

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 apply to private drinking water wells, as well as the following:

- (1) Potential sources of groundwater contamination shall not be located 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, 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, any well that 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.

*History Note: Authority G.S. 87-87; 87-97;
Eff. July 1, 2008;
Readopted Eff. July 1, 2019.*

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) "Abandonment Permit" means a well abandonment permit issued by the local health department authorizing or allowing the permanent abandonment of any private drinking water well as defined in the rules of this Section.
- (2) "Certificate of Completion" means a certification by the local health department that a private drinking water well has been constructed or repaired in compliance with the construction permit or repair permit.
- (3) "Construction of wells" means the term as defined in G.S. 87-85.
- (4) "Construction permit" means a well construction permit issued by the local health department authorizing or allowing the construction of any private drinking water well as defined in the rules of this Section.
- (5) "Known source of release of contamination" means a location where any of the following activities, facilities, or conditions have been documented by the Department of Environmental Quality or a local health department:
 - (a) Groundwater contamination incidents arising from agricultural operations, including application of agricultural chemicals pursuant to 15A NCAC 02L;
 - (b) Groundwater contamination associated with the construction or operation of injection, monitoring, and other wells subject to permitting under the Well Construction Act and this Subchapter;
 - (c) Groundwater contamination associated with the operation of non- discharge, discharge (NPDES) facilities, land application of animal waste, and other activities subject to permitting under G.S. 143-215.1;
 - (d) Releases of hazardous waste or constituents that currently exceed the Groundwater Quality Standards listed in 15A NCAC 02L at facilities governed under G.S. 130A-294;
 - (e) Dry-Cleaning Solvent Cleanup sites regulated under G.S. 143-215.104(A);
 - (f) Pre-regulatory landfills and Inactive hazardous substance or waste disposal sites governed under the Inactive Hazardous Sites Act of 1987, G.S. 130A-310;
 - (g) Solid waste facilities subject to 15A NCAC 13B that have monitoring wells with exceedances of the Groundwater Protection Standards as defined in 15A NCAC 13B .1634(g) and (h);
 - (h) Releases of petroleum and hazardous substances subject to G.S. 143-215.75 through 215.98;
 - (i) Sites that fall within the authority of the Brownfields Property Reuse Act as defined by G.S. 130A, Article 9 Part 5;

- (j) Contamination associated with pollution sources in soils or other sites known or suspected to have exceeded the Groundwater Quality Standards listed in 15A NCAC 02L; or
- (k) Contamination known to the local health department through experience with the property, surrounding properties, or information provided by the applicant.
- (7) "Local Health Department" means the authorized agent of the county or district health department or its successor.
- (8) "Person" means the term as defined in G.S. 87-85.
- (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 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 the terms as defined in G.S. 87-85.
- (11) "Repair" means the term as defined in G.S. 87-85.
- (12) "Repair permit" means a well repair permit issued by the local health department authorizing or allowing the repair of any private drinking water well as defined in the rules of this Section.
- (13) "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.
- (14) "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.
- (15) "Well contractor activity" has the same meaning as in G.S. 87-98.2(6).
- (16) "Well seal" means the term as defined in G.S. 87-85.

*History Note: Authority G.S. 87-87; 87-97;
Eff. July 1, 2008;
Readopted Eff. July 1, 2019.*

15A NCAC 02C .0303 APPLICATION FOR PERMIT

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

- (1) The name, the address, and the phone number of the proposed well property owner or agent;
- (2) The signature of owner or agent;
- (3) The address and the parcel identification number of the property where the proposed well is to be located;
- (4) A plat or site plan;
- (5) The intended use(s) of the property;
- (6) Other information deemed necessary by the local health 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 source of release of 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;
Eff. July 1, 2008;
Readopted Eff. July 1, 2019.*

15A NCAC 02C .0304 PERMITTING

(a) No person shall construct a private drinking water well without first obtaining a well construction permit from the local health 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 .0111 is a maintenance activity that does not require a repair permit. No person shall permanently abandon a private drinking water well without first obtaining a well abandonment permit from the local health department.

(b) Before issuing a well construction permit, the local health 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 where a private drinking water well is to be located. Furthermore, the Department shall conduct a search of DEQ's published inventories to determine whether the proposed well site is located within 1,000 feet of a known source of release of contamination. The local health 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. The local health 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 construction permit shall reference documentation from DEQ's published inventories of known releases of contamination within 1,000 feet of the proposed well site, and any known risk of constructing the well related to those findings. The local health 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) Any well permit shall be valid for a period of five years; however, the local health 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 shall not be issued. The validity of a well construction permit or a well repair permit is not affected by a change in ownership of the site where a private drinking water well is proposed to be located if the proposed well can still be constructed or repaired in the permitted area and in accordance with this Section and 15A NCAC 02C .0100. The local health 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 those 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;
Readopted Eff. July 1, 2019.*

15A NCAC 02C .0305 GROUT INSPECTION AND CERTIFICATION

(a) The well contractor shall contact the local health department to schedule a grout inspection before grouting a private drinking water well and include the location, permit number, and anticipated time for grouting each private drinking water well. The local health department shall schedule the appointment 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 local health 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 local health 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 stating 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 local health 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
- (3) 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;
Eff. July 1, 2008;
Readopted Eff. July 1, 2019.*

15A NCAC 02C .0306 WELL COMPLETION AND CERTIFICATION

(a) After receiving a permit to construct a private drinking water well, the property owner or 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, repair permit, or abandonment 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) The well contractor shall submit a copy of Well Construction Record (GW-1) to the local health department. Upon completion of construction or repair of a private drinking water well for which a permit is required, the local health department shall inspect the well and issue a Certificate of Completion that includes an "as built" drawing. Prior to the issuance of a Certificate of Completion, the local health 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 local health department shall inspect the grout around the casing for any settling, inspect the well head after the well seal is in place, and verify that a Well Construction Record has been received 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;
Eff. July 1, 2008;
Readopted Eff. July 1, 2019.*

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 Resources within 30 days of completion of construction, abandonment, or repair. The record shall be on a form provided by the Department of Environmental Quality.

(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;
Eff. July 1, 2008;
Readopted Eff. July 1, 2019.*

15A NCAC 02C .0308 APPEAL PROCEDURE

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

*History Note: Authority G.S. 87-87;
Eff. July 1, 2008;
Readopted Eff. July 1, 2019.*

15A NCAC 02C .0309 WELL ABANDONMENT AND CERTIFICATION

- (a) The applicant or well contractor shall contact the local health department to provide notification of intent to permanently abandon a private drinking water well, and include the location, permit number, and anticipated time for abandonment of each private drinking water well. If it is conducting an inspection, the local health department shall schedule the appointment by the end of the business day before the abandonment is to occur except where the local health department has made provisions for scheduling inspections at night or on the same day as the inspection.
- (b) Upon notification from the well contractor, the local health department may opt to inspect the well abandonment process. The local health department shall inform the well contractor of its availability and intention to inspect the well abandonment after notification pursuant to Paragraph (a) of this Rule. When a local health department is unable to conduct the abandonment inspection within one hour of the scheduled time, the well contractor may abandon the well without an inspection by the local health department.
- (c) Upon completion of a permanent well abandonment, the local health department shall provide a written certification on the well abandonment permit, or other local health department form, that a well abandonment inspection was completed and that the abandonment is in compliance with the rules of 15A NCAC 02C .0100. When the local health department opts to not inspect the permanent abandonment process, the well contractor shall provide written certification to the local health department that the well has been abandoned in compliance with the rules of 15A NCAC 02C .0100. A completed Well Abandonment Record form GW-30 stating the well was abandoned in compliance with the rules of this Section shall serve as the well contractor's abandonment certification.

*History Note: Authority G.S. 87-87;
Eff. July 1, 2019.*