

**IRRIGATION WELL RULES**

**\*\*\*PLEASE NOTE THAT ALL PROVISIONS OF NORTH CAROLINA ADMINISTRATIVE CODE TITLE 15A, SUBCHAPTER 2C, SECTION .0100 (WELL CONSTRUCTION STANDARDS) REMAIN IN EFFECT IN CARTERET COUNTY. PLEASE REFER TO 15A NCAC 2C FOR FULL REGULATORY REQUIREMENTS RELATED TO WELL CONSTRUCTION WHEN REFERENCING CARTERET COUNTY'S REGULATIONS.**

**REGULATIONS GOVERNING THE PERMITTING,  
CONSTRUCTION, INSPECTION, REPAIR, AND  
ABANDONMENT OF IRRIGATION WELLS IN CARTERET  
COUNTY**

**ADOPTED: June 10, 2013**

**EFFECTIVE DATE: June 30, 2013**

**CARTERET COUNTY HEALTH DEPARTMENT**

**MOREHEAD CITY, NORTH CAROLINA**

**REGULATIONS GOVERNING WELL CONSTRUCTION, AND GROUNDWATER PROTECTION IN CARTERET COUNTY**

WHEREAS, THE CARTERET COUNTY BOARD OF HEALTH HAS THE RESPONSIBILITY TO PROTECT AND PROMOTE THE PUBLIC'S HEALTH; AND

WHEREAS, THE NORTH CAROLINA COMMISSION FOR HEALTH SERVICES' REGULATIONS APPLY ONLY TO COMMUNITY WATER SUPPLIES AND PRIVATE WATER WELLS; AND

WHEREAS, THE CARTERET COUNTY BOARD OF HEALTH IS OF THE OPINION THAT LOCAL CONDITIONS WHICH EXIST IN CARTERET COUNTY THAT JUSTIFY IMPOSING MORE STRINGENT MINIMUM STANDARDS IN CERTAIN INSTANCES IN ORDER TO REASONABLY INSURE THAT IRRIGATION WELLS ARE SAFE AND ADEQUATE; AND

WHEREAS, THE CARTERET COUNTY BOARD OF HEALTH RECOGNIZES THE IMPORTANCE OF ADOPTING RULES AND REGULATIONS AS ARE NECESSARY TO PROTECT AND PROMOTE THE PUBLIC HEALTH OF THE CITIZENS OF CARTERET COUNTY.

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING REGULATIONS ARE ADOPTED BY THE CARTERET COUNTY BOARD OF HEALTH PURSUANT TO AUTHORITY CONTAINED IN CHAPTER 130A, ARTICLE 2, SECTIONS 39(b) AND 43 (b) AND SHALL APPLY TO IRRIGATION WELLS AS DEFINED IN THE REGULATIONS. SPECIFIC RULES OF THE COMMISSION FOR HEALTH SERVICES AND THE ENVIRONMENTAL MANAGEMENT COMMISSION INCORPORATED IN THESE REGULATIONS ARE ADOPTED BY REFERENCE AND SHALL BECOME AN INTEGRAL PART OF THE REGULATIONS.

BE IT FURTHER RESOLVED, THAT ON THE DATE OF ADOPTION, THE CARTERET COUNTY BOARD OF HEALTH DIRECTS CARTERET COUNTY, ENVIRONMENTAL HEALTH SECTION TO DEVELOP NECESSARY PROCEDURES FOR ENFORCING THE PROVISIONS OF THE REGULATIONS AND INITIATE THESE PROCEDURES ON THE EFFECTIVE DATE.

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## **SECTION 101. GENERAL PROVISIONS**

(a) **AUTHORIZATION.** The Carteret County Health Department is authorized under the provisions of Chapter 130A-39 and Chapter 87-96 of the General Statutes of North Carolina to adopt appropriate rules and regulations for the protection of the public health.

(b) **PURPOSE.** It is the finding of the Carteret County Board of Health that public health and groundwater resources within the entire geographical area of Carteret County are vulnerable to groundwater pollution from improperly located, constructed, operated, altered, or abandoned irrigation wells. Therefore, in order to insure reasonable protection of the groundwater resources and consistent with the responsibility to protect and advance the public health, it is declared to be the policy of the Carteret County Board of Health to require that the location, construction, repair and abandonment of irrigation wells conform to such reasonable standards and requirements as may be necessary to protect the public health and groundwater resources.

(c) **SCOPE.** The provisions set forth herein shall apply to water wells as defined in GS 87-85. Statewide regulations regarding irrigation wells and all other well types remain in effect in Carteret County.

Irrigation wells. Wells drilled for irrigation supplies as defined in Section 102, (DEFINITIONS) shall also meet the applicable provisions of the North Carolina Administrative Code, Title 15A, Subchapter 2C, "Well Construction Standards", of the Environmental Management Commission.

(d) **CONFLICT WITH OTHER LAWS AND REGULATIONS.** The provisions of any federal, state, or municipal law or regulation establishing standards affording greater protection to the public welfare, safety, health and the groundwater resources shall prevail within the jurisdiction of such agency or municipality over standards established by these regulations.

(e) **INSPECTION.** Before being used to supply water, all newly constructed irrigation wells shall be inspected for compliance with the requirements of this rule.

## **SECTION 102. DEFINITIONS.**

The definitions contained in 15A NCAC 02C .0102 are included as if fully set forth herein, which are hereby incorporated by reference including any subsequent amendments and editions. The following definitions are included to supplement the definitions in 15A NCAC 02C .0102:

**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.

**BOARD OF HEALTH** means the Carteret County Board of Health or successor entity.

**CONSTRUCTION PERMIT** means a well construction permit issued by the Carteret County Health Department authorizing or allowing the construction of any irrigation well as defined in these rules.

**DIRECTOR** means the Director of the Carteret County Health Department, or successor.

**HEALTH DEPARTMENT** means the Carteret County Health Department, or its successor.

**IRRIGATION WELL** means any excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of withdrawing groundwater for providing water for agricultural purposes, including watering plants on private property.

**PERSON** means any and 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.

**PUMPS AND PUMPING EQUIPMENT** means the pump, the well seal and any other equipment or materials used or intended to be used for withdrawing or obtaining groundwater.

**REPAIR** means work involved in deepening or changing depths, reaming, sealing, installing a liner pipe, perforating, screening or cleaning, acidizing or redeveloping a well excavation or any other work which results in breaking or opening the well seal. This shall not apply to repair or replacement of the pump, including submersible pumps, or tank; however, routine pump maintenance or replacement shall be followed by disinfection of the water system and proper replacement of the seal.

**REPAIR PERMIT** means a well repair permit issued by the Carteret County Health Department authorizing or allowing the repair of any irrigation well as defined in this ordinance.

**SITE PLAN** means a drawing not necessarily drawn to scale that shows the existing and proposed property lines with dimensions, the facility and appurtenances, wastewater system(s), and water supplies and surface waters.

**WATER SUPPLY** means any source of ground water.

**WATER SUPPLY SYSTEM** means pump and pipe used in connection with or pertaining to the operation of a water well including pumps, distribution service piping, pressure tanks and fittings.

**WELL CONSTRUCTION** includes all acts necessary to construct wells for any intended use, including the location and excavation of the well, placement of casings, grouting, screens, and fittings, development and testing.

**WELL CONTRACTOR ACTIVITY** means the construction, installation, repair, alteration or abandonment of any well.

**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.

**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.

### **SECTION 103. RESERVED**

### **SECTION 104. RESERVED**

### **SECTION 105. APPLICATIONS, PERMITS AND CONSTRUCTION**

The provisions of 15A NCAC 02C.0105 are not adopted by reference, but as statewide regulations of the North Carolina Environmental Management Commission, they remain in effect in Carteret County. The following requirements are adopted:

#### **(a) APPLICATION FOR CONSTRUCTION PERMIT**

An application for a well construction permit or a well repair permit shall be submitted to the Carteret County Health Department by a property owner or the

property owner's authorized agent who intends to construct, repair, alter or abandon an irrigation well.

The application shall include but not be limited to the following:

1. Name, address and phone number of the proposed well property owner and/or authorized agent.
2. Address and parcel identification number of the property where the proposed well is to be located.
3. A site plan as defined in these rules. The site plan shall also include: all easements, including utility easements, all structures or proposed structures, including but not limited to a residence, decks, porches, pools, driveways, out buildings, existing or proposed wastewater systems, existing or proposed wells, springs, or water lines, any surface waters or designated wetlands, chemical or petroleum storage tanks above or below ground
4. Other information deemed necessary by the Health Director

**(b) PERMITTING**

No person shall commence with the construction of an irrigation well without first obtaining a well construction permit from the Health Department. No person shall commence with the repair, alteration, or abandonment of an irrigation well without first obtaining a well repair or abandonment permit from the Health Department.

- (1) Prior to issuing a well construction permit, the Health Department shall conduct a field investigation to evaluate the site on which an irrigation well is proposed to be located. A well construction permit shall be issued, once it is determined that a site can be permitted for a well, meeting the provisions of these rules,
- (2) A well construction permit or repair permit shall be valid for a period of five years except that the 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 is issued. The validity of a construction permit or a repair permit shall not be affected by a change in ownership of the site on which an irrigation well is proposed to be located. The Health Department may suspend or revoke any permits issued upon a determination that the provisions of these regulations have been violated.
- (3) If there is an improperly abandoned well(s) on the site, the construction permit shall be conditioned upon permanent abandonment in

accordance with 15A NCAC 2C .0113 of any improperly abandoned well(s).

When permits pertaining to the property where the proposed well is to be located are issued by other agencies for any type of well not covered by these regulations, the property owner must file a copy of that permit with the Health Department within 30 days from the date of issuance.

**(c) WELL CONSTRUCTION**

These characteristics shall be evaluated pursuant to the siting standards in 15A NCAC 02C .0107.

(1) The property owner or his agent must notify the Health Department prior to well construction if any of the following occur:

- The separation criteria specified in 15A NCAC 02C .0107 cannot be met.
- The residence or business is relocated other than originally intended.
- The use of the building is changed from the use originally permitted.
- There is a need to install the septic system in an area other than indicated on the permit.
- Landscaping changes have been made that affect site drainage.
- There are current or pending restrictions regarding groundwater use
- The water source for any well is adjacent to any water-bearing zone suspected or known to be contaminated.

(2) The well contractor shall maintain a copy of the well construction permit on the job site at all times during the construction, repair or abandonment of the well. The well contractor shall be responsible for meeting all siting and construction standards assuring all required setbacks and separations are met.

(3) The well contractor, owner or agent shall not commence any well construction within fifty (50) feet of a utility easement without the easement and utility clearly located and marked by the utility owner. The well contractor, owner or agent must contact North Carolina One Call Center, Inc. or other utility representatives designated to receive written or oral notice of intent to excavate in accordance with G.S. 87-110(a), to have the easement and utility clearly located and marked.

(4) Upon completion of construction of a irrigation well or repair of a irrigation well for which a permit is required under this section, the Health Department shall inspect the well to determine whether it was constructed or repaired in compliance with the construction permit or repair permit. Prior to the issuance of a certificate of completion, the Health Department shall: verify that the well was constructed in the designated area

according to the well construction permit, inspect the grout and the annulus before the grout is placed around the casing and observe as the grout is placed 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 an irrigation well into service without first having obtained a certificate of completion.

It shall be the duty of the builder, well contractor or the homeowner, as needed, to provide assistance when necessary for the completion of these requirements.

(5) No person shall allow permanent electrical service to a residence, place of business or place of public assembly upon construction, location or relocation until the official electrical inspector with jurisdiction as provided in General Statutes (GS) 143-143.2 certifies to the electrical supplier that the required well system Certification of Completion has been obtained. Replacement wells are exempt from the above provision. Replacement wells must meet all other provisions of these rules.

#### **SECTION 106. RESERVED**

#### **SECTION 107. STANDARDS OF CONSTRUCTION: WATER SUPPLY WELLS**

- (a) The provisions contained in 15A NCAC 02C .0107 STANDARDS OF CONSTRUCTION: WATER-SUPPLY WELLS, are hereby incorporated by reference, including any subsequent amendments or editions.
- (b) Separation distances as required in 15A NCAC 02C .0107 STANDARDS OF CONSTRUCTION: WATER-SUPPLY WELLS shall apply to all additions. No potential source of groundwater contamination can be added within the minimum horizontal separation distances listed in 15A NCAC 02C .0107 STANDARDS OF CONSTRUCTION: WATER SUPPLY WELLS (a)(1) through (5).

#### **SECTION 108. RESERVED**

#### **SECTION 109. PUMPS AND PUMPING EQUIPMENT**

The provisions contained in 15A NCAC 02C .0109 PUMPS AND PUMPING EQUIPMENT are hereby incorporated by reference including any subsequent amendments and editions.

The provisions of 15A NCAC 02C .0109(f) are applicable to these rules and is modified by:

Or a threaded hose bibb with a backflow preventer or backflow breaker may be installed in place of a sampling tap.

#### **SECTION 110. WELL TESTS FOR YIELD AND CAPACITY**

The provisions contained in 15A NCAC 02C .0110 WELL TESTS FOR YIELD are hereby incorporated by reference including any subsequent amendments and editions.

#### **SECTION 111. DISINFECTION OF WATER SUPPLIES, SAMPLING AND WATER QUALITY STANDARDS**

The provisions contained in 15A NCAC 02C .0111 DISINFECTION OF WATER SUPPLY WELLS are hereby incorporated by reference including any subsequent amendments and editions.

#### **SECTION 112. WELL MAINTENANCE AND REPAIR.**

The provisions contained in 15A NCAC 02C .0112 WELL MAINTENANCE: REPAIR: GROUNDWATER RESOURCES are hereby incorporated by reference including any subsequent amendments and editions.

#### **SECTION 113. ABANDONMENT OF WELLS.**

The provisions contained in 15A NCAC 02C .0113 ABANDONMENT OF WELLS are hereby incorporated by reference including any subsequent amendments and editions.

#### **SECTION 114. DATA AND RECORDS REQUIRED**

The provisions of 15A NCAC 02C .0114, which are hereby incorporated by reference including any subsequent amendments and editions with the following changes:

The provisions of 15A NCAC 02C .0114 (a) are not applicable to these rules.

Modify paragraph (b) as follows:

The Carteret County Health Department shall maintain a registry of all irrigation wells specifying the well location.

**SECTION 115. RESERVED**

**SECTION 116. DESIGNATED AREAS: WELLS CASED TO LESS THAN 20 FEET**

The provisions contained in 15A NCAC 02C .0116 DESIGNATED AREAS: WELLS CASED TO LESS THAN 20 FEET are hereby incorporated by reference including and subsequent amendments and editions.

**SECTION 117. DESIGNATED AREAS: WELLS CASED TO MINIMUM DEPTH OF 35 FEET**

The provisions contained in 15A NCAC 02C .0117 DESIGNATED AREAS: WELLS CASED TO MINIMUM DEPTH OR 35 FEET are hereby incorporated by reference including any subsequent amendments and editions.

**SECTION 118. VARIANCES**

The provisions contained in 15A NCAC 02C .0118 VARIANCE are hereby incorporated by reference including any subsequent amendments and editions.

**SECTION 119. ENFORCEMENT AND PENALTIES**

If any person violates any part of these regulations or willfully fails to perform any acts required by these regulations, he shall be guilty of a misdemeanor and shall be subject to sanctions as provided in N.C.G.S. 130A-25, 87-94 and 87-95; additionally, he may have any permit or registration issued pursuant to these rules suspended or revoked. Such enforcement procedures shall be in addition to and not to the exclusion of any other civil enforcement mechanisms available under law.

**SECTION 120. INJUNCTIONS**

If any person violates any of these regulations or if any person hinders or interferes with the proper performance of duty by the Health Department, the Director may institute an action in the Superior Court of Carteret County for injunctive relief as provided in N.C.G.S. 130A-18.

**SECTION 121. APPEAL PROCEDURE**

Appeals concerning the interpretation and enforcement of these rules shall be conducted in accordance with N.C.G.S. 130A-24.

**SECTION 122. SEVERABILITY**

If any provision or clause of these regulations or the application thereof shall be declared invalid by a court of competent jurisdiction, such declaration shall not invalidate any other provision, clause, or application of these regulations.

**SECTION 123. EFFECTIVE DATE**

These rules and regulations adopted by the Carteret County Board of Health on this the 10<sup>th</sup> day of June, 2013 and shall be in full force and effect from and after June 30, 2013.

SIGNED: Patricia Schweis  
Chairman, Carteret County Board of Health:

SIGNED: J. Garrett  
Director, Carteret County Health Department

ATTEST:

SIGNED: Paula Stanley  
Recorder (Clerk), Carteret County Board of Health