a certificate of completion, the Department shall: verify that the well was constructed in the designated area
24 according to the well construction permit, inspect the grout around the casing, inspect the well head after the well seal is
25 in place and obtain a well construction record from the Certified Well Contractor. No person shall place a private
26 drinking water well into service without first having obtained a certificate of completion.

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

29 *Eff. July 1, 2008.*

1 **15A NCAC 02C .0307 is proposed for adoption as follows:**

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3 **15A NCAC 02C .0307 WELL DATA AND RECORDS**

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

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

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

12 *Eff. July 1, 2008.*

1 **15A NCAC 02C .0308 is proposed for adoption as follows:**

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3 **15A NCAC 02C .0308 APPEAL PROCEDURE**

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

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

8 *Eff. July 1, 2008.*