



Well Program Update

February 18, 2014

Wilson Mize REHS

Division of Public Health

LEGISLATIVE CHANGES

- **VOC SAMPLING**
- **LANDOWNERS RIGHTS**
- **VARIANCES**
- **PRIVATE WELL WATER EDUCATION**
- **ISSUANCE OF PERMITS**
- **PUBLIC WATER SUPPLY CHANGES**

VOC SAMPLING

- **SESSION LAW 2012-187 SENATE BILL 810**
- **(7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS**

VOC SAMPLING

- **The Commission for Public Health may by rule require testing for additional parameters, including volatile organic compounds**
- **If the Commission makes a specific finding that testing for the additional parameters is necessary to protect public health**

WHAT THIS MEANS

- **VOC SAMPLING TABLED**
- **COMMISSION FOR PUBLIC HEALTH
WOULD HAVE TO JUSTIFY VOC
SAMPLING**
- **NOT LIKELY ANY TIME SOON..**

LANDOWNERS RIGHTS

- **GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011 SESSION LAW 2011-255 SENATE BILL 676**
- **AN ACT TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY AND THE CONSTRUCTION OF WELLS ON THEIR PROPERTY.**

SENATE BILL 676

- **The General Assembly of North Carolina enacts:**
- **SECTION 1. G.S. 87-97(a) reads as rewritten:**
- **“(a) Mandatory Local Well Programs. – Each county, through the local health department that serves the county, shall implement a private drinking water well permitting, inspection, and testing program. Local health departments shall administer the program and enforce the minimum well construction, permitting, inspection, repair, and testing requirements set out in this Article and rules adopted pursuant to this Article. No person shall unduly delay or refuse to permit a well that can be constructed or repaired and operated in compliance with the requirements set out in this Article and rules adopted pursuant to this Article.”**

SENATE BILL 676

- **SECTION 2. G.S. 87-97(e) reads as rewritten:**
- **“(e) Issuance of Permit. – The local health department shall issue a construction permit or repair permit if it determines that a private drinking water well can be constructed or repaired and operated in compliance with this Article and rules adopted pursuant to this Article. The local health department may impose any conditions on the issuance of a construction permit or repair permit that it determines to be necessary to ensure compliance with this Article and rules adopted pursuant to this Article. Notwithstanding any other provision of law, no permit for a well that is in compliance with this Article and the rules adopted pursuant to this Article shall be denied on the basis of a local government policy that discourages or prohibits the drilling of new wells.”**

WHAT IT MEANS

- **OVER-RIDES ANY LOCAL PROHIBITION AGAINST DRILLING WELLS**
- **PARTICULARLY IN AREAS WHERE MUNICIPAL WATER IS AVAILABLE**
- **IF SPACE IS AVAILABLE, CAN PERMIT A WELL IN THE MIDDLE OF TOWN**

Variances

- **GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011 SESSION LAW 2012-200 SENATE BILL 229**
- **(11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS;**

Variations

PART XI. ESTABLISH A VARIANCE PROCESS FOR SETBACK DISTANCES FROM EXISTING PRIVATE DRINKING WATER WELLS

SECTION 11.(a) Variance from Setbacks for Existing Private Drinking Water Wells. –

(1) The Department of Health and Human Services may grant a variance from the minimum horizontal separation distances from **existing** private drinking water wells set out in 15A NCAC 02C .0107(a)(2) or 15A NCAC 02C .0107(a)(3) upon finding that:

- a. The well was constructed and completed on or before July 1, 2008.
- b. The Department determines that continued use of the well will not endanger human health and welfare or groundwater.
- c. It is impracticable, taking into consideration feasibility and cost, for the well to comply with the minimum horizontal separation distance set out in the applicable sub-subpart of 15 NCAC 02C .0107(a)(2) and 15A NCAC 02C .0107(a)(3).
- d. There is no reasonable alternative source of drinking water available.

Variations

(2) A variance from the minimum horizontal separation distances set out in 15A NCAC 02C .0107(a)(2) or 15A NCAC 02C .0107(a)(3) shall require that the existing private drinking water well meet the following requirements:

- a. The well shall comply with the minimum horizontal separation distances set out in 15A NCAC 02C .0107(a)(2) or 15A NCAC 02C .0107(a)(3) to the maximum extent practicable.
- b. The well is inspected by the Department or the applicable local health department and is determined to be in good repair.
- c. The well shall comply with all other requirements for private drinking water wells set out in 15A NCAC 02C .0300.

WHAT IT MEANS

- **WE WILL GRANT VARIANCES ON PRE-EXISTING WELLS**
- **MUST HAVE BEEN CONSTRUCTED PRIOR TO JULY 1, 2008**
- **DOES NOT APPLY TO WELLS CONSTRUCTED UNDER THE WELL PROGRAM RULES**
- **DOES NOT CHANGE THE CURRENT VARIANCE PROCESS FOR NEW WELLS PRIOR TO CONSTRUCTION**
- **DOES NOT SPECIFICALLY MENTION .1700 WELLS**

KEY FACTORS

- AGE OF THE WELL
- CONDITION OF THE WELL
- USE OF THE WELL



TYPICAL EXAMPLES

- **HOMEOWNER WANTS TO ENCROACH UPON 25FT SETBACK WITH BUILDING ADDITION**
- **REQUEST TO ADD ANOTHER CONNECTION TO WELL**
- **GOING FROM A HOME USE TO COMMERCIAL**
- **ALL WILL REQUIRE EVALUATION BUT COULD BE APPROVED WITH A VARIANCE**

VARIANCES

- **WILL BE WRITTEN BY STATE REGIONAL SPECIALIST**
- **INFORM REGIONAL WHEN A REQUEST IS FORTHCOMING**
- **WILL REQUIRE EITHER VISIT BY REGIONAL SPECIALIST OR COUNTY STAFF AND/OR**
- **SUBMITTAL OF DETAILED PROPOSAL WITH DETAILED SITE PLAN**
- **REMEMBER-ONLY 2 REGIONALS FOR THE ENTIRE STATE – RULES ALLOW 30 DAYS FOR ISSUANCE**

NEW VARIANCE REQUEST FORM

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

VARIANCE APPLICATION FOR 2C .0100 WELL CONSTRUCTION STANDARDS:

PRIVATE DRINKING WATER WELLS UNDER 15A NCAC 02C .0300

WATER SUPPLY WELLS UNDER 15A NCAC 02C .0107

All water supply wells not considered "Private Drinking Water Wells" and including irrigation, industrial, and commercial wells.

WELLS OTHER THAN WATER SUPPLY UNDER 15A NCAC 02C .0108

Including monitoring and recovery wells.

Print clearly or type information. Illegible submittals will be returned as incomplete.

DATE: _____, 20__ PERMIT NO.: _____ (to be completed by DWQ/DPH)

A. WELL OWNER – For single family residences list the property owner(s). For all others, list name of the business, organization, or government agency and person delegated signature authority:

 Mailing Address: _____
 City: _____ State: ____ Zip Code: _____ County: _____
 Day Tele No.: _____ Call No.: _____
 EMAIL Address: _____ Fax No.: _____

B. PHYSICAL LOCATION OF WELL SITE

(1) Parcel Identification Number (PDN) of well site: _____
 County: _____
 (2) Physical Address (if different than mailing address): _____

 City: _____ State: NC Zip Code: _____

C. WELL DRILLER INFORMATION (if known)

Well Drilling Contractor's Name: _____
 NC Well Drilling Contractor Certification No.: _____
 Company Name: _____ Contact Person: _____
 City: _____ State: ____ Zip Code: _____ County: _____
 Day Tele No.: _____ Call No.: _____
 EMAIL Address: _____ Fax No.: _____

D. REASON FOR VARIANCE REQUEST – Include type of well(s) to be constructed; rule for which the variance is being requested; description of how the alternate construction will not endanger human health and welfare and the environment; and reason why construction and/or operation in accordance with the standards is not technically feasible and/or provides equal or better protection of the groundwater.

E. ATTACHMENTS – Provide the following information as attachments to this application:

- (1) A map showing general location of the property (including road names, NC State Route Number, distances, any key landmarks, etc.) sufficient for finding the well location.
- (2) Detailed site map with scale showing location of proposed well relevant to septic system(s), building foundations, property lines, water bodies, potential sources of contamination, other wells, etc.
- (3) Submit a copy of the local well permit application and site evaluation map (if applicable).
- (4) Any other information relevant to the variance request such as a well construction diagram showing proposed well liner or atypical construction materials/methods.

F. OTHER MINIMUM CONSTRUCTION REQUIREMENTS

For water supply wells, approval of a variance will require that additional construction requirements beyond those specified in 15A NCAC 02C .0107 be met. Minimum additional construction requirements for Coastal Plain and Piedmont and Mountain region wells are referenced on Attachment A and B on pages 4 and 5 of this application. Approval of a variance will not be considered in cases where the specified minimum additional construction requirements cannot be met.

G. SIGNATURES

 Signature of Person Responsible for Well Construction (typically the well driller)

 Print or Type Full Name of Person Responsible for Well Construction (typically the well driller)

 Signature of County Environmental Health Specialist

 Print or Type Full Name of County Environmental Health Specialist

PIN 183800295986

PERMIT NUMBER _____

Toe River Health District Site Sketch

Improvement Permit Only! - No building permit to be issued Improvement Permit & Construction Authorization

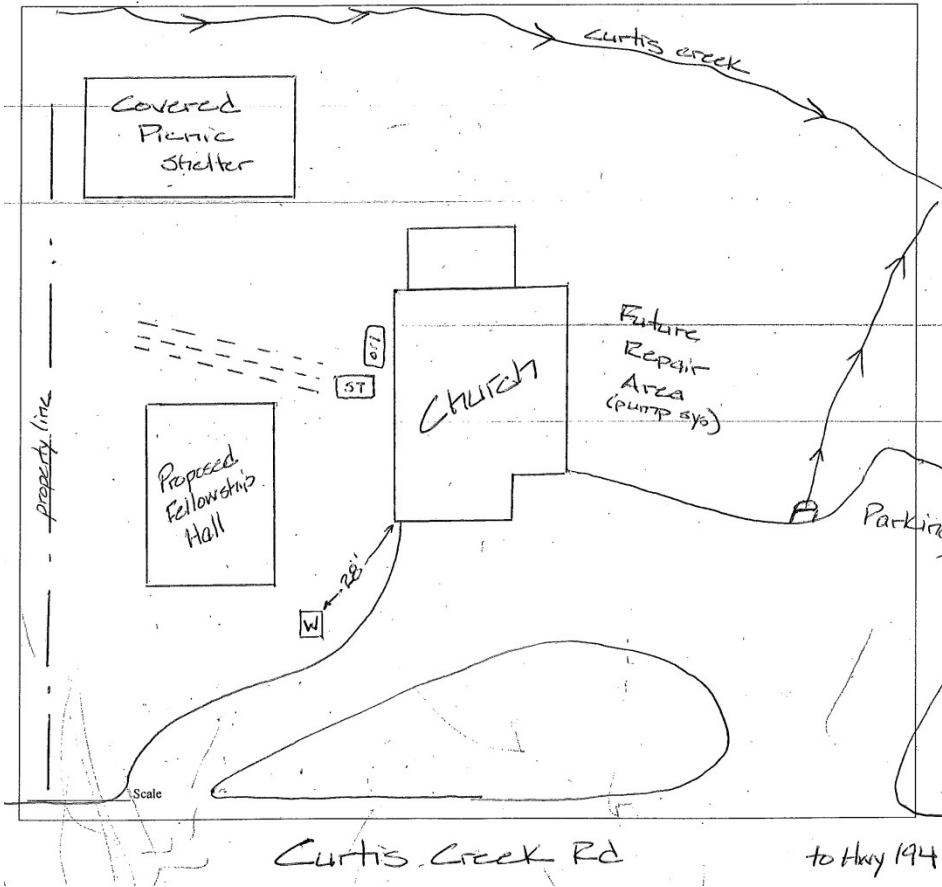
Curtis Creek Freewill Baptist Church
Applicant's Name

Curtis Creek RD
Subdivision/Section/Lot #

Juan Carlos
Authorized State Agent

9/25/12
Date

System components represent approximate contours only! The contractor must flag the system prior to beginning installation to insure proper grade is maintained!



VARIANCE REQUIREMENTS

- IMPROVE WELL HEAD
- BRING ABOVE GRADE
- INSTALL PROPER SAMPLING TAP
- SAMPLING-NEW WELL KIT



North Carolina Department of Health and Human Services
Division of Public Health
1931 Mail Service Center • Raleigh, North Carolina 27699-1931

Reedy Morris Ponder, Governor
Alison A. Dole, Acting Secretary

Leon Gould, MD, MPH
State Health Director

Water Protection Branch
November 20, 2012

Paul Brooks
12 Abraham Drive
Marion, NC 28752

RE: Approval No. JMB 151
Private Well Located Less than 25' From Building Perimeter
-Rule 15A NCAC 2C .0107(a)(2)(d)
Paul Brooks Property
12 Abraham Drive
Marion, NC 28752

Dear Mr. Brooks:

On November 29, 2012 an application for the above referenced property was made for a variance from the Well Construction standards, Title 15A North Carolina Administrative Code Subchapter 2C .0100. The variance request is regarding a water supply well at the referenced property.

Specifically, the variance request grants you permission to use an existing water supply well at a distance closer than the required twenty five foot setback to a building perimeter. Achieving the twenty five foot setback would be difficult given the challenges of the property.

Based upon information provided by the McDowell County Health Department and the property owner, it is my finding that based on current conditions at the site exists today, as well as the current proposal for use of the structure, you meet the conditions necessary for approval of a variance as specified by 15A NCAC 2C .0118 (a) (1) and (2). On that basis and provided that the following conditions are met, the requested variance is approved:

- 1) A proper well sample tap (facing down) shall be installed to ensure proper sampling techniques can be achieved.
- 2) The well shall be sampled for the same parameters as required for newly constructed wells. If samples indicate contaminants, further repairs/treatment may be required.
- 3) No potential sources of groundwater contamination shall be stored near the well-head.

The approval of this variance does not affect any of the other requirements or limitations of the Well Construction Standards, including but not limited to the requirements in 15A NCAC 2C .0113(b) to repair or to abandon any well which acts as a source or channel for the migration of contamination or to your responsibility to comply with any other applicable Federal, State, or local laws or regulations.

The granting of this approval is for the well location only, and in no way relieves the owner or agent from other requirements of the North Carolina Well Construction Standards, or any other applicable law, rule, or regulation that may be regulated by other agencies, nor does it imply sufficient water quality.



Location: 5605 Six Forks Rd. • Raleigh, N.C. 27609-3411
An Equal Opportunity Employer



POSSIBLE CONDITIONS:

- INVESTIGATE WELL CONSTRUCTION
- DOWN-HOLE CAMERA INSPECTION
- IMPROVE WELL HEAD
- REQUIRE SAMPLING
- **CASE BY CASE**

SESSION LAW 2013-122

HOUSE BILL 396

- **TO ENACT THE PRIVATE WELL WATER EDUCATION ACT AT THE REQUEST OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.**

SESSION LAW 2013-122

HOUSE BILL 396

- **SECTION 2. G.S. 87-97(i) reads as rewritten:**
- **In addition, the rules shall require local health departments to educate citizens for whom new private drinking water wells are constructed and for citizens who contact local health departments regarding testing an existing well on all of the following:**
- **(1) The scope of the testing required pursuant to this Article.**
- **(2) Optional testing available pursuant to this Article.**
- **(3) The limitations of both the required and optional testing.**
- **(4) Minimum drinking water standards."**

SESSION LAW 2013-122

HOUSE BILL 396

- **SECTION 3. G.S. 87-97(j) reads as rewritten:**
- **"(j) Test Results. – The local health department shall provide test results to the owner of the newly constructed private drinking water well and, to the extent practicable, to any leaseholder of a dwelling unit or other facility served by the well at the time the water is sampled. The local health department shall include with any test results provided to an owner of a private drinking water well, information regarding the scope of the required and optional testing as established by rules adopted pursuant to subsection (i) of this section."**

WHAT IT MEANS

- **NEED TO KNOW WHAT SAMPLING PUBLIC HEALTH LAB CAN PERFORM**
- **KNOW STANDARDS**
- **REQUIRED TO BETTER INFORM HOMEOWNERS OF OTHER BENEFICIAL SAMPLING**
- **NEED TO KNOW WHAT ELSE COULD BE A PROBLEM IN THE AREA**
- **KNOW WHAT INFORMATION IS AVAILABLE TO ASSIST YOU AND HOMEOWNER**

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Environmental Sciences

Mission Statement

The mission of the ESB is to provide accurate, timely and cost effective environmental analytical laboratory services to local health programs.

About ESB

The Environmental Sciences Branch (ESB) provides consultation and laboratory support for environmental and health related programs in Health and Human Services. The ESB offers comprehensive analysis of drinking water to local health departments and authorized laboratories. The ESB is also responsible for accrediting/certifying milk and drinking water laboratories. The Environmental Sciences Branch is organized into the following units:

[Environmental Inorganic Chemistry](#)

The Environmental Inorganic Chemistry Unit analyzes a variety of samples such as water, wastes and soils. Water samples from both public and private water systems are examined for chemical and/or physical parameters.

[Environmental Microbiology](#)

The Environmental Microbiology Unit performs bacteriological analyses on water samples from both public and private water systems. The unit examines for the presence of the coliform group of bacteria, which are indicators of fecal contamination. Water is not examined for pathogenic bacteria. Isolating them from water is very remote.

[Environmental Organic Chemistry](#)

The Environmental Organic Chemistry Unit analyzes various sample matrices, such as water and soil for a variety of organic chemicals. The unit serves local health departments and certain governmental agencies. In general, all water samples should be taken in 2 liter wide mouth jars, 4 liter glass bottles supplied by the Laboratory.

[Radiochemistry](#)



Well Water and Health

Testing Private Well Water

How often should a well be tested?

As a private well water owner, it is up to you to test your water to ensure that it is safe to use. Protect yourself and your family by testing your water regularly. We recommend the following schedule for water testing:

Every Year	Test for total and fecal coliform bacteria.
Every Two Years	Test for heavy metals, nitrates, nitrites, lead, copper and volatile organic compounds (VOCs).
Every Five Years	Test for pesticides. If you know of a particular pesticide that is applied in your area, test yearly.

What tests should you do?

OEE HOME

A-Z Contaminants

Facts & Figures

▾ Programs & Services

Well Water & Health

Facts & Figures

Frequently Asked Questions

Testing Private Well Water

Test Results

Reports by County

Contact Us

Quick Links

[Health Assessment, Consultation and Education Program](#)

[Medical Evaluation and Risk](#)



Occupational & Environmental Epidemiology

Well Water and Health

Most private wells provide a clean, safe supply of water for many people in North Carolina. But sometimes contaminants can get into your well water and make you sick. As a private well owner, it is up to you to test your water to ensure it is safe to use.

The majority of private drinking water wells in North Carolina are supplied by groundwater. Our groundwater is typically composed of rain and snowmelt that seeps into the ground and flows between the soil, clay, and small cracks in underground rocks before it finally becomes groundwater and enters the well supply. Because contaminants can also follow this pathway and influence the quality of the well water, private well owners must take special precautions to ensure the protection and maintenance of their drinking water supplies.



OEE HOME

[A-Z Contaminants](#)

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Maps by Contaminant

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Testing Private Well Water

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[Health Assessment, Consultation and Education Program](#)

Well Water & Health

Contaminant Maps by County

These county reports show the average concentrations of contaminants found in private well water samples tested by the North Carolina State Laboratory of Public Health from 1998-2010. County averages provide a useful way to observe an overall trend in a county, but are not detailed enough to predict the specific groundwater concentrations of contaminants in smaller regions and may not reflect the quality of groundwater in a single well. Private well data does not include monitoring wells or surface water samples collected by other state agencies.

[Enhanced Arsenic Map](#) (UNC, 2009)

[Enhanced TCE Map](#) (UNC, 2009)

Learn more about the project that compiled these maps, the data, data sources, calculations, and mapping techniques used in these reports by visiting the [University of North Carolina at Chapel Hill's Superfund Research Program](#) website.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



EPI HOME

Occupational & Enviro

- A-Z Contaminants
- Facts & Figures
- Programs & Services
- Reports by County**
- Contact OEE

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- [Fish Advisories](#)
- [Health Assessment, Consultation and Education](#)
- [Medical Evaluation and Risk Assessment](#)
- [Naturally Occurring Asbestos](#)
- [Well Water & Health](#)
- Related Programs
- [Environmental Health Section](#)
- [N.C. Division of Water Quality](#)
- [State Laboratory of Public](#)

DHHS > DPH > Epi > Occupational & Environmental > Reports by County

Occupational & Environmental Epidemiology

Reports by County

The ability of the Occupational and Environmental Epidemiology Branch to perform medical evaluations and risk assessments and conduct targeted community health studies across the state is made possible by a number of grants, cooperative projects, and partnerships with the University of North Carolina and other public health stakeholders. Below you may find the following types of reports grouped by North Carolina county:

- Community health studies (Learn more about the [Medical Evaluation and Risk Assessment](#) program)
- Fish consumption advisories (Learn more about the [Fish Advisories](#) program)
- Hazard assessments/consultations (Learn more about the [Health Assessment, Consultation and Education](#) program)
- Identified naturally occurring asbestos sites (Learn more about [naturally occurring asbestos](#))
- Private well water tests 1998-2010 (Learn more about [Well Water & Health](#))

Hazardous site names marked with an asterisk (*) are priority sites identified for cleanup by

H74-v-3

- **AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.**

SESSION LAW 2013-413 HOUSE BILL 74

H74-v-3

- **DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION**
- **SECTION 35.(a) G.S. 87-97 reads as rewritten:**
- **"§ 87-97. Permitting, inspection, and testing of private drinking water wells.**

SESSION LAW 2013-413 HOUSE BILL 74

H74-v-3

- (e) Issuance of Permit. – ~~The local health department shall issue a construction permit or repair permit if it determines that a private drinking water well can be constructed or repaired and operated in compliance with this Article and rules adopted pursuant to this Article.~~ Within 30 days of receipt of an application to construct or repair a well, a local health department shall make a determination whether the proposed private drinking water well can be constructed or repaired and operated in compliance with this Article and rules adopted pursuant to this Article and shall issue a permit or denial accordingly. If a local health department fails to act within 30 days, the permit shall automatically be issued, and the local health department may challenge issuance of the permit as provided in Chapter 150B of the General Statutes.

WHAT DOES IT MEAN?

- **SURPRISE TO EVERYONE**
- **NOT SURE WHO ASKED FOR THIS**
- **PROBABLY WILL NOT AFFECT MOST APPLICATIONS**
- **SEE POSITION STATEMENT**

POSITION STATEMENT: Issuance of Private Drinking Water Well Permits

- **RESPONSE/INTERPRETATION:**

- -

- **Questions**

- -

- **1) If the health department does not conduct a site evaluation within 30 days (regardless of reasons) the permit is issued under the new language. For a permit “automatically” issued under such a circumstance is the health department (DHHS) considered to have issued the permit?**

- -

- **Response: Yes. The Department by statute, through the local health department, is responsible for issuing private drinking water well permits. The language passed in Session Law 2013-413 does not negate that responsibility but merely places an additional burden on the health department to issue the permit within 30 days. Failing to conduct the site evaluation, regardless of reason, within the prescribed 30 days simply causes the health department to “issue” the permit “automatically”.**

- **2) Does the 30 day time limit apply to applications that were submitted before the effective date of the legislation?**
- -
- **Response: No. Since the legislation did not specifically address that issue only applications submitted after the effective date of the legislation would have the 30 day time limit.**
- **3) Where a permit has been issued “automatically” after 30 days is the health department required to issue something in writing? If so, what?**
- -
- **Response: Yes. The health department should issue a written permit indicating that the permit was issued “automatically” after 30 days pursuant to the statute. The permit should also include clear language that the well permit site was not evaluated by the health department in accordance with well permitting rules and the potential implications of acting on a permit without a site evaluation having been performed. Potential implications include wells being located in unapproved locations and failing inspection, well locations negatively impacting adjoining properties such as voiding septic permits.**

□ **4) Is the well driller still responsible for requesting an installation inspection and does the health department conduct the inspection?**

□

-

□ **Response: Yes. The well driller is still responsible for requesting an inspection and completing all requirements pursuant to existing well construction laws and rules. The health department is also required to perform an inspection pursuant to all existing well rules and laws.**

□ **5) If yes to both parts of question #3 what does the health department issue as part of the final inspection?**

□

-

□ **Response: Upon completing the inspection and finding the well to be properly constructed and in accordance with all required setbacks, the health department would issue an “as built” drawing of the well location along with the Certificate of Completion. If the well is not properly constructed or located the health department would not issue a Certificate of Completion. In this situation the health department should issue an Intent to Suspend or Revoke for the permit that was issued “automatically”.**

- **6) If the well driller utilizes an “automatically” issued permit and improperly sites a well or sites a well in such a way that it impacts the use of an adjoining property (i.e., invalidates an existing septic permit) is the health department (DHHS) responsible?**
- -
- **Response: It is not clear where the lines of responsibility would exist for permits “issued” on the 30 day limit.**
- **7) Can the health department simply issue a permit denial where an application is approaching the 30 day time limit?**
- -
- **Response: No. There must be a basis, in rule or law, on which to deny or issue a permit.**

□ **8) Can the health department refuse to accept the application if the applicant cannot have the site prepared for evaluation within 30 days?**

□ -

□ **Response: The rules state that an application for a private drinking water well shall be submitted to the health department and shall contain certain information. If any part of the information required in the rules is missing or incomplete then the health department is under no obligation to accept the application. Once the applicant has successfully submitted all required information to the health department, for the well permit application, the 30 day time period begins.**

□ **9) Is a permit issued “automatically” valid for 5 years?**

□ -

□ **Response: Yes. The “automatically” issued permit would be valid for 5 years unless revoked.**

- **10) Is the property owner or his agent required to notify the health department prior to well construction pursuant in accordance with the rules?**
- -
- **Response: Yes. The requirements for constructing a well remain unchanged and must be conducted in accordance with existing well construction rules and laws.**
- **11) If the health department conducts a well site evaluation, within the 30 days, and determines that a variance would be required (in order for a permit to be issued) can the permit be denied in order to stop the clock on the 30 days?**
- -
- **Response: Yes. The permit may be denied on the basis of the site evaluation. Variances for private drinking water wells are only issued by State representatives of DHHS. Health departments cannot assume that a variance would be granted and therefore cannot issue a permit until a decision is rendered regarding the variance.**

- **12) How does the health department go about challenging the issuance of an “automatically” issued permit?**
- -
- **Response: It appears from the statutory language that the responsibility for filing an appeal rest with the local health department and not with the Department. The new language does not include the Department in the appeal process and there remains uncertainty about the interpretation. If the health department wished to challenge the issuance of an “automatically” issued private drinking water well permit it would file a petition under the provisions of Chapter 150B of the General Statutes. Initiating an appeal would prohibit any construction of the well until the appeal was resolved.**

Wells near known contamination.

- **(e1) Notice for Wells at Contamination Sites. – The Commission shall adopt rules governing permits issued for private drinking water wells for circumstances in which the local health department has determined that the proposed site for a private drinking water well is located within 1,000 feet of a known source of release of contamination. Rules adopted pursuant to this subsection shall provide for notice and information of the known source of release of contamination and any known risk of issuing a permit for the construction and use of a private drinking water well on such a site.**

WHAT IT MEANS

- **WILL LET US ISSUE PERMITS WHERE CONTAMINATION IS NEAR**
- **HOMEOWNER KNOWS THE RISK**

ORGANIZATIONAL CHANGES

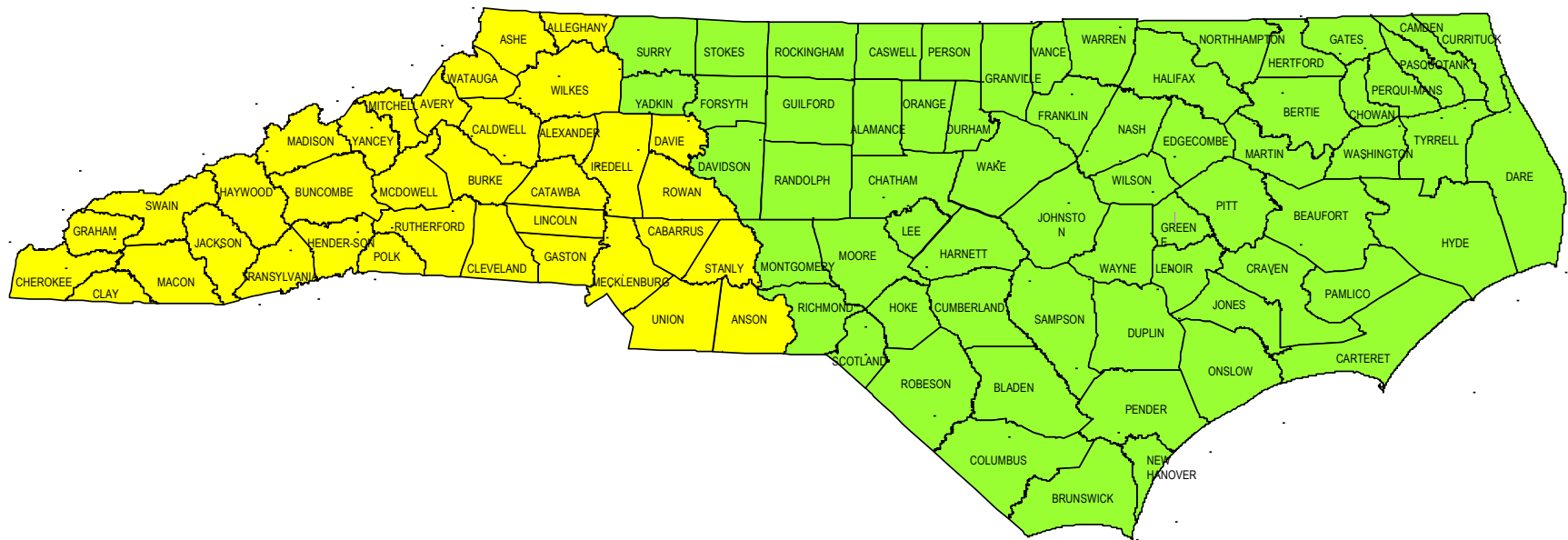
- **WELL RESPONSIBILITIES BACK UNDER ON-SITE WATER PROTECTION BRANCH**
- **“WELL PROGRAM” NO LONGER EXISTS**
- **Monitoring, Certification, Variances, & Inspection (MCV&I)**

Regional Territories

On-Site Water Protection

Regional Well Territory Map

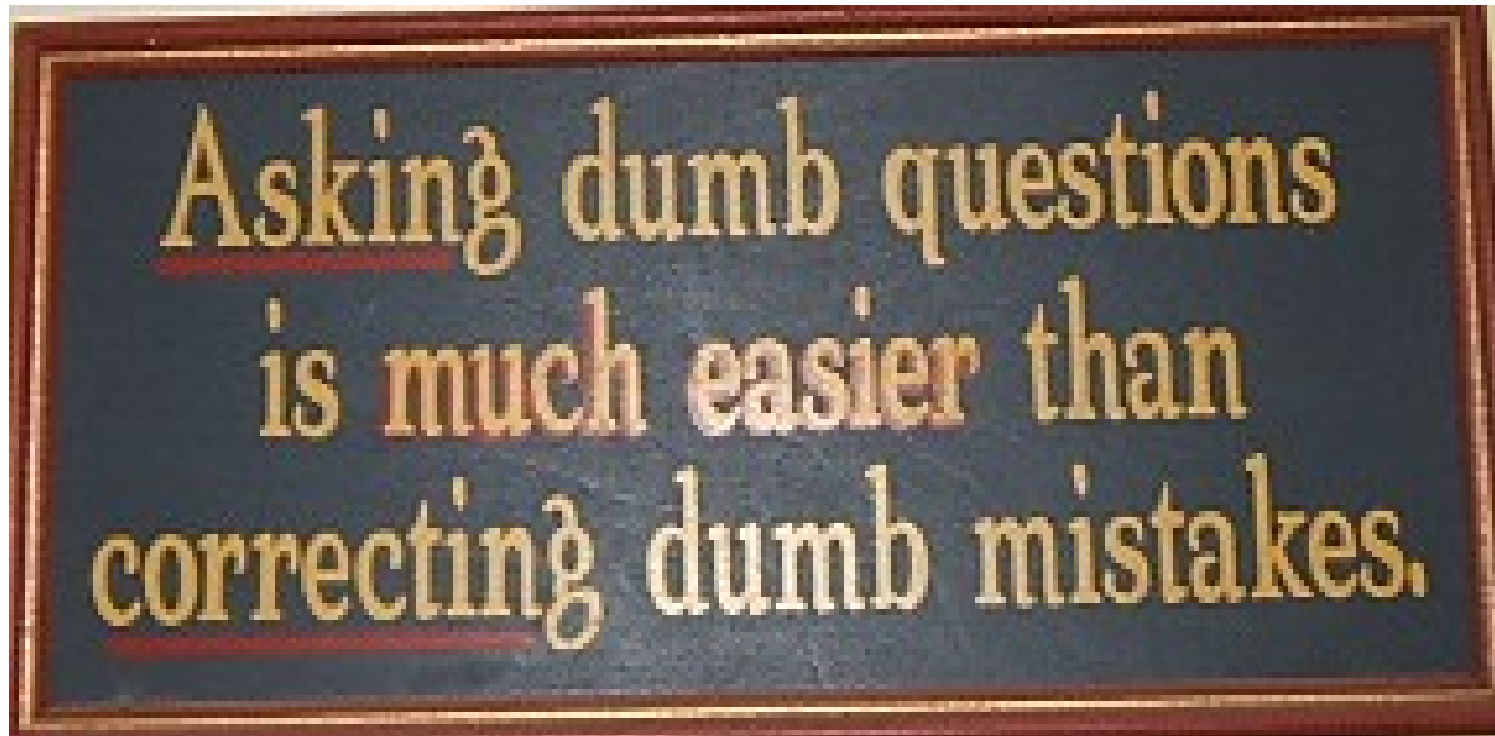
August 1, 2013



- Wilson Mize (919) 218-5383
- wilson.mize@dhhs.nc.gov

John Brooks (828) 713-3335
john.brooks@ncmail.net

Questions?



CONTACT INFO:

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