

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE DRS65502-SYz-41A* (05/09)

Short Title: Private Drinking Water Wells/Local Well Prgms. (Public)

Sponsors: Senator Dorsett.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROTECT PUBLIC HEALTH AND WATER QUALITY FOR RESIDENTS OF THE STATE THAT RECEIVE DRINKING WATER FROM PRIVATE WELLS BY PROVIDING FOR THE AUTHORIZATION OF LOCAL WELL TESTING PROGRAMS; TO REQUIRE NOTIFICATION OF GROUNDWATER CONTAMINATION TO RESIDENTS AND WELL USERS THAT LIVE OR WORK NEAR A CONTAMINATED WELL; TO ESTABLISH A GROUNDWATER QUALITY DATABASE; TO ESTABLISH AN EMERGENCY DRINKING WATER FUND; AND TO APPROPRIATE FUNDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 130A of the General Statutes is amended by adding a new Article to read:

"Article 10A.

"Private Drinking Water Wells.

"§ 130A-330.1. Purpose.

The purpose of this Article is to ensure the safety and quality of potable water delivered from private drinking water wells in the State.

"§ 130A-330.2. Definitions.

The following definitions shall apply throughout this Article:

(1) 'Certified laboratory' means a facility that has received interim or final certification by either the United States Environmental Protection Agency or the Department for performing bacteriological, chemical, or other analyses on water.

(2) 'Contaminant' means any physical, chemical, biological, or radiological substance or matter in water.

- 1 (3) 'Fund' means the Emergency Drinking Water Fund established by
2 G.S. 130A-330.5.
- 3 (4) 'Groundwater standards' means water quality standards for
4 groundwater adopted by the Environmental Management Commission
5 pursuant to G.S. 143-214.1.
- 6 (5) 'Local well testing program' means a program established by a city,
7 county, or regional office of the Department for the purpose of
8 protecting public health from groundwater contamination.
- 9 (6) 'Private well' means a drinking water well that has less than 15 service
10 connections or that does not regularly serve 25 or more individuals.
- 11 (7) 'Resident' means a person or group of persons residing in the same
12 dwelling unit or working at the same business at which drinking water
13 is supplied from a private well.
- 14 (8) 'Water test' means a test of drinking water conducted in accordance
15 with G.S. 130A-330.3 and rules adopted by the Commission pursuant
16 to this Article.
- 17 (9) 'Well user' means a person or group of persons residing in the same
18 dwelling unit or working at the same business at which drinking water
19 is supplied from a private well.

20 **"§ 130A-330.3. Water test procedures.**

21 (a) The Commission shall establish criteria and procedures for the testing of
22 water provided from a private well to determine whether the well provides water that
23 complies with groundwater standards. The criteria and procedures shall include an
24 analysis for at least the following contaminants:

- 25 (1) Bacteria (total coliform).
- 26 (2) Nitrates.
- 27 (3) Heavy metals.
- 28 (4) Volatile organic compounds.

29 (b) The Commission may authorize testing for additional contaminants in areas
30 of the State where additional contaminants may pose a threat to public health.

31 (c) A water test conducted pursuant to this Article shall be completed by a
32 certified laboratory.

33 (d) The Commission shall develop a standard report form that certified
34 laboratories shall use to report the results of a water test conducted pursuant to this
35 Article.

36 **"§ 130A-330.4. Local well testing programs.**

37 (a) The Department shall develop a program to provide grants to cover the costs
38 of testing of private wells in the vicinity of known groundwater contamination
39 incidents. The Department shall approve all grants authorized under this section.

40 (b) The Department shall consider for grant assistance any local well testing
41 program that meets all of the following criteria:

- 42 (1) The local well testing program shall identify a set of groundwater
43 contamination incidents that it determines pose a threat to public
44 health, based on the toxicity of contaminants, the known concentration

- 1 and geographic extent of contamination, the contaminant's propensity
2 to migrate, and the number of drinking water wells estimated to be in
3 the area.
- 4 (2) The local well testing program shall notify, to the extent practicable,
5 all residents within a 1,500-foot radius of the known boundaries of
6 each groundwater contamination incident identified in subdivision (1)
7 of this subsection. The notification shall be issued in both English and
8 Spanish and shall include all of the following information:
- 9 a. The location of the groundwater contamination incident.
10 b. The name and potential health effect of each contaminant
11 known to be present at the groundwater contamination incident
12 at levels in excess of groundwater standards.
13 c. Instructions explaining how the resident can voluntarily seek
14 testing of private well water by the local well testing program.
15 d. Contact information for the local well testing program and the
16 closest office of the Department.
- 17 (3) The local well testing program shall offer free testing of private wells
18 to well users conducted pursuant to subdivision (2) of this subsection.
19 The test shall be conducted in accordance with the water test
20 procedures established in G.S. 130A-330.3.
- 21 (4) A certified laboratory shall submit results of the water test to the local
22 well testing program no later than 15 days after completion of any
23 analysis. A certified laboratory shall electronically submit the results
24 of a water test conducted pursuant to this Article to the Department no
25 later than 30 days after completion of the analysis.
- 26 (5) The local well testing program shall provide the following information
27 to each user whose well is tested under this section:
- 28 a. The location of the well from which the sample was collected.
29 b. The name, groundwater standard, and level of each contaminant
30 for which the well was tested.
31 c. The potential health effects of each contaminant detected in the
32 water sample.
33 d. If any contamination is found in excess of groundwater
34 standards, instructions for how the resident can seek alternative
35 drinking water supplies or treatment of contaminated water
36 from the Department on a temporary or permanent basis
37 pursuant to G.S. 130A-330.5.
38 e. Contact information for the local health department and the
39 closest office of the Department.
40 f. Any other information required by the rules of the Commission.
- 41 (c) Eligible projects shall be funded according to provisions established by the
42 Department. No individual grant may exceed fifty thousand dollars (\$50,000).
43 "§ 130A-330.5. Emergency Drinking Water Fund.

1 There is established under the control and direction of the Department the
2 Emergency Drinking Water Fund. The Fund shall be a nonreverting, interest-bearing
3 fund consisting of monies appropriated to the Fund by the General Assembly and
4 investment interest credited to the Fund. The Fund may be used to pay for local well
5 testing programs pursuant to G.S. 130A-330.4 and for the provision of alternative
6 drinking water supplies for parties affected by groundwater contamination on a
7 temporary or permanent basis. The Department shall disburse monies from the Fund
8 based on financial need and on the risk to public health posed by groundwater
9 contamination.

10 **"§ 130A-330.6. Annual report.**

11 The Department, in consultation with the Commission and county health
12 departments, shall report no later than 1 November of each year to the Environmental
13 Review Commission, the House of Representatives and Senate Appropriations
14 Subcommittees on Natural and Economic Resources, and the Fiscal Research Division
15 on the implementation of this Article. The report shall include the purpose and amount
16 of all expenditures from the Fund during the prior fiscal year, a discussion of the
17 benefits and deficiencies realized as a result of the Article, and may also include
18 recommendations for any legislative action."

19 **SECTION 2.** Article 21 of Chapter 143 of the General Statutes is amended
20 by adding a new Part to read:

21 "Part 11. Groundwater Quality Database.

22 **"§ 143-215.74J. Database established.**

23 The Department shall establish a Groundwater Quality Database as a resource center
24 and repository for the results of groundwater quality monitoring conducted and
25 submitted pursuant to programs administered by the Department under Articles 9, 10,
26 and 10A of Chapter 130A and Articles 21 and 21A of Chapter 143 of the General
27 Statutes. The Department shall:

- 28 (1) Collect, maintain, and make available the information contained in the
29 Database in a manner that is accessible to State agencies, local
30 governments, and the general public.
- 31 (2) Assess the quality and reliability of the data and organize the Database
32 in a usable format. The Database shall include geographic information
33 sufficient to locate: (i) groundwater wells; (ii) natural and
34 anthropogenic occurrences of contaminants at levels in excess of
35 groundwater standards; and (iii) proximity of contamination to surface
36 waters of the State. The information shall be available by latitude,
37 longitude, depth, and contaminant levels.
- 38 (3) Prescribe the format for submission of information and ensure quality
39 control for all data collected or submitted.

40 **"§ 143-215.74K. Annual report.**

41 The Department shall report no later than 1 November of each year to the
42 Environmental Review Commission on the status of groundwater quality in the State.
43 The report shall include information on the status of the Groundwater Quality Database,
44 groundwater monitoring efforts conducted by the Department, and trends in

1 groundwater quality, movement, and quantity. The report may also include issues
2 related to groundwater quality, deficiencies in groundwater quality information, and
3 recommendations, if any, to improve the Department's understanding of the quality,
4 movement, and quantity of groundwater resources in the State."

5 **SECTION 3.** There is appropriated from the General Fund to the Emergency
6 Drinking Water Fund established by G.S. 130A-330.5, as enacted by Section 1 of this
7 act, the sum of nine hundred sixty thousand dollars (\$960,000) for the 2006-2007 fiscal
8 year.

9 **SECTION 4.** It is the intent of the General Assembly that the funds
10 appropriated by this act shall be recurring funds.

11 **SECTION 5.** Nothing in this act shall be construed to limit or preempt the
12 authority of a local health department or local board of health to make or cause to be
13 made an inspection or test of a private well as may be necessary to ensure the health and
14 safety of residents of the State.

15 **SECTION 6.** The first report required pursuant to G.S. 130A-330.6, as
16 enacted by Section 1 of this act, is due on or before 1 November 2007. The first report
17 required pursuant to G.S. 143-215.74K, as enacted by Section 2 of this act, is due on or
18 before 1 November 2007.

19 **SECTION 7.** Sections 1 and 2 of this act become effective 1 January 2007.
20 Section 3 of this act becomes effective 1 July 2006. The remaining sections of this act
21 are effective when the act becomes law.