

**MECKLENBURG COUNTY BOARD OF HEALTH RULE  
GOVERNING PRIVATE DRINKING WATER SUPPLY WELLS**

**CHAPTER I  
GENERAL PROVISIONS**

Be it ordained by the Mecklenburg Board of County Commissioners (while exercising the power of a Board of Health, which powers it has assumed and conferred on itself by action pursuant to G.S. 153A-77), that the following Mecklenburg County Board of Health Rule Governing Private Drinking Water Supply Wells (hereinafter the Rule) requiring registration, permitting, sampling and monitoring activities for certain private drinking water supply wells in Mecklenburg County for the protection of public health and safety, is hereby adopted pursuant to G.S. 130A-39(a). This Rule shall apply throughout Mecklenburg County, North Carolina.

**SECTION I GENERAL PROVISIONS and ADMINISTRATION**

- (A) Authorization - The Mecklenburg Board of County Commissioners (hereinafter called BOCC), acting as a Board of Health, is authorized under the provisions of G.S. 130A-39 to adopt appropriate rules and regulations for the protection of the public health.
- (B) Delegation of Authority - The Public Health Director (hereinafter called the Director) may delegate the processing of permit applications, the issuance of permits, the denial of permits, the renewal of permits, and the modification of permits, to the supervisory level that he/she considers appropriate. The Director shall appoint adequate administrative and technical staff to ensure the efficient administration of this Rule.
- (C) Purpose – It is the finding of the BOCC, acting as a Board of Health, that the entire geographical area of Mecklenburg County is vulnerable to groundwater pollution from improperly located, constructed, operated, altered or abandoned private drinking water supply wells. Therefore, in order to ensure reasonable protection of the groundwater resource and to be consistent with the responsibility to protect public health, it is declared to be policy of the BOCC to require that the location, construction, repair and abandonment of such wells conform to this Rule.
- (D) Scope - No Person shall construct, repair or abandon or cause to be constructed, repaired or abandoned, any private drinking water supply well contrary to the provisions of this Rule and Articles 7 and 7A of G.S. 87. Previously adopted procedures and requirements of the Mecklenburg County Public Health Department (hereinafter called the Department) are superseded by this Rule.
- (E) The provisions of any federal, state or municipal law or regulation establishing standards affording greater protection to the public and groundwater resources shall prevail over standards established by this Rule. If any section or sections conflict

within this Rule or with any other regulation, the more stringent regulation prevails. This Rule does not replace the North Carolina standards for the Permitting and Inspection of Private Drinking Water Wells in 15A NCAC 02C Section .0300, but apply in addition to those standards.

- (F) If any section or sections of this Rule is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.
- (G) All well permit applications must be evaluated by the Director in accordance with this Rule. A well permit or subsurface investigation permit shall be issued in compliance with this Rule.
- (H) No person shall consume water from a newly constructed well or following a permitted repair of an existing well until an inspection by the Director, following notification by the Well Owner, confirms that the well meets all provisions of this Rule. A new portable well serving new construction of a residence, business or place of assembly will require a Certificate of Completion prior to a hold being released on the Certificate of Occupancy.
- (I) No Person shall rent or offer to rent, lease or offer to lease, any residence or place of business which does not have a potable water supply. The Well Owner, when required by the Department, shall provide proof that the water supply meets the construction and water quality standards of this Rule.
- (J) Emergency major repairs to an existing well that are made outside normal working hours of the Department (8 am – 5 pm Monday-Friday) shall meet all provisions of 15A NCAC 02C. A complete application for a well repair permit and GW-1 form must be submitted on the next business day.

## SECTION II DEFINITIONS

Abandon	means to discontinue the use of and to seal a well according to the requirements of this Rule.
Access Port	means an opening in a well casing or Wellhead installed for the purpose of determining the position of the water level in the well or to facilitate disinfection.
Active	means the status of a well. To be considered active a well must be in use for its intended purpose.
Addition	means any structure, whether free standing or attached to another which is constructed, altered or placed on property.
Agent	means any person who by agreement with a Well Owner has authority to act on his or her behalf in executing applications for permits. The agent may be either general agent or a limited agent authorized to do one particular act.
Annual or Annually	means done or performed every year, yearly.
Annular Space	means the space between the casing and the walls of the borehole or outer casing or the space between a liner pipe and well casing.
Approved	means that which is considered acceptable to the State or Director.
Area of Regulated Groundwater Usage or ARGU	means the zone surrounding and including a contamination plume or contamination site according to the requirements of this Rule.
Artesian Flowing Well	means a well in which groundwater flows above the land surface without the use of a pump and, under natural conditions, the static water level or hydraulic head elevation is greater than the land surface elevation.
ASTM	means the American Society for Testing and Materials.
Authorized Agent	means an employee of the Mecklenburg County Public Health Department authorized by the Director to enforce this Rule.

Bedrock	means any consolidated rock which is encountered in the place in which it was formed or deposited, and which cannot be readily excavated without the use of explosives or heavy rock cutting equipment (15A NCAC 02L .0102). Bedrock generally underlies soil or other consolidated, superficial material.
Biennial	means done or performed once every two years.
Biofilm	means a collection of microorganisms which may exist on solid surfaces such as a well casing. This collection includes, but is not limited to, slime-formers, iron-related bacteria, sulfate-reducing bacteria, pseudomonas and coliforms.
BOCC	means The Mecklenburg Board of County Commissioners.
Breakthrough	means in a treatment system, the condition of the treatment media becoming saturated with the contaminant to the point the system is no longer effective at removing the contaminant.
Casing	means the pipe or tubing constructed of materials and having dimensions and weights as specified in this Rule, that is installed in a borehole during or after completion of the borehole to support the side of the hole and thereby prevent caving, to allow completion of a well, to prevent formation material from entering the well, to prevent the loss of drilling fluids into permeable formations, and to prevent entry of contamination.
Certified Laboratory	means a laboratory certified under the requirements of 10A NCAC 42D Section .0200.
Certified Well Contractor	means a person who has met the requirements of the Well Contractors Commission relating to well contractor activities referenced in 15A NCAC 27.
Clay	means a substance comprised of natural, inorganic, fine-grained crystalline mineral fragments that, when mixed with water, forms a pasty, moldable mass that preserves its shape when air dried.
Committee	means the Mecklenburg County Groundwater Advisory Committee.
Community Well	means a well that serves 15 or more connections or at least 25 year-round residents.

Compliance Inspection	means a scheduled or unscheduled visit to a site by the Department for the purpose of inspecting and documenting the physical characteristics of the site, including but not limited to the physical characteristics of wells.
Consolidated Rock	means rock that is firm and coherent, solidified or cemented, such as granite, gneiss, limestone, slate or sandstone, that has not been decomposed by weathering.
Contaminant or Contamination	means the introduction of foreign materials of such nature, quality, and quantity into the groundwaters as to exceed the groundwater quality standards in 15A NCAC 2L .0202 standards, National Primary Drinking Water Regulations, or site-specific standard established by the North Carolina Department of Health and Human Services, Epidemiology Section.
Contamination Plume	means the three-dimensional zone containing a contaminant or contaminants.
Contamination Site	means a parcel(s) of property where contamination has occurred.
County	Mecklenburg County, North Carolina.
Department	means the Mecklenburg County Public Health Department
Design Capacity	means that capacity that is equal to the yield that is specified by the Well Owner or his or her agent prior to the construction of the well.
Director	The Mecklenburg County Public Health Director or his/her authorized agent.
Disinfection	means a process which inactivates pathogenic organisms in water.
Epidemiology Section	means a section under The North Carolina Department of Health and Human Services, Division of Public Health.
Existing Well	means a well constructed prior to January 1, 2005.
Fecal Coliform	means a bacteria consistently found in the intestines of human and other warm-blooded animals which are not normally disease-producing but serve as indications of recent fecal contamination. They are members of the family Enterobacteriaceae, genus Escherichia, species coli.
Federal	means The United States of America government.

Fee Schedule	means the current schedule of fees as approved by the BOCC.
Filtered	means for a substance, the state of having been passed through or over another substance such that the quality of the first substance is improved.
Formation Material	means naturally occurring material generated during the drilling process that is composed of sands, silts, clays or fragments of rock and that is not in a dissolved state.
Free Product	means a non-aqueous phase liquid which may be present within the saturated zone or in surface water.
GPM and GPD	means gallons per minute and gallons per day, respectively.
Groundwater Advisory Committee	means the committee appointed by the BOCC with duties as provided in Chapter V of this Rule.
Groundwater Remediation Well	means wells that are used for the clean-up of contaminated soil or groundwater to include but not limited to wells used to recover groundwater, treat soil and/or groundwater, or inject additives, treated groundwater, or ambient air.
Grout	means a material approved in accordance with this Rule for use in sealing the annular space of a well or liner or for sealing a well during abandonment.
Hydrogeologic Review	means the consideration of scientific data to evaluate the relationships of geology, groundwater, and fate and transport of contaminants.
Injection Well	means any well as defined in G.S. 87-85 whose depth is greater than its largest surface dimension and that is used, or intended to be used, for the injection of fluids or solids into the subsurface or groundwater.
Inspection	means a visit to a site by the Department to examine and document the construction, installation, abandonment, repair or sampling of new or existing wells.
Irrigation Well	means an excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of withdrawing groundwater to be used for agricultural purposes either commercial or residential and will not be used as a potable water supply.

Liner Pipe	means a pipe that is installed inside a completed and cased well for the purpose of preventing the entrance of contamination into the well or for repairing ruptured, corroded or punctured casing or screens.
Monitoring Well	means any well constructed for the primary purpose of obtaining information about physical, chemical, radiological, or biological characteristics of groundwater or other liquids, or for the observation or measurement of groundwater levels. This definition excludes lysimeters, tensiometers and other devices used to investigate the characteristics of the unsaturated zone but includes piezometers, a type of monitoring well constructed solely for the purpose of determining groundwater levels. This definition includes all monitoring well types, including temporary wells and wells using Geoprobe® or direct-push technology (DPT).
NCDEQ	means The North Carolina Department of Environmental Quality.
NCPWS	means The North Carolina Public Water Supply Section.
Non-Community Well	means a well that serves 25 or more transient people 60 days of the year.
Non-Potable Well	means a well that has groundwater containing bacteria, minerals, organic or inorganic chemicals or volatile organic compounds of such quantity as to render the water unsafe, harmful or unsuitable for domestic use.
Non-Transient Non-Community Well	means a well that regularly serves at least 25 of the same persons over 6 months per year.
Orphan Site	means a contamination site where a responsible party has not been identified.
Permit	means a written document and associated plot plan issued by the Department authorizing the construction, abandonment or repair of a well as defined by this Rule.
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 of any other state or county.

Pitless Adapters or pitless Units	are devices specifically manufactured to the standards specified under 15A NCAC 02C .0107 (j) (5) for the purpose of allowing a subsurface lateral connection between a well and plumbing appurtenances.
Place of Business	means a store, warehouse, manufacturing establishment, place of amusement or recreation, service station, office building, or any other place where people work.
Place of Public Assembly	means a fairground, auditorium, stadium, church, campground, theater or any other place where people assemble.
Plat	Survey
Potable Water	means water of such quality that it is suitable for human consumption.
Private Water Supply	means any excavation that is cored, bored, drilled, jetted, dug, or otherwise constructed to obtain groundwater for human consumption.
Pump	means the well pump, pump pipe, pump supply line and any other equipment or materials used or intended to be used for withdrawing or obtaining groundwater.
Raw Water	means water which has not been treated to make it potable.
Recovery Well	means any well constructed for the purpose of removing contaminated groundwater or other contaminants from the subsurface.
Repair	means work involved in deepening or changing depths, reaming, sealing, lining, perforating, screening, cleaning, acidizing, "dry icing", freezing, hydraulic fracturing, or otherwise redeveloping a well excavation or any other work which requires breaking the well seal.
Residence	means the place in which one lives, a dwelling.
Responsible Party(s)	means entity(ies) determined by the regulating agency to be responsible for the contamination.
Sample	means a representative portion of a substance collected for analysis.
Sealed	means no detectable leakage under the casing or around the Wellhead shall be allowed to enter the bore hole.
Settleable Solids	means the volume of solid particles in a well-mixed one-liter sample that will settle out of suspension, in the bottom of an Imhoff Cone, after one hour.

Site	means the land or water area where any facility, activity or situation is physically located, including adjacent or other land used in connection with the facility, activity or situation.
Site Plan	means a drawing, not necessarily drawn to scale, that shows the existing and proposed property lines with dimensions, 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 the location of existing or proposed sewer lines and/or sewage disposal systems, and existing or proposed chemical or petroleum storage tanks above or below ground.
Source Area	means that portion or point on a site where a contaminant or contaminants have been released.
Specific Capacity	means the yield of the well expressed in gallons per minute per foot of draw-down of the water level (gpm/ft. dd).
State	means The State of North Carolina government.
Static Water Level	means the level at which the water stands in the well when the well is not being pumped and is expressed as the distance from a fixed reference point to the water level in the well.
Suspended Solids	means the weight of those solid particles in a sample that are retained by a standard glass microfiber filter, with pore openings of one and one-half microns, when dried at a temperature of 103 and 105 degrees Fahrenheit.
Transient Non-Community Well	means a water supply well that provides potable water to a non-community water system that does not regularly serve at least 25 of the same persons over six months per year
Treated Water	means water that has been successfully purified by a system designed to remove contaminants or other unwanted particles from the water by either physical or chemical processes.
Turbidity	means the cloudiness in water due to the presence of suspended particles such as clay or silt that may create laboratory analytical difficulties for determining contamination above 15A NCAC 02L.

Unconsolidated Rock	means those rock formations that are not firm and coherent, solidified or cemented, such as sand rock, sand, clay, shell, saprolite or decaying rock.
Underground Storage Tank (UST)	means any one or a combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connect thereto is 10% or more beneath the surface of the ground (For a full definition, see 15A NCAC 02N .0203).
Vent	means a permanent opening in the well casing or Wellhead, installed for the purpose of allowing changes in the water level in a well due to natural atmospheric changes or to pumping. A vent can also serve as an access port.
Water Sample	means a representative portion of groundwater collected specifically for water quality analysis, whether by field or laboratory testing.
Water Supply Standards	means the maximum allowable concentration of any substance or combination of substances in the groundwater, which may be tolerated without creating a threat to human health. These standards include the following: EPA Primary & Secondary Drinking Water Standard, NC 2L Groundwater Standards and the US EPA Health Advisories.
Water Supply Well	means a well, well pump and pipe used in connection with or pertaining to the operation of a water supply, including pressure tank and fittings. An irrigation well is a type of water supply well.
Well	means any excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of locating, testing, or withdrawing groundwater for evaluating, 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.
Well Cap	means a watertight, lockable, removable plug used to temporarily seal the well casing to prevent water or other material from entering the well.
Well Contractor	means a person 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.
Well Contractor Activity	means the construction, installation, repair, alteration, or abandonment of any well.

Well Cover (water supply well)	means for water supply wells, any structure placed around the Wellhead with the intent of affording protection to the Wellhead.
Well Cover (monitoring well)	means for a monitoring well either flush-mount or above-grade intended to protect the well casing from tampering and damage. Typically, flush-mount covers are used in areas of vehicular traffic and have bolt-on lids and an O-ring seal. Above-grade covers are typically used in areas where vehicle traffic does not have the potential to cause damage to the well and have lockable covers.
Wellhead	means the upper terminal of the well including adapters, ports, valves, seals and other attachments.
Well Owner	means entity(ies) who hold the fee or other property rights in the well. A well is real property and its construction on land rests ownership in the landowner in absence of a contrary agreement. A monitoring well is real property and its construction on land rests ownership in the landowner in the absence of contrary agreement in writing.
Yield	means the volume of water or other fluid per time that can be discharged from a well under a given set of circumstances.

**CHAPTER II**  
**WATER SUPPLY STANDARDS**

SECTION I STANDARDS

- (A) The Water Supply Standards for the protection of the Water Supply in Mecklenburg County are those specified in subsections (B), (C) and (D) below. They are the maximum allowable concentrations of any substance or combination of substances in the groundwater of the County, which may be tolerated without creating or posing a threat to human health or which would otherwise render the groundwater unsuitable for its usages as a water supply.
- (B) The Water Supply Standards are (1) those defined in 40 Code of Federal Regulations 141 and 143 (National Primary Drinking Water Regulations Standards; National Secondary Drinking Water Regulations Standards) (hereinafter called “40 CFR 141,143”), and (2) for those contaminants for which no standards are contained in 40 CFR 141,143.
- (C) Those contained in 15A NCAC 2L .0202 (g), (h) or (i).
- (D) The Water Supply Standards for contaminants specified in 15A NCAC 2L .0202 (g), (h) or (i) (hereinafter called “2L Standard”) shall be as listed, except that:
1. Where the 2L Standard for a substance is less than the practical quantitation limit, the detection of that substance at or above the practical quantitation limit shall constitute a violation of the Water Supply Standards.
  2. Where substances exist in combination below the 2L Standards, the Water Supply Standard for the substances shall be as determined by North Carolina’s Department of Health and Human Services Epidemiology Section to be protective of human health.
  3. Where an interim maximum allowable concentration has been established by the NCDENR pursuant NCDEQ to 15A NCAC 2L .0202 (c) such concentration shall constitute a violation of the Water Supply Standards.
  4. Except for tracers used in concentrations which have been determined by the Division of NCDHHS Epidemiology Section to be protective of human health, and the use of which has been permitted by the NCDENRNCDEQ, detectible concentrations of substances which are not naturally occurring and for which no standard is specified shall constitute a violation of the Water Supply Standards.
- (E) Parameters exceeding the concentrations listed in the National Secondary Drinking Water Standards will not constitute a violation of the Water Supply Standards for the purpose of requiring the abandonment of the water supply well or treatment of the raw well water prior to usage.

**CHAPTER III**  
**AREAS OF REGULATED GROUNDWATER USAGE**

**SECTION I ESTABLISHMENT OF AN AREA OF REGULATED GROUNDWATER USAGE**

- (A) The Department shall establish an Area of Regulated Groundwater Usage when:
1. a violation of the groundwater standards as referenced in 15A NCAC 2L .0202 (g), (h) or (i) as applicable has occurred, or
  2. soil contamination in exceedance of the lower of any Maximum Soil Contaminant Concentration, as referenced in 15A NCAC 2L .0411 or any other applicable regulatory soil contaminant standard, or
  3. in violation of 15A NCAC 2L .0202 or of the Oil Pollution Hazardous Substances Control Act of 1978 has occurred, or
  4. such an area is deemed necessary by the Director to protect public health.
- (B) The Area of Regulated Groundwater Usage shall extend 1,500 feet around:
1. the boundary of a defined or partially defined contaminant plume and include the zone in which the contaminant exists; or
  2. the edge of the contaminant source area, including the source area itself, if the contaminant plume has not been defined or partially defined; or
  3. the property boundary of the contamination site, including the contamination site itself, if the source area of the contaminant is unknown and the contaminant plume has not been defined or partially defined.
- (C) The Department may amend the shape or size of the Area of Regulated Groundwater Usage (ARGU) when deemed necessary by the Department because:
1. of changes in groundwater usage, or
  2. of changes in hydrogeologic conditions, or
  3. of a determination by the Director as being necessary to protect public health.
- (D) The Department shall maintain public records identifying parcels subject to the restrictions imposed by areas of regulated groundwater usage. The Department shall make these records available to the public.

## SECTION II REPEAL OF AN AREA OF REGULATED GROUNDWATER USAGE

- (A) When, to the satisfaction of the Department, it has been demonstrated that a contamination site and the groundwater quality has been restored to its natural state, the Area of Restricted Groundwater Usage may be repealed by the Department.

## SECTION III REQUIREMENTS FOR NEW WATER SUPPLY WELLS WITHIN AN AREA OF REGULATED GROUNDWATER USAGE

- (A) If a public water supply (exclusive of Transient and Non-Transient water supply wells) is available, then:
1. a new well will not be permitted 1,000 feet or less from:
    - a. the boundary of a defined or partially defined contaminant plume; or
    - b. the edge of the contaminant source area, if the contaminant plume has not been defined or partially defined; or
    - c. the property boundary of the contamination site, if the source area of the contaminant is unknown and the contaminant plume has not been defined or partially defined.
  2. a new well may be permitted at distances greater than 1,000 feet and up to and including 1,500 feet from:
    - a. the boundary of a defined or partially defined contaminant plume; or
    - b. the edge of the contaminant source area, if the contaminant plume has not been defined or partially defined; or
    - c. the property boundary of the contamination site, if the source area of the contaminant is unknown and the contaminant plume has not been defined or partially defined.
  3. a well permitted within the zone defined in Section III (A) 2 of this Chapter will require:
    - a. a Notice of Area of Regulated Groundwater Usage that has restrictions/conditions must be notarized and recorded with the Register of Deeds prior to the Department issuing a well permit.
    - b. compliance with well construction standards in 15A NCAC 02C.
    - c. pump grout the full extent of the casing via a tremie pipe extended to the bottom of the annular space, raising the pipe as grout is introduced.

- d. an initial water sample following well completion per the provisions in 15A NCAC 02C. In addition, the water sample must be analyzed for the contaminant(s)-of-concern. A Certified Laboratory must perform the analysis. The analysis must be submitted to the Department for review and approval prior to the well being placed in service.
    - e. biennial sampling (every two years) and analysis for the contaminant(s)-of-concern, which must be conducted per the provisions in 15A NCAC 02C. A Certified Laboratory must perform the analysis. The analysis must be submitted to the Department within 24 hours if any contaminant is detected. All reports of sample analysis shall be kept by the Well Owner for at least six years and provided to the Department upon request. Sampling is the responsibility of the Owner of the well. If deemed applicable, biennial sampling is the responsibility of the contamination plume's responsible party.
4. the Department may waive or modify sampling requirements on a well-by-well basis if:
  - a. it can be demonstrated that a non-impacted well of similar dimensions to the subject well exist between the contamination plume and the new well, or
  - b. a hydrogeologic review of the Area of Regulated Groundwater Usage, conducted by a North Carolina Professional Engineer or Licensed Geologist indicates that the well is not at risk of being impacted by the contamination plume. The Department must concur with the findings of the review before modification to the sampling schedule may be granted.
5. a new well determined to contain a contaminant must be treated to remove the contaminant(s)-of-concern, such that the water would be considered potable, for as long as the well is active and the raw water contains the contaminant(s)-of-concern. If a well requires treatment a Notice of Groundwater Contamination must be notarized and recorded with the Register of Deeds prior to the Department issuing a Certificate of Completion and the well being placed in service.
  - a. treated water must be sampled according to manufacturer's specifications to ensure the treatment system is functioning as designed. The period of sampling shall be sufficient to insure against contaminant breakthrough.
  - b. the water sample must be analyzed for the contaminant(s)-of-concern. A Certified Laboratory must perform the analysis. Sample results must be submitted to the Department for review within 30 days of sampling.
  - c. in instances where a contaminant(s) detected in a water sample is not associated with the contaminant released by a Responsible Party or where no Responsible Party has been identified, or where a Responsible Party has not been required to

treat the well to remove the contaminant(s)-of- concern the Well Owner is responsible for water treatment.

6. a well which contains contaminant(s), such that the water would be considered non-potable and is not active must be permanently abandoned per provisions of 15A NCAC 02C.

(B) If a public water supply is not available, then:

1. a new well may be permitted inside the Area of Regulated Groundwater Usage so long as the well is located outside the defined or partially defined contaminant plume and the well location meets all other site and setback requirements listed in 15A NCAC 02C.
2. a new well constructed within an Area of Regulated Groundwater Usage will require:
  - a. a Notice of Area of Regulated Groundwater Usage that has restrictions/conditions must be notarized and recorded with the Register of Deeds prior to the Department issuing a well permit.
  - b. grouting the full extent of the casing
  - c. an initial water sample following well completion per the provisions in 15A NCAC 02C. In addition, the water sample must be analyzed for the contaminant(s)-of-concern. A Certified Laboratory must perform the analysis. The analysis must be submitted to the Department for review and approval prior to the well being placed in service.
  - d. biennial sampling (every two years) and analysis for the contaminant(s)-of-concern, which must be conducted per the provisions in 15A NCAC 02C. A Certified Laboratory must perform the analysis. The analysis must be submitted to the Department within 24 hours if any contaminant is detected. All reports of sample analysis shall be kept by the Well Owner for at least six years and provided to the Department upon request. Sampling is the responsibility of the Owner of the well. If deemed applicable, biennial sampling is the responsibility of the contamination plume's responsible party.
3. the Department may waive or modify periodic sampling requirements on a well-by-well basis if:
  - a. it can be demonstrated that a non-impacted well of similar dimensions to the subject well exist between the contamination plume and the subject well, or
  - b. a hydrogeologic review of the Area of Regulated Groundwater Usage, conducted by a North Carolina Professional Engineer or Licensed Geologist, indicates that the well is not at risk of being impacted by the contaminant plume. The

Department must concur with the findings of the review before modification to the sampling schedule may be granted.

4. if the contamination site in question is an orphan site with the State or federal government acting in place of the Responsible Party, or if no Responsible Party has been assigned then periodic sampling may be completed by the Department if funding is available. Otherwise, periodic sampling and analysis becomes the responsibility of the Well Owner. A Certified Laboratory must perform the analysis. The analysis must be submitted to the Department within 24 hours if the well is impacted. Otherwise, analysis must be submitted to the Department for review upon request.
5. water from a new well that is determined to contain a contaminant(s) must be treated to remove the contaminant(s)-of-concern, such that the water would be considered potable, for as long as the well is active and the raw water contains the contaminant(s)-of-concern. If a well requires treatment a Notice of Groundwater Contamination must be notarized and recorded with the Register of Deeds prior to the Department issuing a Certificate of Completion and the well being placed in service.
  - a. treated water must be sampled according to manufacturer's specifications to ensure the treatment system is functioning as designed. The period of sampling shall be sufficient to insure against contaminant breakthrough.
  - b. the water sample must be analyzed for the contaminant(s)-of-concern. A Certified Laboratory must perform the analysis. Sample results must be submitted to the Department for review within 30 days of sampling.
  - c. in instances where a contaminant(s) detected in a water sample is not associated with the contaminant released by a Responsible Party or where no Responsible Party has been identified, or where a Responsible Party has not been required to treat the well to remove the contaminant(s)-of-concern the Well Owner is responsible for water treatment.
6. a well which contains contaminant(s), such that the water would be considered non-potable and is not active must be permanently abandoned per provisions of 15A NCAC 02C.

#### SECTION IV REQUIREMENTS FOR EXISTING WATER SUPPLY WELLS WITHIN AN AREA OF REGULATED GROUNDWATER USAGE.

- (A) Following detection of a contaminant in the water supply well, an existing water supply well located within an Area of Regulated Groundwater Usage will require:
  1. an initial water sample per the provisions in NCAC 02C. The water sample must be analyzed for the contaminant(s)-of-concern. A Certified Laboratory must perform the

analysis. The analysis must be submitted to the Department for review within 30 days of sampling.

2. biennial sampling (every two years) and analysis for the contaminant(s)-of-concern, which must be conducted per the provisions in 15A NCAC 02C. A Certified Laboratory must perform the analysis. The analysis must be submitted to the Department for review. If deemed applicable, biennial sampling is the responsibility of the contaminant plume's Responsible Party.
3. the Department may waive or modify sampling requirements on a well-by-well basis if:
  - a. it can be demonstrated that a non-impacted well of similar dimensions to the subject well exists between the contaminant plume and the subject well, or
  - b. a hydrogeologic review of the Area of Regulated Groundwater Usage, conducted by a North Carolina Professional Engineer or a North Carolina Licensed Geologist, indicates that the well is not at risk of being impacted by the contaminant plume. The Department must concur with the findings of the review before modification to the sampling schedule may be granted.
4. if the contamination site in question is an orphan site with the State or federal government acting in place of a Responsible Party, or if no Responsible Party has been assigned then periodic sampling may be completed by the Department if funding is available. Otherwise, sampling and analysis becomes the responsibility of the Well Owner. The water sample should be analyzed for the contaminant(s)-of-concern. A Laboratory must perform the analysis. The analysis should be submitted to the Department for review.
5. An existing water supply well that is determined to contain a contaminant(s) must be treated to remove the contaminant(s)-of-concern, such that the water would be considered potable, for as long as the well is active and the raw water contains the contaminant(s)-of-concern.
6. If a well requires treatment a Notice of Groundwater Contamination must be notarized and recorded with the Register of Deeds within 30 days of notification.
  - a. treated water must be sampled according to manufacturer's specifications to ensure the treatment system is functioning as designed. The period of sampling shall be sufficient to insure against contaminant breakthrough.
  - b. if the contamination site in question is an orphan site with the State or federal government acting in place of a Responsible Party, or if no Responsible Party has been assigned then periodic sampling may be completed by the Department if funding is available.

- c. the water sample must be analyzed for the contaminant(s)-of-concern. A Certified Laboratory must perform the analysis. Sample results must be submitted to the Department for review upon request.
  - d. in instances where a contaminant(s) detected in a water sample is not associated with the contaminant released by a Responsible Party or no Responsible Party has been identified, or where a Responsible Party has not been required to treat the well to remove the contaminant(s)-of- concern the Well Owner is responsible for water treatment.
7. A well which contains a contaminant(s) such that the water would be considered non-potable and is not active must be permanently abandoned per provisions of 15A NCAC 02C.
- a. A Notice of Groundwater Contamination must be notarized and recorded with the Register of Deeds.

## **CHAPTER IV ENFORCEMENT**

### SECTION I PENALTIES

- (A) Any Person who violates any of the provisions of this Rule is subject to a criminal penalty. Any Person who willfully violates any provision of this Rule, or any order issued by the Director pursuant thereto, shall be guilty of a misdemeanor pursuant to G.S. 130A-25.
- (B) Any Person, who violates any of the provisions of this Rule is subject to a civil penalty pursuant to G.S. 153A-77. A civil penalty may be assessed from the date the violation first occurs. No penalty shall be assessed until the Person alleged to be in violation has been notified of the violation. The notice of violation shall identify the nature of the violation, set forth those measures necessary to comply with this Rule and provide a specific time period for compliance. The notice may be served by mail, hand delivery or any other means determined to give actual notice. Refusal to accept the notice shall not relieve the violator of his or her obligation to comply with this Rule or to pay such penalty.
- (C) The maximum civil penalty for each violation of this Rule is \$10,000.00. Each day of violation shall constitute a separate violation.
- (D) In determining the amount of a civil penalty, all relevant mitigating and aggravating factors shall be considered including, but not limited to the following: the degree and extent of harm caused by the violation; the cost of rectifying the damage; whether the violator saved money through noncompliance; whether the violation was committed willfully; whether the violator reported the violation to the Department; and the prior record of the violator in complying or failing to comply with this Rule or any other local, or State or federal pollution control ordinance or regulation. The amount of per diem penalty set in paragraph (C) of this Section may vary based on the aforementioned relevant mitigating and aggravating factors. The “Mecklenburg County Groundwater Enforcement Guidance” document as approved by the Director will serve as the guiding document for assessment of penalties.
- (E) The Director shall determine the amount of the civil penalty assessment and shall notify the Person responsible for the violation of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be issued in writing and sent via registered or certified mail or other means of determined to give actual notice to the Person responsible for the violation and shall direct the violator to either pay the assessment or appeal the assessment as described in Section III of this Chapter within thirty (30) days of receipt of notice. If an alleged violator does not pay a civil penalty assessed by the Director within thirty (30) days after it is due or does not appeal a civil penalty as provided in Section III of this Chapter, the Director shall request the County

Attorney to institute a civil action to recover the amount of the assessment. The civil action shall be brought in Mecklenburg County General Court of Justice or in any other court of competent jurisdiction. A civil action must be filed within three (3) years of the date the assessment was due.

- (F) Civil penalties collected pursuant to this Rule shall be credited to the Mecklenburg County general fund as non-tax revenue, or to such other fund as determined by the Board of County Commissioners.

## SECTION II INJUNCTIVE RELIEF

- (A) Whenever the Director has reasonable cause to believe that any Person is violating or threatening to violate this Rule or any term, condition, or provision of an approved permit, the Director may, either before or after the institution of any other action or proceeding authorized by this Rule, authorize the County Attorney to institute a civil action in the name of Mecklenburg County for injunctive relief to restrain the violation or threatened violation. The action shall be brought pursuant to G.S. 130A-18 in Mecklenburg County Superior Court.
- (B) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Rule.
- (C) The Director shall also have the authority to exercise those remedies listed in G.S. 130A-17, -19 and -20 as necessary to enforce this Rule or to protect the public health.

## SECTION III APPEAL

- (A) Disapproval or modification of well permits
  1. The disapproval or modification of any proposed well by the Director may be appealed pursuant to the procedures set forth in G.S. 130A-24.
  2. Prior to any hearing on the appeal, the Groundwater Advisory Committee shall prepare a written recommendation to the Mecklenburg County Board of Commissioners (while exercising the power of a Board of Health) regarding whether the Director's decision should be affirmed or reversed. A member of the Groundwater Advisory Committee shall attend the hearing and be prepared to testify as to the Committee's recommendation.

- (B) Issuance of a Notice of Violation (including the Assessment of a Civil Penalty)
1. The issuance of a notice of violation with an assessment of a civil penalty by the Director may be appealed pursuant to the procedure set forth in G.S. 130A-24.
  2. Prior to any hearing on the appeal, the Groundwater Advisory Committee shall prepare a written recommendation to the Mecklenburg County Board of Commissioners (while exercising the power of a Board of Health) regarding whether the Director's decision should be affirmed or reversed. A member of the Groundwater Advisory Committee shall attend the hearing and be prepared to testify as to the Committee's recommendation.

#### SECTION IV VARIANCE

- (A) The Director may grant a variance from any construction standard under this Rule except those required by State law or regulations. Any variance will be in writing and may be granted upon written application to the Director by the person responsible for the construction of the well for which the variance is sought, if the Director finds facts to support the following conclusions:
1. That the use of the well will not endanger human health and welfare of the groundwater.
  2. That construction in accordance with the standards was not technically feasible in such a manner as to afford a potable water supply at a reasonable cost.

The Director may require the variance applicant to submit such information as he deems necessary to make a decision to grant or deny the variance. The Director may impose such conditions on a variance or the use of a well for which a variance is granted as he deems necessary to protect human health and welfare and the groundwater resources. The brief findings of fact supporting any variance shall be in writing and made part of the variance.

- (B) In the event the Director denies a variance or an aggrieved party disputes the issuance of a variance, the person requesting the variance or the aggrieved party may appeal the Director's decision pursuant to the procedures set forth in G.S. 130A-24.
- (C) Prior to any hearing on the appeal, the Groundwater Advisory Committee shall prepare a written recommendation to the Mecklenburg County Board of Commissioners (while exercising the power of a Board of Health) regarding whether the Director's decision should be affirmed or reversed. A member of the Groundwater Advisory Committee shall attend the hearing and be prepared to testify as to the Committee's recommendation.

**CHAPTER V**  
**GROUNDWATER ADVISORY COMMITTEE**

**SECTION I GROUNDWATER ADVISORY COMMITTEE**

- (A) A seven-member citizens advisory committee shall be established with representatives of the following categories:
1. public – 2 members (individuals to be Owners of a well);
  2. industry, manufacturing, or commercial – 1 member (individual to be employed full time in the management and/or operation of industrial, manufacturing, or commercial property that is the Owner of a well);
  3. environmental consultant – 1 member (individual to be employed full time in providing environmental consulting services to owners of groundwater wells);
  4. health professional – 1 member (individual to receive a recommendation from the Health Committee of the Human Services Council by the Mecklenburg Board of Commissioners);
  5. realtor or developer or land development design professional – 1 member (individual to be employed full time as a realtor or in land development or the design of building or land improvements);
  6. well contractor or pump installer – 1 member (individual to be employed full time as a well contractor or pump installer);
- (B) The members shall be appointed by the Mecklenburg Board of County Commissioners
- (C) The members will serve staggered three-year terms. No member may be appointed to more than two full or partial terms. Any member who fails to attend at least seventy-five percent of the regular and special meetings of the Committee during any calendar year shall be automatically removed from the Committee. The Committee shall select a Chairperson each year as provided in the rule of procedure adopted by the committee from its own members by majority vote. Each member will continue to serve until 1) his or her term has expired and a successor has been appointed; 2) his or her resignation; or 3) his or her removal. If a vacancy on the Committee occurs resulting from resignation or removal, a Person will be appointed to complete the unexpired term associated with such vacant position in the same manner as such position was originally filled. The successor must represent the same category.

(D) A majority of the membership constitutes a quorum. Every action of the Committee requires the concurring votes of the majority present. The Committee may adopt its own rules of procedure which may not be inconsistent with the terms of this Rule. The responsibilities of the Advisory Committee shall be as follows:

1. Policy. Review and recommend to the Board of County Commissioners groundwater management policies, policy changes, long-range plans, and their budgetary and rate impacts. Hear requests for changes from County staffs and from private parties and make recommendations to the Board of County Commissioners on the following matters: the application, modification and enforcement of groundwater policies. These policies should be reviewed and evaluated on the basis of a comprehensive groundwater management program in Mecklenburg County.
2. Operations Program. Review and comment to the Board of County Commissioners on the annual operating budget for their respective service charge areas including but not limited to public education activities and customer service.
3. Groundwater Appeals. Make recommendations to the Board of County Commissioners (while exercising the power of a Board of Health) regarding appeals on: denial, modifications, revocation or issuance of well permits and notices of violations. Hear requests for changes from County staffs and from private parties and make recommendations to the Board of County Commissioners on the following matters: the application, modification and enforcement of groundwater policies. These policies should be reviewed and evaluated on the basis of a comprehensive groundwater management program in Mecklenburg County.
4. Variances. Make recommendations to the Board of County Commissioners (while exercising the power of a Board of Health) regarding appeals from the granting or denial of variances by the Director.
5. Councils, Commissions, and Staff Resource. Respond to the Board of County Commissioners and staff requests for advice on matters related to the comprehensive groundwater management program in Mecklenburg County.
6. Reporting. Present the Board of County Commissioners with an annual report of key actions and issues.

**CHAPTER VI  
OTHER PROVISIONS**

**SECTION I SEVERABILITY**

If any provision or clause of this Rule shall be declared invalid, such declaration shall not invalidate any other provisions or clauses of this Rule.

**SECTION II PRIOR RULES REPEALED**

All ordinances, rules and regulations adopted by the Mecklenburg Board of County Commissioners (acting as a Board of Health) regulated private drinking water supply wells are hereby repealed.

**SECTION III EFFECTIVE DATE**

This Rule shall be in full force and effect from and after March 18, 2026.