

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE DRH50230-LD-57 (03/14)

Short Title: Repeal Private Drinking Water Well Testing.

(Public)

Sponsors: Representative Hager.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE LAW THAT REQUIRES EACH COUNTY, THROUGH THE LOCAL HEALTH DEPARTMENT, TO IMPLEMENT A PRIVATE DRINKING WATER WELL PERMITTING, INSPECTION, AND TESTING PROGRAM AND TO MAKE STATUTORY CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 87-97 is repealed.

SECTION 2. G.S. 87-87(7) is repealed.

SECTION 3. G.S. 87-88(a) reads as rewritten:

"(a) Prior Permission. – Prior permission shall be obtained from the Environmental Management Commission for the construction of (i) any water well or of well systems with a designed capacity of 100,000 gallons per day or greater; and (ii) of any well in a geographical area where the Environmental Management Commission finds, after public hearings, such permission to be reasonably necessary to protect the groundwater resources and the public welfare, safety and health, taking into consideration other applicable State laws; provided, however, that the Environmental Management Commission shall not reject any application under this subsection for permission to construct a well except upon the ground that the well would not be in compliance with a provision of this Article or with a rule or regulation of the Environmental Management Commission adopted pursuant to the provisions of G.S. 87-87 of this Article. Notification of approval or rejection of an application for permission to construct a well shall be given the applicant within a period of 15 days after receipt of such application. Private drinking water wells (i) with a designed capacity of 100,000 gallons per day or greater or (ii) that are to be constructed in a geographical area where the Environmental Management Commission has found that prior permission is necessary shall be subject to permitting and inspection by the Environmental Management Commission and shall not be subject to permitting and inspection by a local health department. ~~All other private drinking water wells shall be subject to permitting and inspection by the local health department as provided in G.S. 87-97.~~"

SECTION 4. G.S. 130A-39(g) reads as rewritten:

"(g) A local board of health may impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State. Notwithstanding any other provisions of law, a local board of health may impose cost-related fees for services performed pursuant to Article 11 of this Chapter, "Wastewater Systems," for services performed pursuant to Part 10, Article 8 of this Chapter, "Public Swimming Pools", for



1 services performed pursuant to Part 11, Article 8 of this Chapter, "~~Tattooing~~", and for services
2 ~~performed pursuant to G.S. 87-97.~~ and "Tattooing." Fees shall be based upon a plan
3 recommended by the local health director and approved by the local board of health and the
4 appropriate county board or boards of commissioners. The fees collected under the authority of
5 this subsection are to be deposited to the account of the local health department so that they
6 may be expended for public health purposes in accordance with the provisions of the Local
7 Government Budget and Fiscal Control Act."

8 **SECTION 5.** This act becomes effective July 1, 2011.