

Forsyth County Board of Health
Rules Governing the Permitting and Inspection of Water Supply Wells
Not Intended for Human Consumption in Forsyth County, North
Carolina
Adopted Effective July 1, 2008

SECTION I - SCOPE AND PURPOSE

(a) The purpose of the rules of this Section is to protect public health and groundwater by setting out standards for the permitting and inspection of water supply wells not intended for human consumption in Forsyth County as defined in this Section.

(b) The rules of 15A NCAC 02C .0100 are applicable to water supply wells not intended for human consumption. In addition to the provisions in 15A NCAC 02C .0100, the following shall apply:

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

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

(3) In addition to the requirements of 15A NCAC 02C .0113 ABANDONMENT OF WELLS, any water supply wells not intended for human consumption which act as a source or channel of contamination shall be repaired or permanently abandoned within 30 days of receipt of notice from the local health department. The person abandoning the well shall make application to the Health Director for abandonment of the well, secure a permit for the abandonment and provide a minimum 24-hour notice to the local health department prior to commencement of permanent abandonment procedures.

*History Note: Authority G.S. 130A-39; 87-96;
July 1, 2008.*

SECTION II – DEFINITIONS

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

(1) "Addition" means any structure that is constructed, altered or placed on property that contains one or more wells. This would not include replacement of existing equipment

within the existing footprint of a structure and addresses only those situations for which a building permit is required.

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

(3) "Certificate of Completion" means a certification issued by the Health Director that a water supply well not intended for human consumption has been constructed or repaired in compliance with the construction permit or repair permit.

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

(5) "Construction permit" means a well construction permit issued by the Health Director authorizing or allowing the construction of any water supply well not intended for human consumption as defined in the rules of this Section.

(6) "Local Health Department" means the Forsyth County Department of Public Health or its successor.

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

(8) "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.

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

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

(11) "Repair permit" means a well repair permit issued by the Health Director authorizing or allowing the repair of any water supply well not intended for human consumption as defined in the rules of this Section.

(12) "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.

(13) "Water supply system" means pump and pipe used in connection with or pertaining to the operation of a water supply well not intended for human consumption well including pumps, distribution service piping, pressure tanks and fittings.

(14) "Water supply well not intended for human consumption" means a water supply well intended for any water supply use other than human consumption. The term does not include monitoring wells, injection wells, recovery wells, soil test wells or any other non water supply well.

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

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

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

*History Note: Authority G.S. 130A-39; 87-96;
July 1, 2008.*

SECTION III - APPLICATION FOR CONSTRUCTION PERMIT

An application for a permit to construct, repair, or abandon a water supply well not intended for human consumption shall be submitted to the Health Director by a property owner or the property owner's agent and shall include:

- (1) Name, address and phone number of the proposed well property owner or owner's agent;
- (2) Signature of owner or agent;
- (3) Address and parcel identification number of the property where the proposed well is to be located;
- (4) A plat or site plan as defined in the rules of this Section;
- (5) Intended use(s) of the property;
- (6) Other information deemed necessary by the Health Director to determine the location of the property and any site characteristics such as existing or permitted sewage disposal

systems, easements or rights of way, existing wells or springs, surface water or designated wetlands, chemical or petroleum storage tanks, landfills, waste storage, known underground contamination and any other characteristics or activities on the property or adjacent properties that could impact groundwater quality or suitability of the site for well construction;

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

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

*History Note: Authority G.S. 130A-39; 87-96;
July 1, 2008.*

SECTION IV - PERMITTING

(a) No person shall construct a water supply well not intended for human consumption without first obtaining a well construction permit from the Health Director. No person shall repair a water supply well not intended for human consumption without first obtaining a well repair permit except a well repair permit is not required for maintenance or pump repair or replacement. Disinfection in accordance with 15A NCAC 02C .0113 is a maintenance activity that does not require a repair permit. No person shall abandon a water supply well not intended for human consumption without first obtaining a well abandonment permit from the Health Director.

(b) Before issuing a well construction permit, the Health Director shall conduct a field investigation to evaluate the topography, landscape position, available space and potential sources of groundwater contamination on or around the site on which a water supply well not intended for human consumption is to be located. The Health Director shall issue a water supply well not intended for human consumption construction permit after determining the site can be permitted for a well meeting the rules of this Section. Notwithstanding the above, the Health Director 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 Health Director shall issue a written notice of denial of a construction permit if it determines a non-water supply well cannot be constructed in compliance with the rules of this Section. The notice of denial shall include reference to specific laws or rules that cannot be met and shall be provided to the applicant.

(c) A well construction permit is valid for a period of five years except that the Health Director may revoke a permit at any time if it is determined that there has been a material change in any fact or circumstance upon which the permit is issued. The validity of a construction permit or a repair permit is not affected by a change in ownership of the site on which a water supply well not intended for human consumption is proposed to be located. Well construction permits issued under local well rules prior to the effective date of these Rules remain valid for the term of those permits unless those permits are suspended or revoked. The Health Director may suspend or revoke any permits issued upon a determination that the rules of this Section have been violated.

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

History Note: Authority G.S. 130A-39; 87-96;

Eff. July 1, 2008.

SECTION V - GROUT INSPECTION: CERTIFICATION

(a) The well contractor shall contact the local health department to schedule a grout inspection before grouting a water supply well not intended for human consumption. Contact shall include the location, permit number and anticipated time for grouting each water supply well not intended for human consumption and the appointment shall be scheduled by the end of the business day before the grouting is to occur.

(b) Upon completion of a grout inspection, the Health Director 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 Health Director. The well contractor shall provide a written certification to the local health department that the well has been grouted in compliance with the rules of 15A NCAC 02C .0100. A completed Well Construction Record form GW-1 indicating the well was grouted in compliance with the rules of this Section shall serve as the well contractor's grout certification. For purposes of issuing a certificate of completion, the well contractor's grout certification shall be accepted by the Health Director 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. 130A-39; 87-96;

July 1, 2008.

SECTION VI - WELL COMPLETION AND CERTIFICATION

(a) After receiving a permit to construct a water supply well not intended for human consumption, the property owner or his agent shall notify the health department prior to well construction if any of the following occur:

- (1) The separation criteria specified in 15A NCAC 02C .0107 cannot be met;
- (2) The residence or other structure is located other than indicated on the permit;
- (3) The use of the structure is changed from the use specified on the permit;
- (4) The septic system needs to be changed from the location indicated on the permit;
- (5) Landscaping changes have been made that may affect the integrity of the well;
- (6) There are current or pending restrictions regarding groundwater use as specified in G.S. 87-88(a);

(7) The water source for any water supply well not intended for human consumption is adjacent to any water-bearing zone suspected or known to be contaminated; or

(8) Any other changes occur in the information provided in the application for the well permit.

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

(c) Upon completion of construction of a water supply well not intended for human consumption, the Health Director shall complete an "as built" drawing of the well location. The well contractor shall submit a copy of Residential Well Construction Record to the local health department. Upon completion of construction or repair of a water supply well not intended for human consumption for which a permit is required, the Health Director shall inspect the well and issue a Certificate of Completion. Prior to the issuance of a Certificate of Completion, the Department shall: verify that the well was constructed in the designated area and according to the well construction permit and the rules contained herein. The Health Director shall inspect the grout around the casing, inspect the well head after the well seal is in place and obtain a well construction record from the Certified Well Contractor. No person shall place a water supply well not intended for human consumption into service without first having obtained a Certificate of Completion.

*History Note: Authority G.S. 130A-39; 87-96;
July 1, 2008.*

SECTION VII - 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 Forsyth County Department of Public Health and the Division of Water Quality within 30 days of completion of construction, abandonment or repair. The record shall be on a form provided by the Department.

(b) The Forsyth County Department of Public Health shall maintain a registry of all permitted water supply wells not intended for human consumption, specifying the well location and any available water quality test results until the well is permanently abandoned in accordance with this Subchapter.

*History Note: Authority G.S. 130A-39; 87-96;
July 1, 2008.*

SECTION VIII – Severability

If any provision or clause of these rules shall be declared invalid, void or unconstitutional, such declaration shall not invalidate any other provision or clause of said rules.

*History Note: Authority G.S. 130A-39; 87-96;
July 1, 2008*

SECTION IX – Remedies

A person who violates a provision of this rule shall be guilty of a misdemeanor.

History Note: Authority G.S. 130A-25;

July 1, 2008

SECTION X - APPEAL PROCEDURE

Appeals concerning permit decisions or actions by the Health Director to enforce the rules of this Section shall be heard by the Forsyth County Board of Health and conducted according to the procedures established in G.S. 130A-24 (b)(c)(d).

History Note: Authority G.S. 130A-24 87-96;

July 1, 2008.

SECTION XI – Effective Date

These rules are adopted by the Forsyth County Board of Health on June 4, 2008 and shall be effective from and after July 1, 2008.

SIGNED:

Vera S. Robinson - June 4, 2008

Vera S. Robinson, O.T.R., CHAIRMAN, FORSYTH COUNTY BOARD OF HEALTH (DATE)