

WAYNE COUNTY WELL REGULATIONS

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

REGULATIONS GOVERNING THE PERMITTING, CONSTRUCTION, INSPECTION, REPAIR, ABANDONMENT AND WATER QUALITY TESTING OF PRIVATE WATER SUPPLY WELLS REPAIR, INSPECTION, SAMPLING IN WAYNE COUNTY

ADOPTED: DECEMBER 20, 2006

WAYNE COUNTY HEALTH DEPARTMENT

GOLDSBORO, NORTH CAROLINA

REGULATIONS GOVERNING WELL CONSTRUCTION, AND GROUNDWATER PROTECTION IN WAYNE COUNTY

WHEREAS, THE WAYNE 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 WELLS FURNISHING WATER TO ESTABLISHMENTS UNDER FOOD, LODGING, INSTITUTIONAL, NURSING HOMES, DAY CARE FACILITIES, ETC. REGULATED BY STATE INSPECTIONAL PROGRAM; AND

WHEREAS, THE WAYNE COUNTY BOARD OF HEALTH IS OF THE OPINION THAT LOCAL CONDITIONS WHICH EXIST IN WAYNE COUNTY THAT JUSTIFY IMPOSING MORE STRINGENT MINIMUM STANDARDS IN CERTAIN INSTANCES IN ORDER TO REASONABLY INSURE THAT **PRIVATE WATER SUPPLY WELLS** ARE SAFE AND ADEQUATE FOR DOMESTIC USE; AND

WHEREAS, THE WAYNE 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 WAYNE COUNTY.

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING REGULATIONS ARE ADOPTED BY THE WAYNE COUNTY BOARD OF HEALTH PURSUANT TO AUTHORITY CONTAINED IN CHAPTER 130A, ARTICLE 2, SECTIONS 39(b) AND 43 (b) AND SHALL APPLY TO **PRIVATE WATER SUPPLY 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 WAYNE COUNTY BOARD OF HEALTH DIRECTS WAYNE 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 Wayne 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) INTERIM APPLICABILITY. This ordinance will remain in effect until Ratified House Bill 2873 and technical corrections Senate Bill 1523 Sections 50.(a),(b) and (C) and Section 51 go into effect July 1, 2008. At that time this ordinance may be amended by the Wayne County Board of Health to comply with the statutes and rules. Any existing local rule that is more stringent may be readopted in accordance with 130A-39 and G.S. 87-96.

(c) PURPOSE. It is the finding of the Wayne County Board of Health that public health and groundwater resources within the entire geographical area of Wayne County are vulnerable to groundwater pollution from improperly located, constructed, operated, altered, or abandoned **private water supply 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 Wayne County Board of Health to require that the location, construction, repair and abandonment of **private water supply wells** conform to such reasonable standards and requirements as may be necessary to protect the public health and groundwater resources.

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

Private water supply wells. Wells drilled for private water 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.

(e) 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.

(f) INSPECTION. Before being used to supply water for human consumption, all newly constructed **private water supply wells** shall be inspected for compliance

with the requirements of this ordinance and tested for yield and capacity as outlined in Section 110 (WELL TESTS FOR YIELD AND CAPACITY)

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 Wayne County Board of Health or successor entity.

CONSTRUCTION PERMIT means a well construction permit issued by the Wayne County Health Department authorizing or allowing the construction of any private drinking water well as defined in this ordinance.

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

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

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.

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 the proposed facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters. '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.

PRIVATE WATER SUPPLY WELL means any excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of locating, testing, developing, draining or recharging any groundwater reservoirs or aquifer, or that

may control, divert, or otherwise cause the movement of water from or into any aquifer. This well could serve for human consumption with 14 or fewer service connections or that serves or is proposed to serve 24 or fewer individuals, also the well could serve for irrigation. The term 'private water supply well' includes a well that supplies drinking water to a transient noncommunity water system as defined in 40 Code of Federal Regulations 141.2 (1 July 2003 Edition).

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 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 Wayne Health Department authorizing or allowing the repair of any **private water supply well** as defined in this ordinance.

SAPROLITE means the body of porous material formed in place by weathering of igneous or metamorphic rocks. Saprolite has a massive, rock-controlled structure, and retains the fabric (arrangement of minerals) of its parent rock in at least 50 percent of its volume. Saprolite can be dug with hand tools. The lower limit of saprolite is "rock" and its upper limit is "soil" or the land surface. The term "saprolite" does not include sedimentary parent materials.

SITE PLAN means a drawing not necessarily drawn to scale that shows the existing and proposed property lines with dimensions, the location of the facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters.

WATER SUPPLY means any source of **drinking or water for irrigation**.

WATER SUPPLY SYSTEM means pump and pipe used in connection with or pertaining to the operation of a **private water supply 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. REGISTRATION

The provisions of 15A NCAC 02C.0103 are not adopted by reference, but as statewide regulations of the North Carolina Environmental Management Commission, they remain in effect in Wayne County. The following requirements are adopted.

(a) WELL CONTRACTOR REGISTRATION

(1) All persons engaging in well contractor activities involving **private water supply wells** in Wayne County shall register annually with the Health Department.

(2) Registrations shall be renewed from January 1 to January 31 of each year. The applicant shall submit at least the following information:

- Name
- Name of Business
- Address
- Telephone numbers
- Names of certified well contractors employed and certification number

(3) A person seeking registration shall complete and submit an application form provided by the Health Department.

(4) All persons to be registered as a well contractor in Wayne County must be certified in accordance with 15A NCAC 27, Well Contractor Certification Rules, Sections .0100- .0900 (Criteria and Standards Applicable to Well Contractor Certification)

(b) WATER SAMPLER REGISTRATION

(1) With the exception of representatives of the Department of Environment and Natural Resources, every person collecting drinking water for the purpose of sampling and testing from newly constructed **private water supply wells** shall register annually with the Wayne County Health Department. Samplers will be limited to representatives of the Wayne County Health Department, representatives of the Department of Environment and Natural Resources, authorized representatives of a certified laboratory, registered sanitarians, certified well operators or others as approved by the Wayne County Health Department.

(2) A person seeking registration shall complete and submit an application form provided by the Health Department from January 1 to January 31 of each year. Upon submitting a properly completed application form, the applicant will be registered. The applicant shall submit at least the following information:

- Name
- Name of Business
- Address
- Telephone numbers
- Names of employees collecting samples

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 Wayne 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 Wayne County Health Department by a property owner or the property owner's authorized agent who intends to construct, repair, alter or abandon a **private water supply 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 (plat) site plan as defined in this ordinance. The (plat) 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 a **private water supply well** without first obtaining a well construction permit from the Health Department. No person shall commence with the repair, alteration, or abandonment of a **private water supply well** without first obtaining a well repair 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 a private water supply well is proposed to be located. A well construction permit shall be issued, after determining 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 a **private water supply 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 intended for domestic use 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 private water supply well or **repair of a private water supply 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 a **private water**

supply 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 regulations.

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 except that 15A NCAC 02C .0107 (a)(2)(A) and (a)(3)(A) are not adopted by reference.
- (b) The minimum horizontal separation distance between a well and an existing septic tank, drainfield, repair area or area permitted for an on-site wastewater system that has not been installed and a designated repair area for that system shall be 100 feet. For a well serving a single-family dwelling where lot size or other fixed conditions preclude the separation distances specified above, the required horizontal separation distances shall be the maximum possible but shall in no case be less than 50 feet between a well and a septic tank, drainfield, repair or area permitted for an on-site wastewater system that has not been installed and a designated repair area for that system.
- (c) In addition to the standards incorporated by reference above, all minimum horizontal separation distances required in (a) and (b) above shall apply to the following:
 1. Any addition or expansion or replacement of existing structures, including but not limited to a residence, mobile home, decks, porches, pools, driveways and out buildings, and septic systems, drainfields and repair areas.

2. New or proposed structures, including but not limited to a residence, mobile home, decks, porches, pools, driveways and out buildings and septic systems, drainfield and repair areas.

- (d) The minimum horizontal separation distance shall be 100 feet between a well and an existing on-site wastewater system installed in saprolite and a proposed on-site wastewater system for which an improvement permit has been issued and which is to be installed in saprolite, including any repair area designated for that system that has been permitted to be installed in saprolite.
- (e) The minimum horizontal separation distance shall be 500 feet between a well and a chemical or petroleum underground storage tank regulated under 15A NCAC 02N, which does not provide secondary containment.
- (f) The minimum horizontal separation distance shall be 100 feet between a well and a chemical or petroleum underground storage tank regulated under 15A NCAC 02N, which provides secondary containment.
- (g) The minimum horizontal separation distance shall be 100 feet between a well and a spray or drip irrigation site or any other site as defined in 15A NCAC 02T.

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 following provisions are included to supplement the provisions in 15A NCAC 02C .0109:

Modify (f) to read as follows: The person installing the pump shall install a hose bibb at the wellhead for the purpose of obtaining water samples, except in the case of a well with a suction pump. For wells with suction pumps, the hose bibb shall be located at the pump outlet. The hose bibb must be located in the piping, turned downward and positioned such that a water sample can be easily obtained without interference from any part of the wellhead.

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. The following provisions are included to supplement the provisions in 15A NCAC 02C .0111:

Modify paragraph (2) as follows: Other materials and methods of disinfection at least as effective as those in item 15A NCAC .02C .0111 (1) (Chlorination) may be used upon completion of construction, maintenance, repair, pump installation, and testing upon prior approval by the Health Department.

Add as paragraph (3): continuous disinfection of water supplies. Water supply wells, which repeatedly fail to test, absent for coliform bacteria and upon inspection are constructed properly shall be equipped with a continuous disinfection device that meets the conditions listed below:

- (a) Ultraviolet Disinfecting Units must be constructed and installed to meet or exceed National Sanitation Foundation Standard 55 class A.
- (b) Chlorinator- Continuous chlorination systems must provide continuous chlorination with a minimum chlorine residual of 0.2 mg/l and a chlorine contact time of at least twenty (20) minutes.
- (c) Other materials and methods of disinfection may be used upon prior approval by the Health Department, however, continuous disinfection may not be applied directly to or within the well.

Add as paragraph (4) Drinking Water Testing

Add paragraph (4)(a): All newly constructed private drinking water wells shall be tested within 30 days after the Health Department has issued a certificate of completion for the following parameters: arsenic, barium, cadmium, chromium, copper, fluoride, lead, iron, magnesium, manganese, mercury, nitrates, nitrites, selenium, sodium, zinc, pH, and bacterial indicators. A compliance sample, testing absent for coliform bacteria shall serve as confirmation that a well water supply complies with the water quality standards of this section.

Add paragraph (4)(b): For all new private drinking water supplies, a compliance sample shall be collected not less than 24 hours after the chlorine or other disinfecting agent has been purged from the well and water supply system. Prior to collecting a sample, the Health Department or the registered water sampler shall test the water for residual chlorine. Compliance samples will not be collected from:

- i. Water supply systems that contain residual chlorine
- ii. New systems that have not been properly chlorinated.
- iii. Wells that appear to be improperly protected or constructed.
- iv. Incomplete systems, i.e., wells without a functioning pump or completed well. It is the responsibility of the well owner to provide a source of power for the purpose of collecting the compliance sample.

Add paragraph (4)(c): Compliance samples will be collected only by persons approved per Section 103 (c) (WATER SAMPLER REGISTRATION) of these regulations. Compliance samples shall be collected from the hose bibb at or closest to the wellhead. A chain of custody will be maintained between the person authorized to collect the compliance sample and the certified laboratory.

Add paragraph (4)(d): Compliance samples must be analyzed in the North Carolina State Laboratory of Public Health, the Wayne County Health Department Laboratory or in a contract laboratory certified by the Certification Unit of the Division of Public Health or a contract laboratory certified by the Division of Water Quality.

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. The following provisions are included to supplement the provisions in 15A NCAC 02C .0112:

Add paragraph (e) The Health Department or the Department may inspect any well by video before repairs are made. The Health Department may inspect the liner and packer materials before they are installed, as they are installed in the well and/or after they are installed.

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. The following provisions are included to supplement the provisions in 15A NCAC 02C .0113:

Modify paragraph (c) as follows: Any well which acts as a source or channel of contamination shall be repaired or permanently abandoned within 30 days of receipt of notice from the Health Department or within thirty (30) days of commencement of the construction.

Add paragraph (f): The person or firm abandoning any well will provide a minimum twenty-four (24) hour notice to the Health Department prior to the commencement of permanent abandonment procedures.

A field investigation shall be conducted to determine whether there is any improperly abandoned well(s) located on the site. The construction permit shall be conditioned upon the permanent abandonment in accordance with 15A NCAC 2C .0113 of any improperly abandoned wells on the site.

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:

(1) Any person completing abandoning or repairing any private drinking water well in Wayne County shall submit to the Health Department and to the well owner a record of the construction, repair or abandonment which includes the owner's name, the well's location, diameter and depth, casing depth, the method of finishing or abandoning, static water level, pumping water level, yield, pump type, capacity and setting, and date of completion or abandonment.

(2) The reports required shall be submitted to the Health Department within five (5) working days after completing construction, abandonment or repair.

(3) Reports shall be certified by the contractor or other person completing the construction, abandonment or repair.

The Wayne County Health Department shall provide water quality tests results to the owner of the newly constructed drinking water supply well.

The Wayne County Health Department shall maintain a registry of all **private water supply wells**, specifying the well location and the water quality test results.

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 Wayne 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 Wayne County Board of Health on this the 20th day of December, 2006 and shall be in full force and effect from and after April 1, 2007.

SIGNED: Jeffrey Kornegay, P.E.
Jeffrey Kornegay, P.E., Wayne County Board of Health Chair

SIGNED James Roosen
James Roosen, Director, Wayne County Health Department