

## **15A NCAC 05H .1802 WATER SUPPLY TESTING NOTIFICATIONS**

(a) The permittee shall provide written notice to all surface owners or owners of a water supply, as defined in G.S.113-389, prior to all water supply testing within one-half mile of the proposed wellhead. The permittee shall pay the costs involved in testing all water supplies as required by G.S. 113-423(f). In addition to the requirements of G.S.113-420(a), the written notice shall include the following:

- (1) the applicant's or permittee's name, address, telephone number, and email address;
- (2) a statement of the permittee's intent to drill an oil or gas well and as a result, water supplies within one-half mile of the proposed oil or gas well shall be tested;
- (3) the date, time, and location of water supply testing is expected to occur and the estimated number of entries to the property;
- (4) a statement explaining that if the surface owner or owner of the water supply refuses access to conduct testing of the water supply, then such refusal may be used as evidence to rebut the presumption of liability established by G.S. 113-421(a1);
- (5) the name, address, and telephone number of the Department, which the surface owner or owner of the water supply may contact with questions or concerns; and
- (6) the following link to the Department's Wastewater/Groundwater Laboratory Certification program laboratories:  
<https://slphreporting.ncpublichealth.com/EnvironmentalSciences/Certification/CertifiedLaboratory.asp>.

(b) The permittee shall provide written notice to the Department if a surface owner or water supply owner refuses to conduct testing of the water supply. The written notice shall be submitted to the Department as an attachment to Form 22 – Water Supply Testing Report and include the following:

- (1) the permittee's name, address, telephone number, fax number, and email address;
- (2) a copy of the written notice required in Paragraph (a) of this Rule;
- (3) the name of the person or firm who requested and was refused access to conduct the testing, the date of the request, and a copy of all documentation, including documentation showing the request for access was denied; and
- (4) the name, address, and telephone number of the surface owner or owner of the water supply.

*History Note:* Authority G.S. 113-391(a)(3); 113-391(a)(5)b; 113-421(a); 113-423(f);  
Eff. March 17, 2015.