

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1171\*  
Commerce Committee Substitute Adopted 7/15/98  
House Committee Substitute Favorable 8/6/98

Short Title: Well Setback Distances.

(Public)

Sponsors:

Referred to:

May 20, 1998

A BILL TO BE ENTITLED  
AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENTS  
AND TO ESTABLISH MONITORING REQUIREMENTS FOR WATER SUPPLY  
WELLS SERVING INSTITUTIONS AND FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-235 reads as rewritten:

"§ 130A-235. **Regulation of sanitation in ~~institutions.~~ institutions; setback requirements applicable to certain water supply wells.**

(a) For protection of the public health, the Commission shall adopt rules to establish sanitation requirements for all institutions and facilities at which individuals are provided room or board and for which a license to operate is required to be obtained or a certificate for payment is obtained from the Department. The rules shall also apply to facilities that provide room and board to individuals but are exempt from licensure under G.S. 131D-10.4(1). No other State agency may adopt rules to establish sanitation requirements for these institutions and facilities. The Department shall issue a license to operate or a certificate for payment to such an institution or facility only upon compliance with all applicable sanitation rules of the Commission, and the Department may suspend or revoke a license or a certificate for payment for violation of these rules. In adopting

1 rules pursuant to this section, the Commission shall define categories of standards to  
2 which such institutions and facilities shall be subject and shall establish criteria for the  
3 placement of any such institution or facility into one of the categories. This section shall  
4 not apply to State institutions and facilities subject to inspection under G.S. 130A-5(10).

5 (b) Rules that establish a minimum distance from a building foundation for a water  
6 supply well shall provide that an institution or facility located in a single-family dwelling  
7 served by a water supply well that is located closer to a building foundation than the  
8 minimum distance specified in the rules may be licensed or approved if the results of  
9 water testing meet or exceed standards established by the Commission and there are no  
10 other potential health hazards associated with the well. At the time of application for  
11 licensure or approval, water shall be sampled and tested for pesticides, nitrates, and  
12 bacteria. Thereafter, water shall be sampled and tested at intervals determined by the  
13 Commission but not less than annually. A registered sanitarian or other health official  
14 who is qualified by training and experience shall collect the water samples as required by  
15 this subsection and may examine the well location to determine if there are other  
16 potential health hazards associated with the well. A well shall comply with all other  
17 applicable sanitation requirements established by the Commission.

18 (c) The Department may suspend or revoke a license or approval for a violation of  
19 this section or rules adopted by the Commission."

20 Section 2. The Commission for Health Services may adopt temporary rules  
21 necessary to implement Section 1 of this act within 90 days of the effective date of this  
22 act.

23 Section 3. No later than 1 January 1999, the Commission for Health Services  
24 shall adopt a temporary rule in accordance with G.S. 150B-21.1 that provides specific  
25 guidelines for waiving the existing water supply well setback requirements contained in  
26 15A NCAC 18A.1720 for institutions and facilities located in single-family dwellings. In  
27 adopting this rule, the Commission shall determine specific criteria under which 15A  
28 NCAC 18A.1720 may be waived while still protecting the public health.

29 Section 4. The Commission for Health Services shall report to the Joint  
30 Legislative Administrative Procedure Oversight Committee on the implementation of this  
31 act no later than 1 October 1998.

32 Section 5. This act is effective when it becomes law.