

MECKLENBURG COUNTY BOARD OF HEALTH RULE GROUNDWATER  
REGULATIONS FOR  
GOVERNING PRIVATE DRINKING WATER SUPPLY WELLS





## CHAPTER I GENERAL PROVISIONS

Be it ordained by the Mecklenburg ~~County~~ Board of ~~County~~ Commissioners (while exercising the power of a ~~board~~ Board of ~~H~~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) ~~Groundwater Well Regulations~~ rule requiring registration, permitting, sampling and monitoring activities for certain private drinking water supply wells in Mecklenburg County for the protection of ~~the~~ public health and safety, ~~are~~ is hereby adopted pursuant to G.S. 130A-39(a). ~~These~~ This Regulations Rule shall apply throughout Mecklenburg County, North Carolina, ~~including, but not limited to, all cities and towns, whether incorporated or unincorporated.~~

### SECTION I      GENERAL PROVISIONS and ADMINISTRATION

- (A) Authorization - The Mecklenburg ~~County~~ Board of ~~County~~ Commissioners (hereinafter called BOCC), acting as a ~~board~~ Board of ~~H~~health, is authorized under the provisions of G.S. 130A-39 Chapter 130A, Section 39 of the General Statutes of North Carolina 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, ~~provided this delegation shall not include the authority to revoke, or suspend a permit.~~ The Director shall appoint adequate administrative and technical staff ~~within the Department~~ to ~~assure~~ ensure the efficient administration of this ~~section~~ Rule.
- (C) Purpose – It is the finding of the ~~Mecklenburg County Board of Commissioners~~ BOCC, acting as a ~~board~~ Board of ~~H~~health, that the entire geographical area of Mecklenburg County is vulnerable to groundwater pollution from improperly located, constructed, operated, altered or abandoned ~~water supply and other~~ private drinking water supply wells. Therefore, in order to ~~insure~~ ensure reasonable protection of the groundwater resource and to be consistent with the responsibility to protect ~~and advance~~ the public health, it is declared to be policy of the ~~Mecklenburg County Board of Commissioners~~ BOCC to require that the location, construction, repair and abandonment of such wells conform to ~~these~~ this Regulations rule, ~~which it has determined to be necessary to protect the public health and groundwater resources.~~
- (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 ~~these~~ this Regulations rule and ~~pursuant to~~ Articles 7 and 7A of G.S. 87-7-7(a) and standards. Previously adopted procedures and requirements of the Mecklenburg County Public

Health Department (hereinafter called the Department) are superseded by ~~these~~ Regulations.

- (E) ~~Conflict with other Laws and Regulations~~—The provisions of any federal, ~~S~~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~~ this Regulations. If any section or sections conflict within ~~these~~ this Regulations or with any other regulation, the more ~~strict~~ stringent regulation prevails. ~~These is Rules~~ does not replace the North Carolina Rules Governing The standards for Permitting and Inspection of Private Drinking Water Wells in 15A NCAC 02C Section .0300, but apply in addition to those rules.
- (F) If any section or sections of ~~these Regulations~~ this Rule is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.
- (G) ~~Permit~~—All ~~well permit applications newly constructed wells~~ must be evaluated by the Director in accordance with ~~these Regulations~~ this Rule. A well ~~construction~~ permit or subsurface investigation permit shall be issued in compliance with ~~these Regulations~~ this Rule.
- (H) ~~Inspection and final permit~~—No ~~P~~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 wWell Wowner, has determined confirms~~ that the well ~~complies with~~ meets all the provisions of ~~these Regulations~~ this Rule. ~~The Director shall make these inspections as soon as practicable after he receives notice that an installation is to be made.~~
- ~~No Person shall occupy a residence, place of business or place of public assembly or place a well into use for a residence, place of business or place of public assembly until a final certificate of inspection for the construction or repair of a well has been issued or authorization has been granted from the Director. A new potable 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.~~
- ~~Emergency repairs to an existing well that are made outside normal working hours of the Department, i.e., nights, weekends and holidays, shall require the use of well casing complying with all the provisions of Chapter II, Section IV (D). Location of the well must comply with all requirements of Chapter II, Section IV (A) and a well permit must be obtained on the next regular working day from the Department.~~
- ~~(I) Responsibilities of Well Owners~~—It shall be unlawful for any ~~No~~ Person ~~shall~~ to 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 ~~these Regulations~~this Rule.

- (I) 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 Chapter H, Section IV (B, D, E, K): 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	<u>means</u> <del>t</del> To discontinue the use of and to seal a well according to the requirements of <del>these Regulations</del> <u>this Rule</u> . <del>Chapter</del> .
<del>Abandoned w</del> <u>Well</u>	<del>A a well whose use or construction has been discontinued, or which is in such a state of disrepair that continued use for obtaining groundwater or other useful purpose is impracticable. A well can be temporarily or permanently abandoned.</del>
Access <del>p</del> <u>Port</u>	<u>means</u> <del>a</del> An opening in <del>the a</del> well casing or well head installed for the <del>primary</del> purpose of determining the position of the water level in the well or to facilitate disinfection.
Active	<del>A term denoting</del> <u>means</u> the status of a well. To be considered active a well must be in use for its intended purpose <del>in a current and ongoing fashion</del> .
Addition	<u>means</u> <del>a</del> Any structure, whether free standing or attached to another ( <del>including swimming pools, oil tanks, signs, etc.</del> ) which is constructed, altered or placed on <del>property</del> 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.
Agent	<u>means</u> <del>a</del> Any <del>p</del> Person who by <del>mutual and legal</del> agreement <u>with a well owner</u> has authority to act on <u>his or her</u> behalf <u>in executing applications for permits of a Person</u> . The agent may be either <del>a</del> general agent or a limited agent authorized to do one particular act.
Annual or annually	<u>means</u> <del>Recurring</del> , done or performed every year, yearly.
Annular <del>s</del> <u>Space</u>	<u>means</u> <del>t</del> 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	<u>means</u> <del>t</del> That which <u>is</u> <del>has been</del> considered acceptable to the State or Director.
Area of Regulated Groundwater Usage <del>or</del> <u>ARGU</u>	<u>means</u> <del>the That</del> zone surrounding and including a contamination plume or contamination site <u>according the requirements of these Regulation</u> <u>this Rule</u> , <del>in which construction of new wells, repair of existing wells and use of existing wells may be restricted or modified. R,</del> and regular sampling and testing for the contaminant of concern may be required for both new and

~~existing wells. The Area of Regulated Groundwater Usage (hereinafter called ARGU) is defined by the Department following a hydrogeologic review.~~

Artesian flowing Well means ~~a~~ well in which that taps 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 under pressure, causing the water to rise above the surface without pumping.

ASTM means the American Society for Testing and Materials.

Authorized-agent Representative means ~~an employee of the Mecklenburg County Public Health Department authorized A person empowered or designated by the Mecklenburg County Health Director to enforce the provisions of the Mecklenburg County Groundwater Well Regulation~~this Rule.

Bedrock means ~~a~~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 power equipment (15A NCAC 02L .0102). Bedrock generally underlies soil or other consolidated, superficial material.

Biannual means ~~done e~~f or performed ~~o~~Once every two years.

Biofilm means ~~a~~ A collection of microorganisms which may exist on solid surfaces such as a well casing. within a water well. 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 ~~i~~n 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 p~~Pipe or tubing constructed of specified materials and having dimensions and weights as specified in ~~these Regulation~~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	<u>means a</u> laboratory certified under the requirements of <del>NCAC Title 10A NCAC Subchapter 42D</del> Section <u>.02100</u> .
Certified <u>w</u> Well <u>c</u> Contractor	<u>means a</u> person who has <del>satisfactorily</del> met the requirements of the Well Contractors Commission relating to well contractor activities referenced in 15A NCAC 27- <del>0100</del> - <u>0900</u> .
Clay	<u>means a</u> substance comprised of natural, inorganic, fine-grained crystalline mineral fragments <del>that, which,</del> when mixed with water, forms a pasty, moldable mass that preserves its shape when air dried.
Committee	<u>means the</u> <u>The Mecklenburg County</u> Groundwater Advisory Committee.
Community <u>w</u> Well	<u>means a</u> well that serves 15 or more connections or at least 25 year- round residents.
Compliance <u>Audit</u> <u>inspection</u>	<u>means a</u> scheduled or unscheduled visit to a site <del>and its environs</del> by the Department <del>personnel</del> for the purpose of inspecting and documenting the physical characteristics of the site, including but not limited to the physical characteristics of wells.
Consolidated <u>r</u> Rock	<u>means r</u> 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 <u>or</u> <u>Contamination</u>	<u>means the introduction of foreign materials of such nature, quality, and quantity into the</u> <del>Any substance or combination of substances occurring in</del> groundwaters <u>as to exceed the groundwater quality standards</u> in <del>concentrations exceeding the lower of</del> 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.
<u>Contamination</u>	<del>The introduction of a contaminant into the soil or groundwater.</del>
Contamination <u>p</u> Plume	<u>means the</u> <del>t</del> Three-dimensional zone containing a contaminant or contaminants
Contamination <u>s</u> Site	<u>means a</u> <del>parcel(s) of Real</del> property where contamination has occurred.
County	Mecklenburg County, North Carolina.

Department	<u>means</u> <del>t</del> The Mecklenburg County <u>Public</u> Health Department
Design <del>C</del> capacity	<u>means</u> <del>The</del> <u>that</u> capacity that is equal to the yield that is specified by the well <del>o</del> Owner or his <u>or her</u> agent prior to the construction of the well.
Director	The Mecklenburg County <u>Public</u> Health Director or his/her authorized <u>agent</u> <del>representative</del> .
Disinfection	<u>means</u> <del>a</del> A process which inactivates pathogenic organisms in water.
<u>Division of</u> <u>Epidemiology</u> <u>Section</u>	<u>means</u> <u>a section under</u> The North Carolina Department of Health and Human Services, Division of Public Health, <del>Epidemiology Section</del> .
<u>Driller</u>	<del>See certified well contractor.</del>
Existing <u>w</u> Well	<u>means</u> <del>a</del> A well constructed prior to January 1, 2005.
Fecal coliform	<u>means</u> <del>a</del> <u>b</u> Bacteria consistently found in the intestine of human and other warm- <del>blooded</del> animals which are not normally disease- <del>producing</del> , but serve as indications of recent fecal contamination. They are members of the family Enterobacteriaceae, genus Esherichia, species coli.
Federal	<u>means</u> The United States of America government.
Fee <u>s</u> Schedule	<u>means</u> <del>t</del> The current schedule of fees as approved by the <u>BOCC</u> <del>Mecklenburg County Board of Commissioners</del> .
Filtered	<u>means</u> <del>f</del> 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 <u>m</u> Material	<u>means</u> <del>n</del> Naturally occurring material generated during the drilling process that is composed of sands, silts, clays or fragments of rock and <u>that which</u> <del>is</del> not in a dissolved state.
Free <u>p</u> Product	<del>Any accumulation of a substance of greater than or equal to 1/8 inch (0.01 feet) in contact with groundwater or perched on the water table, with a density of less than or greater than water and existing as a non-aqueous phase liquid.</del> <u>means</u> <u>a non-aqueous phase liquid which may be present within the saturated zone or in surface water.</u>

GPM and GPD means gallons per minute and gallons per day, respectively.

Groundwater Advisory Committee means ~~t~~The ~~c~~Committee appointed by the ~~BOC~~Board of County Commissioners with duties as provided in Chapter ~~VIII~~ IX ~~V~~ of ~~these~~ this ~~Regulations~~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 ~~m~~Means a material approved in accordance with ~~Chapter~~this Rule ~~H~~ Section ~~IV(E) 3~~ or ~~Chapter IV Section IV (E)3~~ for use in sealing the annular space of a well or liner or for sealing a well during abandonment.

~~Health Department~~ The Mecklenburg County Department of Public Health.

~~Health Director~~ The Director of the Mecklenburg County Department of Public Health or his/her Authorized Representative.

High Risk For sites where an underground storage tank system is the source of contamination a high risk classification means that any of the following apply:  
a) an existing water supply well, including one used for non-drinking purposes, has been contaminated  
b) a water supply well used for drinking water is located within 1,000 feet of the source of contamination  
c) a water supply well not used for drinking water is located within 250 feet of the source of contamination  
d) the groundwater within 500 feet of the source of contamination had the potential for future use in that there is no source of water supply other than the groundwater  
e) there exist a serious threat of explosion due to the accumulation of vapors in a confined space as a result of the contamination  
f) there exist an imminent danger to public health, public safety or the environment, as a result of the release.

Hydrogeologic Review means ~~t~~The consideration of existing scientific data, the relevancy of which is determined by the Department, that describes the to evaluate the interrelationships of geologic-geology, groundwater, and fate and transport

~~of materials and processes with groundwater impacted by a contaminant or contaminants.~~

**Injection Well** ~~means a~~Any well as defined in G.S. 87-85 ~~excavation which is cored, bored, drilled, jetted, dug, or otherwise constructed,~~ whose depth is greater than its largest surface dimension and ~~that which~~ is used, or intended to be used, for the injection of fluids or solids into the subsurface or groundwater.

**Inspection** ~~means a~~A visit to a site ~~and its environs~~ by the Department ~~personnel~~ to examine and document the construction, ~~and installation, abandonment,~~ repair or sampling ~~of new or the repair of existing wells.~~

**Intermediate Risk** ~~For sites where an underground storage tank system is the source of contamination an intermediate risk classification means that any of the following apply:~~

- ~~a) surface water is located within 500 feet of the source of contamination and the maximum groundwater contaminant concentration exceeds the applicable surface water quality standard and criteria found in 15A NCAC 2B. 0200 by a factor of 10.~~
- ~~b) the source of contamination is located within a designated wellhead protection area, as defined in 42 USC 300h-7(e).~~
- ~~c) the levels of groundwater contamination for any contaminant (except ethylene dibromide, benzene and the aliphatic and aromatic carbon fraction classes) exceed 50 percent of the solubility of the contaminant at 25 degrees Celsius or 1,000 times the groundwater quality standard or interim standard established in 15A NCAC 2L .0202.~~
- ~~d) the levels of groundwater contamination for ethylene dibromide or benzene exceed 1,000 times the federal drinking water standard set out in 40 CFR 141.~~
- ~~e) free product is present.~~

**Irrigation well** ~~means a~~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.

**Memorandum of Agreement (MOA)** ~~A written collaborative work agreement between the Mecklenburg County Land Use and Environmental Service Agency (LUESA) and NCDENR.~~

Monitoring <u>w</u> Well	<u>means a</u> Any well constructed for the primary purpose of obtaining <u>information about physical, chemical, radiological, or biological characteristics samples</u> of groundwater or other liquids, <u>for examination or testing</u> , 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 <u>ing</u> well constructed solely for the purpose of determining groundwater levels. <u>This definition includes all monitoring well types, including temporary wells and wells using Geoprobe® or direct-push technology (DPT).</u>
<u>NCDENR</u> <u>NCDEQ</u>	<u>North Carolina Department of Environment and Natural Resources.</u> <u>means The North Carolina Department of Environmental Quality.</u>
NCPWS	<u>means The</u> North Carolina Public Water Supply Section.
Non-community <u>w</u> Well	A well that serves 25 or more transient people 60 days of the year.
Non-potable well	<u>means a well that has groundwater</u> <del>Water</del> containing bacteria, minerals, organic or inorganic chemicals or <u>volatile organic compounds</u> <del>petroleum products</del> of such quantity as to render the water unsafe, harmful or <u>generally</u> unsuitable for domestic use.
Non-transient non-community <u>w</u> Well	<u>means a</u> A well that regularly serves at least 25 of the same persons over 6 months per year.
Orphan <u>s</u> Site	<u>means a</u> A contamination site where a responsible party has not been identified <u>or assigned.</u>
<u>Owner</u>	<u>means a</u> Any person who holds the fee or other property rights in the well being constructed. <u>A well is real property and its construction on land rests ownership in the land Owner in the absence of contrary agreement in writing.</u>
Permit	<u>means a</u> A written document <u>and associated plot plan</u> issued by the <u>Health</u> Department authorizing <u>or allowing</u> the construction, <u>abandonment</u> or repair of <u>any</u> well as defined by <u>these Regulations</u> <del>this Rule</del> .
Person	<u>means a</u> 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 02Ce.0107 (H) (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 public Assembly assembly means a fairground, auditorium, stadium, church, campground, theater or and other place where people assemble.

Potable wWater means wWater 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.

Public Notice means t~~The act of providing information to the persons required. This should take the form of certified mail sent to every occupant and Owner of all buildings, condominiums, office buildings, etc., within the specified area. If the number of correspondents makes certified mail impractical, then the responsible party may post the notice in a prominent place where the occupants are most likely to see it.~~

Pump means tThe well pump, pump pipe, pump supply line and any other equipment or materials used or intended to be used for with-drawing or obtaining groundwater.

Raw wWater means wWater which has not been treated to make it potable.

Recovery wWell means aAny well constructed for the purpose of removing contaminated groundwater or other liquids-contaminants from the subsurface.

Registered Pump Installer A person that has fulfilled the requirements of 15A NCAC 2C. 0103.

Repair	<u>means w</u> 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 <del>or opening</del> the well seal. <del>This shall not apply to routine pump maintenance or replacement; h</del> However, routine pump maintenance or replacement shall be followed by disinfection of the water system and proper replacement of the seal.
Residence	<u>means t</u> The place in which one lives, a dwelling.
Responsible pParty(s)	<u>means e</u> Entity(ies) determined by the <del>State to have caused</del> <u>regulating agency to be responsible for the</u> contamination.
Sample	<u>means a</u> A representative portion of a substance collected for analysis.
Sealed	<u>means n</u> No detectable leakage under the casing <u>or around the well head</u> shall be allowed to enter the bore hole, .
<del>Seated</del>	<del><u>means a</u>A part of the surface on or which another part or surface rests to fix firmly in place; to rest or fit into another part.</del>
Settleable <u>s</u> Solids	<u>means t</u> The volume of solid particles in a well-mixed one liter sample <u>that</u> <del>which</del> will settle out of suspension, in the bottom of an Imhoff Cone, after one hour.
Site	<u>means A</u> 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. <del>It contiguous property under the same ownership or all contiguous property wherein wells are under the same ownership.</del>
Site <u>P</u> lan	<u>means a</u> A drawing, not necessarily drawn to scale, that shows the existing and proposed property lines with dimensions, <del>and</del> 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 <u>a</u> Area	<u>means t</u> That portion or point on a site where a contaminant or contaminants <u>haves</u> been released.

Specific <u>c</u> Capacity	<u>means t</u> The yield of the well expressed in gallons per minute per foot of draw-down of the water level (gpm/ft._dd).
State	<u>means</u> The State of North Carolina government.
Static <u>w</u> Water <u>l</u> Level	<u>means t</u> 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 <u>s</u> Solids	<u>means t</u> The weight of those solid particles in a sample <u>that</u> <del>which</del> are retained by a standard glass micro-fiber filter, with pore openings of one and one-half microns, when dried at a temperature of 103 <del>to</del> <u>and</u> 105 degrees Fahrenheit.
<del>Temporary Well</del>	<del>A well, other than a water supply well that is constructed to determine aquifer characteristics, and which will be permanently abandoned or converted to a permanent well within five days (120 hours) of the completion of drilling of the borehole.</del>
Transient <u>n</u> Non-community <u>w</u> Well	<u>means a</u> 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 <u>w</u> Water	<u>means w</u> 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	<u>means t</u> The cloudiness in water, due to the presence of suspended particles such as clay <u>and or</u> silt that may create <del>aesthetic problems or laboratory</del> analytical difficulties for determining contamination <u>above 15A NCAC 02L</u> . <del>Turbidity measure in Nephelometric Turbidity Units (NTU) is based on a comparison of the cloudiness in the water with that in a specially prepared standard.</del>
Unconsolidated <u>R</u> ock	<u>means t</u> Those rock formations that are not firm and coherent, solidified or cemented, such as sand rock, sand, clay, shell, saprolite or decaying rock.
Underground <u>s</u> Storage <u>t</u> Fank (UST)	<del>Underground Storage Tank</del> means any one or a combination of tanks <u>(including underground pipes connected thereto)</u> that is used to contain and accumulation of regulated substances, and the volume of which <u>(including the volume of underground pipes connect thereto)</u> is 10% or more beneath the surface of the ground <u>(For a full definition, see 15A NCAC 02N .0203).</u>

Vent	<u>means a permanent An</u> opening in the well <u>casing or well head</u> , 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 <u>sSample</u>	<u>means A-a</u> representative portion of groundwater collected specifically for water quality analysis, whether by field or laboratory testing.
<del>Water supply</del>	<del>The groundwater that is obtained through a water supply well.</del>
Water <u>sSupply</u> <u>sStandards</u>	<u>means t</u> 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. <u>These standards include the following: EPA Primary &amp; Secondary Drinking Water Standard, NC 2L Groundwater Standards and the US EPA Health Advisories.</u>
Water Supply Well	<u>means aA</u> well, well pump and pipe used in connection with or pertaining to the operation of a water supply, including pressure tank and fittings. <u>An</u> irrigation well is a type of water supply well.
Well	<u>means aAny</u> excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of locating, testing, <u>or withdrawing groundwater for evaluating, testing,</u> 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. <del>including any and all materials installed to facilitate these actions.</del>
Well <u>cCap</u>	<u>means aA</u> watertight, lockable, removable plug used to temporarily seal the well casing <del>in order</del> to prevent water or other material from entering the well.
Well <u>cContractor</u>	<u>means aA</u> 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 <u>cContractor</u> <u>aActivity</u>	<u>means t</u> The construction, installation, repair, alteration, or abandonment of any well.

Well <u>c</u> Cover	<u>means f</u> 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 a 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.
	<u>means f</u> For water supply wells, any structure placed around the well head with the intent of affording protection to the well head.
Well <u>D</u> riller	<del>See certified well contractor.</del>
Well <u>h</u> Head	<u>means t</u> The upper terminal <u>us</u> of <u>the a</u> -well including adapters, ports, valves, seals and <del>or</del> other attachments.
Well <u>o</u> wner	<u>means e</u> ntity(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 land <u>o</u> wner in absence of a contrary agreement. <u>A monitoring well is real property and its construction on land rests ownership in the landowner in the absence of contrary agreement in writing.</u>
Well Permit	<del>A document issued by the Department allowing the construction, repair, or abandonment of any well as defined in these Regulations.</del>
Yield	<u>means the volume Amount</u> -of water or other fluid <u>per time</u> that can be <u>extracted-discharged</u> from a well under a given set of <u>circumstances.onditions.</u>

**CHAPTER II**  
**~~CONSTRUCTION, REPAIR, AND ABANDONMENT FOR WATER SUPPLY WELLS~~**

NOTE – THIS ENTIRE CHAPTER HAS BEEN REMOVED; STATE CONSTRUCTION STANDARDS FOR PRIVATE SUPPLY WELLS WILL BE FOLLOWED

~~CHAPTER III  
PUBLIC WATER SUPPLY WELLS  
COMMUNITY AND NON-TRANSIENT NON-COMMUNITY WATER SUPPLY  
WELLS~~

NOTE – THIS ENTIRE CHAPTER HAS REMOVED; THE STATE HANDLES THE PERMITTING AND REGULATION OF THESE WELLS

~~CHAPTER IV  
CONSTRUCTION, REPAIR, AND ABANDONMENT FOR TRANSIENT NON-  
COMMUNITY WATER SUPPLY WELLS~~

NOTE – THIS ENTIRE CHAPTER HAS BEEN MOVED TO THE NEW RULE GOVERNING  
OTHER TYPES OF WELLS

## CHAPTER V-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 posing a threat to human health or which would otherwise render the groundwater unsuitable for its usage 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 ~~two or more~~ substances exist in combination below the 2L Standards, the Water Supply Standard for the substances shall be as determined by ~~the Division of Epidemiology~~ 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 NCDENR NCDEQ, 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 VI**  
**~~CONSTRUCTION, REPAIR AND ABANDONMENT FOR MONITORING, INJECTION~~**  
**~~AND RECOVERY WELLS~~**

NOTE – THIS ENTIRE CHAPTER HAS BEEN MOVED TO THE NEW RULE GOVERNING  
OTHER TYPES OF WELLS

**CHAPTER VIII  
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 Soil to Groundwater Maximum Soil Contaminant~~ **the lower of any Maximum Soil Contaminant Concentration**, as referenced in 15A NCAC 2L ~~.0115 (m)~~ **.0411** or any other applicable regulatory soil contaminant standard ~~has occurred, or in violation of 15A NCAC 2L .0202 or in violation of the Oil Pollution Hazardous Substances Control Act of 1978,~~ 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 ~~IV~~ 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 ~~Certificate of Completion and the well being placed in service~~ well permit.

- b. compliance with well construction standards in ~~Chapter II of these Regulations~~ 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 pipe as grout is introduced
  - d. an initial water sample following well completion per the provisions in ~~Chapter II~~ 15A NCAC 02C ~~Section VI Sampling~~. 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. ~~Biannual~~ biennial sampling (every two years) and analysis for the contaminant(s)-of-concern, ~~which must be conducted per the provisions in Chapter II Section VI Sampling~~ 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 ~~w~~Well Owner for at least six years and provided to the Department upon request. ~~Or the Owner may submit all analytical reports~~. Sampling is the responsibility of the Owner of the well. ~~If deemed applicable, biannual sampling is the responsibility of the contamination plumes'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 ~~and presented to the Department~~, 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 a n~~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.
  6. 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.

7. b. the water sample must be analyzed for the contaminant(s)-of-concern. A ~~laboratory certified by the State~~ **Certified Laboratory** must perform the analysis. Sample results must be submitted to the Department for review **within 30 days of sampling.**
- ~~8. treatment is the responsibility of the responsible party except under the following condition:~~
  - ~~a. the contaminant(s) identified in the water sample taken from the subject well is not associated with the contaminant released by the Responsible Party~~ **Responsible Party**
9. c. in instances where a contaminant(s) detected in a water sample is not associated with the contaminant released by ~~the a R~~responsible ~~P~~party or where no ~~R~~responsible ~~P~~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 ~~w~~Well Owner is responsible for water treatment.
- ~~10~~ 6. a well which contains contaminant(s), **such that the water would be considered non-potable but and** is not active must be permanently abandoned per provisions of ~~Chapter II Section VIII paragraph B (7) of these Regulations~~ 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 ~~Chapter II of these Regulations~~ 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 Certificate of Completion and the well being placed in service well permit.** ~~compliance with the well construction standards in Chapter II of these Regulations~~
  - b. grouting the full extent of the casing
  - c. an initial water sample following well completion per the provisions in ~~Chapter II Section VI Sampling~~ 15A NCAC 02C. In addition the water sample must be analyzed for the contaminant(s)-of-concern. A **laboratory certified by the State 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.



- 7 b. the water sample must be analyzed for the contaminant(s)-of-concern. A ~~laboratory certified by the State Certified Laboratory~~ must perform the analysis. Sample results must be submitted to the Department for review ~~within 30 days of sampling.~~
  8. ~~treatment is the responsibility of the responsible party except under the following condition:~~
    - a. ~~the contaminant(s) identified in the water sample taken from the subject well is not associated with the contaminant released by the Responsible Party.~~
  - 9 c. in instances where a contaminant(s) detected in a water sample is not associated with the contaminant released by ~~the a R~~responsible ~~P~~party or where no ~~R~~responsible ~~P~~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 ~~w~~Well Owner is responsible for water treatment.
106. a well which contains contaminant(s), ~~such that the water would be considered non-potable but~~ and is not active must be permanently abandoned per provisions of Chapter II Section VIII paragraph B (7) of these regulations. 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 ~~following identification of the contaminant per the provisions in Chapter II Section VI Sampling.~~ 15A NCAC 02C. The water sample must be analyzed for the contaminant(s)-of-concern. A ~~laboratory certified by the State Certified Laboratory~~ must perform the analysis. The analysis must be submitted to the Department for review ~~within 30 days of sampling.~~
  2. ~~biannual~~ biennial sampling (every two years) and analysis for the contaminant(s)-of-concern, ~~which must be conducted per the provisions in Chapter II Section VI Sampling.~~ 15A NCAC 02C. A ~~laboratory certified by the State Certified Laboratory~~ must perform the analysis. The analysis must be submitted to the Department for review. ~~If deemed applicable, B~~biannual biennial sampling is the responsibility of the contaminant ~~plumes plume's~~ RResponsible pParty.
  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 exist 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 ~~and presented to the Department~~, 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 a R~~responsible ~~P~~party, or if no ~~R~~responsible ~~P~~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 ~~w~~Well Owner. The water sample ~~must should~~ be analyzed for the contaminant(s)-of-concern. A ~~laboratory certified by the State Certified Laboratory~~ must perform the analysis. The analysis ~~must should~~ be submitted to the Department for review.
5. 1. water from an existing water supply well that is determined to contain a contaminant(s) the well 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~~ ~~a n~~Notice of Groundwater Contamination must be notarized and recorded with the ~~r~~Register of Deeds within 30 days of notification.
- ~~6. a.~~ treated water must be sampled according to manufacturer's specifications to insure the treatment system is functioning as designed. The period of sampling shall be sufficient to insure against contaminant breakthrough.
- ~~i. b.~~if there is a contamination site in question is an orphan site with the State or federal government acting in place of ~~the a R~~responsible ~~P~~party, or if no ~~R~~responsible ~~P~~party has been assigned then periodic sampling may be completed by the Department if funding is available.
- ~~7. c.~~ ~~b.~~ the water sample must be analyzed for the contaminant(s)-of-concern. A ~~laboratory certified by the State Certified Laboratory~~ must perform the analysis. Sample results must be submitted to the Department for review ~~upon request~~.
- ~~8. treatment is the responsibility of the r~~Responsible ~~p~~Party ~~except under the following condition:~~
- ~~a. i. the contaminant(s) identified in the water sample taken from the subject well is not associated with the contaminant released by the Responsible Party.~~
9. ~~de.~~ in instances where a contaminant(s) detected in a water sample is not associated with the contaminant released by ~~the a r~~Responsible ~~p~~Party or no ~~r~~Responsible

~~p~~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 ~~w~~Well Owner is responsible for water treatment.

~~10612~~ 72. a well which contains a contaminant(s) such that the water would be considered non-potable and ~~but~~ is not active must be permanently abandoned per provisions of ~~Chapter II Section VIII paragraph B (7)-15A NCAC 02C.~~

~~a.3.~~ a Notice of Groundwater Contamination must be notarized and recorded with the ~~r~~Register of Deeds.

## CHAPTER IVH ENFORCEMENT

### SECTION I PENALTIES

- (A) Any Person who violates any of the provisions of ~~these Regulationsthis Rule~~ is subject to a criminal penalty. Any Person who willfully violates any provision of ~~thesethis RegulationsRule~~, or any order issued by the Director pursuant thereto, shall be guilty of a misdemeanor ~~punishable by a fine not to exceed five hundred dollars or imprisonment not to exceed thirty (30) days pursuant to G.S. 130A-25.~~
- (B) Any Person, who violates any of the provisions of ~~these Regulationsthis 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 ~~these Regulationssthis 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 ~~these Regulationsthis Rule~~ or to pay such penalty.
- (C) The maximum civil penalty for each violation of ~~these Regulationsthis 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 ~~these Regulationsthis 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 ~~these Regulations~~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 ~~these Regulations~~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 ~~these Regulations~~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 ~~these Regulations~~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 ~~these Regulations~~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 ~~shall entitle the Person submitting the Plan ("Petitioner") to a public hearing before the Groundwater Advisory Committee ("Committee") if such Person submits written demand for a~~

hearing to the Clerk of the Committee ("Clerk") within 30 Days after receipt of written notice of the disapproval or modification. The demand for a hearing filed with the Clerk shall be accompanied by a filing fee as established by the Groundwater Advisory Committee. The Committee may order the refund of all or any part of the filing fee if it rules in favor of the Petitioner. Failure to timely file such demand and fee shall constitute a waiver of any rights to appeal under this Chapter and the Groundwater Advisory Committee shall have no jurisdiction to hear the appeal may be appealed pursuant to the procedures set forth in G.S. 130A-24.

2. Within five (5) Days of receiving the demand for a hearing, the Clerk shall notify the Chairman of the Committee ("Chairman") of the demand for hearing. As soon as possible after the receipt of said notice, the Chairman shall set a time and place for the hearing and notify the Petitioner by mail of the date, time and place of the hearing. The time specified for the hearing shall be either at the next regularly scheduled meeting of the Committee from the submission of the notice, or as soon thereafter as practical, or at a special meeting. The hearing shall be conducted by the Committee in accordance with the provisions of Section III (C) of this Chapter. 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.
3. Any party aggrieved by the decision of the Committee with regard to the disapproval or modification of a proposed well following the public shall have thirty (30) Days from the receipt of the decision of the Committee to file a petition for review in the nature of certiorari in Superior Court with the Clerk of the Mecklenburg County Superior Court.

(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 ~~shall entitle the Person responsible for the violation of the Ordinance ("Petitioner") to a public hearing before the Groundwater Advisory Committee ("Committee") if such Person submits written demand for a hearing to the Clerk of the Committee ("Clerk") within thirty (30) Days of the receipt of the notice of violation, assessment of a civil penalty or order of restoration. The demand for a hearing filed with the Clerk shall be accompanied by a filing fee as established by the Groundwater Advisory Committee. The Committee may order the refund of all or any part of the filing fee if it rules in favor of the Petitioner. Failure to timely file such demand and fee shall constitute a waiver of any rights to appeal under these Regulations and the Groundwater Advisory Committee shall have no jurisdiction to~~

~~hear the appeal 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. Within five (5) Days of receiving the Petitioner's demand for a hearing, the Clerk shall notify the Chairman of the Committee ("Chairman") of the request for a hearing. As soon as possible after the receipt of said notice, the Chairman shall set a time and place for the hearing and notify the Petitioner by mail of the date, time and place of the hearing. The time specified for the hearing shall be either at the next regularly scheduled meeting of the Committee from the submission of the notice, or as soon thereafter as practical, or at a special meeting. The hearing shall be conducted pursuant to the provisions of Section III (C) of this Chapter.~~
- ~~3. Any party aggrieved by the decision of the Committee with regard to the issuance of a notice of violation, assessment of civil penalties or order of restoration shall have thirty (30) Days from the receipt of the decision of the Committee to file a petition for review in the nature of certiorari in Superior Court with the Clerk of the Mecklenburg County Superior Court.~~

~~(C) Hearing Procedure. The following provisions shall be applicable to any hearing conducted by the Committee pursuant to Section II (A) or (B) or Section IV of this Chapter.~~

- ~~1. At the hearing, Petitioner and the Director shall have the right to be present and to be heard, to be represented by counsel, and to present evidence through witnesses and competent testimony relevant to the issue(s) before the Committee.~~
- ~~2. Rules of evidence shall not apply to a hearing conducted pursuant to these Regulations and the Committee may give probative effect to competent, substantial and material evidence.~~
- ~~3. At least seven (7) Days before the hearing, the parties shall exchange a list of witnesses intended to be present at the hearing and a copy of any documentary evidence intended to be presented unless both parties otherwise agree. The parties shall submit a copy of this information to the Clerk. Additional witnesses or documentary evidence may not be presented except upon consent of both parties or upon a majority vote of a quorum of the Committee.~~

- ~~4. Witnesses shall testify under oath or affirmation to be administered by the Court Reporter or another duly authorized official.~~
- ~~5. The procedure at the hearing shall be such as to permit and secure a full, fair and orderly hearing and to permit all relevant, competent, substantial and material evidence to be received therein. A full record shall be kept of all evidence taken or offered at such hearing. Both the representative for the Department or Director and for the Petitioner shall have the right to cross-examine witnesses.~~
- ~~6. At the conclusion of the hearing, the Committee shall render its decision on the evidence submitted at such hearing and not otherwise.
  - ~~a. If, after considering the evidence presented at the hearing, the Committee concludes by a preponderance of the evidence that the grounds for the Director's actions (including the amount assessed as a civil penalty) with regard to either disapproving or modifying a proposed permit, issuing a notice of violation, assessing a civil penalty, ordering restoration, or granting or denying a request for a variance are true and substantiated, the Committee shall uphold the action on the part of the Director.~~
  - ~~b. If, after considering the evidence presented at the hearing, the Committee concludes by a preponderance of the evidence that the grounds for the Director's actions (including the amount assessed as a civil penalty) are not true and substantiated, the Committee shall, as it sees fit either reverse or modify any order, requirement, decision or determination of the Director, including granting a variance. If the Committee finds that the violation has occurred, but that in setting the amount of a penalty the Director has not considered or given appropriate weight to either mitigating or aggravating factors, the Committee shall either decrease or increase the per day civil penalty within the range allowed by these Regulations.~~
  - ~~c. Any decision of the Committee which modifies the amount of the civil penalty shall include, as part of the findings of fact and conclusions of law, findings as to which mitigating or aggravating factors exist and the appropriate weight that should have been given to such factors by the Director in setting the amount of the civil penalty levied against the Petitioner.~~
  - ~~d. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question and the absence or failure of any member to vote. The decision of the Committee shall be based on findings of fact and conclusions of law to support its decision.~~~~

~~e. The Committee shall send a copy of its findings and decision to the Applicant/Petitioner and the Director. If either party contemplates an appeal to a court of law, the party may request and obtain, at that party's own cost, a transcript of the proceedings.~~

~~f. The decision of the Committee shall constitute a final decision, subject to the right of the Petitioner or Director to file a petition for review as provided in Section III (B) 3 or Section IV (D) of this Chapter.~~

## SECTION IV            VARIANCE

(A) The Director may grant a variance from any construction standard under ~~thesethis~~ Regulations 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 reasonable 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) ~~A person requesting a variance to the Mecklenburg County Groundwater Regulations for Private Drinking Water Supply Wells may first seek the variance from the Director. 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 to the Groundwater Advisory Committee ("Committee") by submitting written demand for a hearing to the Clerk of the Committee ("Clerk") within 30 Days after receipt of written notice of the Director's action granting or denying the request for a variance. The demand for a hearing filed with the Clerk shall be accompanied by a filing fee as established by the Groundwater Advisory Committee. The Committee may order the refund of all or any part of the filing fee if it rules in favor of the Petitioner. Failure to timely file such demand and fee shall constitute a waiver of any rights to appeal under these Regulations and the Groundwater Advisory Committee~~

~~shall have no jurisdiction to hear the appeal 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. Within five (5) Days of receiving the demand for a hearing, the Clerk shall notify the Chairman of the Committee ("Chairman") of the demand for a hearing. As soon as possible after the receipt of said notice, the Chairman shall set a time and place for the hearing and notify the Petitioner by mail of the date, time and place of the hearing. The time specified for the hearing shall be either at the next regularly scheduled meeting of the Committee from the submission of the notice, or as soon thereafter as practical, or at a special meeting. The hearing shall be conducted by the Committee in accordance with the provisions of Section III (C) of this Chapter.~~
- (D) ~~Any party aggrieved by the decision of the Committee with regard to a decision on a variance appeal shall have thirty (30) Days from the receipt of the decision of the Committee to file a petition for review in the nature of certiorari in Superior Court with the Clerk of the Mecklenburg County Superior Court.~~

**CHAPTER IX-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 AgreementRule. 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 Hear appeals ~~and reach decisions~~ 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 Hear appeals from the granting or denial of variances by the Director, ~~and grant variances when appropriate~~.
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.