

15A NCAC 18C .0203 PUBLIC WELL WATER SUPPLIES

(a) A site or sites for a water supply well to be used as a community or non-transient, non-community water system shall be investigated by an authorized representative of the Department prior to approval. Approval by the Department is required in addition to any approval or permit issued by any other state agency. The site shall meet the following requirements at the time of approval:

- (1) The well shall be located on a lot so that the area within 100 feet of the well is owned or controlled by the person supplying the water. The supplier of water shall be able to protect the well lot from potential sources of pollution and to construct landscape features for drainage and diversion of pollution.
- (2) The minimum horizontal separation between the well and known potential sources of pollution shall be as follows:
 - (A) 100 feet from any sanitary sewage disposal system, sewer, or a sewer pipe unless the sewer is constructed of water main materials and joints, in which case the sewer pipe shall be at least 50 feet from the well;
 - (B) 200 feet from a subsurface sanitary sewage treatment and disposal system designed for 3000 or more gallons of wastewater a day flows, unless the well water source is from a confined aquifer;
 - (C) 500 feet from a septage disposal site;
 - (D) 100 feet from buildings, mobile homes, permanent structures, animal houses or lots, or cultivated areas to which chemicals are applied;
 - (E) 100 feet from surface water;
 - (F) 100 feet from a chemical or petroleum fuel underground storage tank with secondary containment;
 - (G) 500 feet from a chemical or petroleum fuel underground storage tank without secondary containment;
 - (H) 500 feet from the boundary of a ground water contamination area;
 - (I) 500 feet from a sanitary landfill or non-permitted non-hazardous solid waste disposal site;
 - (J) 1000 feet from a hazardous waste disposal site or in any location that conflicts with the North Carolina Hazardous Waste Management Rules cited as 15A NCAC 13A;
 - (K) 300 feet from a cemetery or burial ground; and
 - (L) 100 feet from any other potential source of pollution.
- (3) The Department may require greater separation distances or impose other protective measures if necessary to protect the well from pollution, taking into consideration factors such as:
 - (A) the hazard or health risk associated with the source of pollution;
 - (B) the proximity of the potential source to the well;
 - (C) the type of material, facility, or circumstance that poses the source or potential source of pollution;
 - (D) the volume or size of the source or potential source of pollution;
 - (E) hydrogeological features of the site that could affect the movement of contaminants to the source water;
 - (F) the effect that well operation might have on the movement of contamination; and
 - (G) the feasibility of providing additional separation distances or protective measures.
- (4) The lot shall be graded or sloped so that surface water is diverted away from the wellhead. The well shall not have greater than a one percent annual chance of flooding.
- (5) If a supplier of water demonstrates that it is impracticable, taking into consideration feasibility and cost, to locate water from any other approved source and an existing well can no longer provide water that meets the requirements of this Subchapter, a representative of the Division may approve a variance for a smaller well lot and reduced separation distances to meet existing demands. Additional monitoring under this Part or other conditions shall be imposed if necessary to mitigate the increased risk from the variance.

(b) The Division of Water Resources may grant a variance from the minimum horizontal separation distances for public water supply wells set out in Parts (a)(2)(D) and (E) of this Rule.

- (1) Such variance shall require the following findings:
 - (A) the well supplies water to a non-community water system as defined in G.S. 130A-313(10)(b) or supplies water to a business or institution, such as a school, that has

- become a non-community water system through an increase in the number of people served by the well;
 - (B) it is impracticable, taking into consideration feasibility and cost, for the public water system to comply with the minimum horizontal separation distance set out in Parts (a)(2)(D) and (E) of this Rule;
 - (C) there is no reasonable alternative source of drinking water available to the public water supply system and;
 - (D) the granting of the variance will not result in an unreasonable risk to public health.
- (2) Such variance shall require that the non-community public water supply well meet the following requirements:
- (A) the well shall comply with the minimum horizontal separation distances set out in Parts (a)(2)(D) and (E) of this Rule to the maximum extent practicable;
 - (B) the well shall meet a minimum horizontal separation distance of 25 feet from a building, mobile home, or other permanent structure that is not used primarily to house animals;
 - (C) the well shall meet a minimum horizontal separation distance of 100 feet from any animal house or feedlot and from cultivated areas to which chemicals are applied;
 - (D) the well shall meet a minimum horizontal separation distance of 50 feet from surface water; and
 - (E) the well shall comply with all other requirements for public well water supplies set out in Paragraph (a) of this Rule.

*History Note: Authority G.S. 130A-315; 130A-318; P.L. 93-523; S.L. 2011-394;
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