

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1171*
Commerce Committee Substitute Adopted 7/15/98

Short Title: Well Setback Distances.

(Public)

Sponsors:

Referred to:

May 20, 1998

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

5 The General Assembly of North Carolina enacts:

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

7 "**§ 130A-235. Regulation of sanitation in ~~institutions~~-institutions; existing water**
8 **supply well setbacks.**

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

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

4 (b) If the Commission has adopted rules pursuant to subsection (a) of this section
5 establishing a minimum distance from a building foundation for an existing water supply
6 well, then the following provisions shall apply:

7 (1) The Commission shall also provide in its rules that institutions or
8 facilities located in single-family dwellings may be licensed or approved
9 with wells located closer to a building foundation than the specified
10 minimum distance if the results of water testing meet acceptable limits,
11 established by the Commission, and there are no other observable
12 indications of potential health hazards from the water.

13 (2) The testing shall include sampling for pesticides, nitrates, and bacteria
14 upon application for licensure or approval. Thereafter, testing shall be
15 conducted at intervals determined by the Commission as the agency
16 charged with establishing sanitation requirements, but not less than
17 annually.

18 (3) A sanitarian or other health official, qualified by training and
19 experience, shall collect the samples required by subdivision (2) of this
20 subsection and may conduct other examinations of the well location to
21 determine potential health hazards.

22 (4) Wells shall comply with all other applicable sanitation requirements
23 established by the Commission.

24 (c) The Department may suspend or revoke a license for violation of this section
25 or Commission rules."

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

29 Section 3. No later than January 1, 1999, the Commission for Health Services
30 shall adopt a temporary rule in accordance with G.S. 150B-21.1 that provides specific
31 guidelines for waiving the existing water supply well setback requirements contained in
32 15A NCAC 18A .1720, for institutions and facilities located in single-family dwellings.
33 In adopting this rule, the Commission shall determine specific criteria under which 15A
34 NCAC 18A .1720 may be waived while still protecting the public health.

35 Section 4. The Commission for Health Services shall report to the Joint
36 Legislative Administrative Procedure Oversight Committee no later than October 1,
37 1998, on the implementation of this act.

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