

1 15A NCAC 02C .0301 is readopted as published in 33:10 NCR 1024 with changes as follows:

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

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

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

8 (1) ~~The well owner shall not place potential~~ Potential sources of groundwater contamination shall not be
9 located closer to the well than the separation distances specified in 15A NCAC 02C .0107(a)(2) or
10 .0107(a)(3), as applicable;

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

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

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

22 *Eff. July 1, 2008-2008;*

23 *Readopted Eff. July 1, 2019.*

1 15A NCAC 02C .0302 is readopted as published in 33:10 NCR 1024 with changes as follows:

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

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

6 (1) "Abandonment Permit" means a well abandonment permit issued by the local health department
7 authorizing or allowing the permanent abandonment of any private drinking water well as defined in
8 the rules of this Section.

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

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

13 (2) (3) "Certificate of Completion" means a certification by the Department local health department that a
14 private drinking water well has been constructed or repaired in compliance with the construction
15 permit or repair permit.

16 (3) (4) "Construction of wells" means the term as defined in G.S. 87-85, all acts necessary to construct wells
17 for any intended purpose or use, including the location and excavation of the well, placement of
18 casings, screens and fittings, development and testing.

19 (4) (5) "Construction permit" means a well construction permit issued by the Department local health
20 department authorizing or allowing the construction of any private drinking water well as defined in
21 the rules of this Section.

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

28 (5) (6) "Known source of release of contamination" means a location where any of the following activities,
29 facilities, or conditions have been documented by the Department of Environmental Quality or a local
30 health department:

31 (a) Groundwater contamination incidents arising from agricultural operations, including application of
32 agricultural chemicals pursuant to 15A NCAC 02L;

33 (b) Groundwater contamination associated with the construction or operation of injection, monitoring,
34 and other wells subject to permitting under the Well Construction Act [(G.S. 87-88)] and this
35 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;]~~ 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 (North Carolina General Statute 130A-310 et. seq.);]~~ 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 ~~[13A]~~ 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]~~ 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. 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 ~~the terms as defined in G.S. 87-85. any equipment or materials utilized or intended for use in withdrawing or obtaining ground water including well seals.~~

- (11) "Repair" means ~~the term as defined in G.S. 87-85. 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.~~
- (12) "Repair permit" means a well repair permit issued by the ~~Department~~ 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 tanks,~~ and fittings.
- (15) "Well contractor activity" ~~has the same meaning as in G.S. 87-98.2(6). 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.~~
- ~~(16) (17) "Well seal" means the term as defined in G.S. 87-85. 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;
Eff. July 1, 2008; 2008;
Readopted Eff. July 1, 2019.*

1 15A NCAC 02C .0303 is readopted as published in 33:10 NCR 1024 with changes 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 local
5 health department for the county where the well is to be located by a A property owner or the property owner's agent
6 shall submit an application for a permit to construct, repair, or abandon a private drinking water well to the local health
7 department for the county where the well is located or will be located. The application shall include:

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

24
25 *History Note: Authority G.S. 87-87; 87-97;*
26 *Eff. July 1, ~~2008~~ 2008;*
27 *Readopted Eff. July 1, 2019.*
28

1 15A NCAC 02C .0304 is readopted as published in 33:10 NCR 1024 with changes as follows:

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

4 (a) No person shall construct a private drinking water well without first obtaining a well construction permit from the
5 ~~Department~~ local health department. No person shall repair a private drinking water well without first obtaining a well
6 repair ~~permit-permit~~, except a well repair permit is not required for maintenance or pump repair or replacement.
7 Disinfection in accordance with 15A NCAC 02C ~~0113.0111~~ is a maintenance activity that does not require a repair
8 permit. No person shall permanently abandon a private drinking water well without first obtaining a well abandonment
9 permit from the ~~Department~~ local health department.

10 (b) Before issuing a well construction permit, the ~~Department~~ local health department shall conduct a field investigation
11 to evaluate the topography, landscape position, available ~~space-space~~, and potential sources of groundwater
12 contamination on or around the site ~~on which~~ where a private drinking water well is to be located. Furthermore, the
13 Department shall conduct a search of DEQ's published inventories to determine whether the proposed well site is located
14 within 1,000 feet of a known source of release of contamination. The ~~Department~~ local health department shall issue a
15 private water well construction permit after determining the site can be permitted for a well meeting the rules of this
16 Section. Notwithstanding the above, the ~~The~~ Department local health department shall not issue a construction permit for
17 a well in violation of restrictions regarding groundwater use established pursuant to G.S. 87-88(a). The construction
18 permit shall include a site plan showing the location of potential sources of contamination and area(s) suitable for well
19 construction. The construction permit shall reference documentation from DEQ's published inventories of known
20 releases of contamination within 1,000 feet of the proposed well site, and any known risk of constructing the well related
21 to those findings. The ~~Department~~ local health department shall issue a written notice of denial of a construction permit if
22 it determines a private drinking water well cannot be constructed in compliance with the rules of this Section. The notice
23 of denial shall include reference to specific laws or rules that cannot be met and shall be provided to the applicant.

24 (c) ~~Any A~~ well construction permit is shall be valid for a period of five ~~years; years except that the Department however,~~
25 the local health department may revoke a permit at any time if it determines that there has been a material change in any
26 fact or circumstance upon which the permit ~~is shall not be~~ issued. The validity of a well construction permit or a well
27 repair permit is not affected by a change in ownership of the site ~~on which~~ where a private drinking water well is
28 proposed to be ~~located~~, located if the proposed well can still be constructed or repaired in the permitted area and in
29 accordance with this Section and 15A NCAC 02C .0100. ~~Well construction permits issued under local well ordinances~~
30 ~~prior to the effective date of these Rules remain valid for the term of those permits unless those permits are suspended or~~
31 ~~revoked.~~ The ~~Department~~ local health department may suspend or revoke any permits issued upon a determination that
32 the rules of this Section have been violated.

33 (d) If there is an improperly abandoned well(s) on the site, the construction permit shall be conditioned upon repair or
34 abandonment of any those improperly abandoned well(s) in accordance with the rules of 15A NCAC 02C .0100.

35
36 *History Note: Authority G.S. 87-87; 87-97;*

37 *Eff. July 1, 2008; 2008;*

1 15A NCAC 02C .0305 is readopted as published in 33:10 NCR 1024 with changes as follows:

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

4 **CERTIFICATION**

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

10 (b) Upon completion of a grout inspection, the ~~Department~~ local health department shall provide a written certification
11 on the well permit that a grout inspection was completed and that the grouting is in compliance with the rules of 15A
12 NCAC 02C .0100. When a local health department is unable to conduct a grout inspection within one hour of the
13 scheduled time, the well contractor may grout a well without a grout inspection by the ~~Department~~ local health
14 department. The well contractor shall provide a written certification to the local health department that the well has been
15 grouted in compliance with the rules of 15A NCAC 02C .0100. A completed Well Construction Record form GW-1
16 ~~indicating stating~~ the well was grouted in compliance with the rules of this Section shall serve as the well contractor's
17 grout certification. For purposes of issuing a Certificate of Completion, certificate of completion, the well contractor's
18 grout certification shall be accepted by the ~~Department~~ local health department as evidence the grout complies with the
19 rules of this Section if the local health department:

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

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

25 *Eff. July 1, ~~2008~~, 2008;*

26 *Readopted Eff. July 1, 2019.*

1 15A NCAC 02C .0306 is readopted as published in 33:10 NCR 1024 **with changes** 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 other structure is located other than indicated on the permit;
8 (3) The use of the structure is changed from the use specified on the permit;
9 (4) The septic system needs to be changed from the location indicated on the permit;
10 (5) Landscaping changes have been made that may 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);
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; or
14 (8) Any other changes occur in the information provided in the application for the well permit.

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

18 ~~Upon completion of construction of a private drinking water well, the Department shall complete an "as built"~~
19 ~~drawing of the well location.~~ The well contractor shall submit a copy of ~~Residential~~ Well Construction Record (GW-1)
20 to the local health department. Upon completion of construction or repair of a private drinking water well for which a
21 permit is required, the ~~Department~~ local health department shall inspect the well and issue a Certificate of Completion
22 that includes an "as built" drawing. Prior to the issuance of a Certificate of Completion, the ~~Department~~ local health
23 department shall shall verify that the well was constructed in the designated area and according to the well construction
24 permit and the rules of this Subchapter. The ~~Department~~ local health department shall inspect the grout around the casing
25 for any settling, inspect the well head after the well seal is in **place, place** and ~~obtain~~ verify that a well construction
26 ~~record~~ Well Construction Record has been received from the **certified well contractor. Certified Well Contractor.** No
27 person shall place a private drinking water well into service without first having obtained a Certificate of Completion.

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

30 *Eff. July 1, 2008; 2008;*

31 *Readopted Eff. July 1, 2019.*
32

1 15A NCAC 02C .0307 is readopted as published in 33:10 NCR 1024 **with changes** as follows:

2
3 **15A NCAC 02C.0307 WELL DATA AND RECORDS**

4 (a) Any person completing, **abandoning, abandoning** or repairing any well shall submit a record of the construction,
5 **abandonment, abandonment** or repair to the local health department and the Division of Water ~~Quality~~ Resources within
6 30 days of completion of construction, **abandonment, abandonment** or repair. The record shall be on a form provided by
7 the ~~Department~~ Department of Environmental Quality.

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 until the well is permanently abandoned in accordance with this Subchapter.

10
11 *History Note:* Authority G.S. 87-87; 87-97;

12 *Eff. July 1, ~~2008~~ 2008;*

13 *Readopted Eff. July 1, 2019.*

1 15A NCAC 02C .0309 is adopted as published in 33:10 NCR 1024 **with changes** as follows:

2
3 **15A NCAC 02C .0309 WELL ABANDONMENT AND CERTIFICATION**

4 (a) The applicant or well contractor shall contact the local health department to provide notification of intent to
5 permanently abandon a private drinking water well. ~~Contact shall well, and~~ include the location, permit number, and
6 anticipated time for abandonment of each private drinking water well. ~~well and the~~ If it is conducting an inspection, the
7 local health department shall schedule the appointment shall be scheduled by the end of the business day before the
8 abandonment is to occur except where the local health department has made provisions for scheduling inspections at
9 night or on the same day as the inspection.

10 (b) Upon notification from the well contractor, the local health department may opt to inspect the well abandonment
11 process. The local health department shall inform the well contractor of ~~their~~ its availability and intention to inspect the
12 well abandonment after notification pursuant to Paragraph (a) of this Rule. ~~as described in Rule .0305(c) of this Section.~~

13 When a local health department is unable to conduct the abandonment inspection within one hour of the scheduled time,
14 the well contractor may abandon the well without an inspection by the local health department.

15 (c) Upon completion of a permanent well abandonment, the local health department shall provide a written certification
16 on the well abandonment permit, or other local health department form, that a well abandonment inspection was
17 completed and that the abandonment is in compliance with the rules of 15A NCAC 02C .0100. When the local health
18 department opts to not inspect the permanent abandonment process, the well contractor shall provide written certification
19 to the local health department that the well has been abandoned in compliance with the rules of 15A NCAC 02C .0100.
20 A completed Well Abandonment Record form GW-30 ~~indicating~~ stating the well was abandoned in compliance with the
21 rules of this Section shall serve as the well contractor's abandonment certification.

22
23 History Note: Authority G.S. 87-87;

24 Eff. July 1, 2019.
25