



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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June 29, 2018

GUIDANCE STATEMENT: Issuance of Private Drinking Water Well Permits

PURSUANT TO: Session Law 2018-65 (HB573)
<https://www.ncleg.net/Sessions/2017/Bills/House/PDF/H573v5.pdf>

SOURCE: Nancy Deal; Branch Head, Onsite Water Protection

ISSUE: Well Setbacks and Casing Depth Requirements

DISCUSSION AND RATIONALE:

In the 2018 Legislative Session the General Assembly amended language in 15A NCAC 02C .0107(a)(2)(A), 15A NCAC 02C .0107(b)(2), 15A NCAC 02C .0107(d)(4), and 15A NCAC 02C .0117 in Section 4.(c) of SL 2018-65. The information below pertains to private drinking water well permits issued on or after June 26, 2018 and the headings reference the pertinent Sections of the Session Law itself.

Section 4.(c)(1):

Amends 02C. 0107(a)(2)(A) to state that the minimum horizontal separation distance between a well serving a single-family dwelling and a septic tank and drainfield (including the drainfield repair area), shall be 50ø unless it is a sapolite system. This change eliminates the requirement for water supply wells to be located 100ø from a septic system/drainfield or repair area (if serving a single-family dwelling).

Section 4.(c)(2):

The language referenced in Section 4.(c) of SL2018-65 is identical to the wording currently found in section 15A NCAC 02C .0107(f)(1)(A).

Section 4.(c)(3):

Amends 15A NCAC 02C .0107(b)(2) to change the requirement for the minimum depth of the source of water in designated areas described in 15A NCAC 02C .0117 from the original depth of 35 feet to a 43 feet or greater.

Section 4.(c)(4):

Amends 15A NCAC 02C .0107(d)(4) to increase the casing depth requirements in 2C.0107(d)(4)(A) and 2C.0108(d)(4)(C) from 35 feet to a new depth of 43 feet. Furthermore,

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wells constructed with setback distances less than those specified in 2C. 0107(a)(2) or 2C. 0107(a)(3) shall also be required to have a minimum of 43 feet of casing.

Section 4.(c)(5):

Amends language in 15A NCAC 02C .0117 to require water supply wells constructed in the areas set out in 15A NCAC 02C .0117 or within 400 feet of these areas to be cased to a depth of 43 feet and grouted to a depth of 20 feet. This overrides the 20øgrouting requirement in 02C .0107(f)(1)(B) that previously required a minimum of 35øfor grout for those wells installed in the designated areas described in 15A NCAC 02C. 0117.

Section 4.(d)

The rule amendments mandated in Session Law 2018-65 are effective immediately. This Section directs the Environmental Management Commission to adopt rules that are substantively identical to Sections 4.(a) through 4.(c).

The new language from the Session Law reads:

AMEND WELL CASING, GROUTING, AND SETBACK REQUIREMENTS

SECTION 4.(a) Definitions. – *"Well Standards Rules" means 15A NCAC 02C .0101 through 15A NCAC 02C .0119 (Criteria and Standards Applicable to Water-Supply and Certain Other Types of Wells) for purposes of this section and its implementation.*

SECTION 4.(b) Well Standards Rules. – *Until the effective date of the revised permanent rules that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Well Standards Rules as provided in subsection (c) of this section.*

SECTION 4.(c) Implementation. – *The Well Standards Rules shall be implemented as follows:*

- (1) *Notwithstanding 15A NCAC 02C .0107(a)(2)(A) (Standards of Construction: Water Supply Wells), the minimum horizontal separation between a water supply well serving a single-family dwelling and a septic tank and drainfield, including the drainfield repair area, shall be 50 feet, except that the minimum horizontal separation between a water supply well serving a single-family dwelling and a sapolite system as described in 15A NCAC 18A .1956 shall be 100 feet.*
- (2) *Notwithstanding 15A NCAC 02C .0107(f)(1) (Standards of Construction: Water Supply Wells), casing shall be grouted to a depth of 20 feet below the surface, except that in those areas designated by the Director to meet the criteria of 15A NCAC 02C .0116 (Designated Areas: Water Supply Wells Cased to Less Than 20 Feet), grout shall extend to a depth of two feet above the screen or, for open end wells, to the bottom of the casing, but in no case less than 10 feet.*
- (3) *Notwithstanding 15A NCAC 02C .0107(b)(2) (Standards of Construction: Water Supply Wells), in designated areas described in 15A NCAC 02C .0117 (Designated Areas: Water Supply Wells Cased to Minimum Depth of 35 Feet), the source of water shall be greater than 43 feet below land surface.*
- (4) *Notwithstanding 15A NCAC 02C .0107(d)(4) (Standards of Construction: Water Supply Wells), well located within the area described in 15A NCAC 02C .0117 (Designated Areas: Water Supply Wells Cased to Minimum Depth of 35 Feet) shall be cased from*

land surface to a depth of at least 43 feet and wells constructed with separation distances less than those specified in 15A NCAC 02C .0107(a)(2) based on lot size or other fixed conditions as specified in 15A NCAC 02C .0107(a)(3) shall be cased from land surface to a depth of at least 43 feet except in areas described in 15A NCAC 02C .0116 (Designated Areas: Water Supply Wells Cased to Minimum Depth of 20 Feet).

- (5) *Notwithstanding 15A NCAC 02C .0117 (Designated Areas: Water Supply Wells Cased to Minimum Depth of 35 Feet), water supply wells constructed in the areas set out in 15A NCAC 02C .0117 or within 400 feet of these areas shall be cased to a depth of 43 feet and grouted to a depth of 20 feet.*

SECTION 4.(d) *Additional Rule-Making Authority. – The Commission shall adopt rules to amend the Well Standards Rules consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).*

SECTION 4.(e) *Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.*