

# Harris County Board of Health Rule For Governing Individual and Non-Public Water Wells

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### Applicability.

A rule of the Harris County Board of Health to amend the Rules for **Drinking Water Supply, Chapter 511-3-3**, so as to add certain provisions and additional standards in the protection of Individual and Semi-private, Non-public wells, to define words used herein, to require permits for the drilling and boring of wells and to eliminate, as far as possible, pollution of the ground water, and thereby, controlling the spreads of waterborne diseases and protection of potable water supplies from contamination. These rules supplement the Water Well Standard Act of 1985, as amended 1995, O.C.G.A. sections 12-5-12 through 12-5-138; the Georgia Safe Drinking Water Act of 1977, O.C.G.A. sections 12-5-170 through 12-5-193, and the latest revision of the Rules for Safe Drinking Water promulgated by the Georgia Department of Natural Resources, Environmental Protection Division Chapter 391-3-5, et.seq. and the Rules of 1991 Water Well Standards Advisory Council, Chapters 770-1 through 770-7. Any portion or sections herein that conflict with existing state law are superseded.

### Definitions.

For the purpose of this Rule, the following words and phrases shall have the meaning as indicated:

- (a) "ANNULUS" is the same as "annular space" and means any artificially-created void existing between a well casing or liner pipe and a borehole well.
- (b) "APPROVAL OR APPROVED" means acceptable or accepted by the Health Authority in accordance with applicable specifications stated herein or with additional criteria accepted by the Health Authority.
- (c) "AQUIFER" means one or more, or parts of one or more, geologic formations capable of yielding water to a well.

(d) “BACK SIPHONAGE” means siphonage of water or other liquids from external sources into the water supply during times of pressure differential, whether due to improper connections or failure of devices in the system.

(e) “BORED WELL” means any well excavated by an earth auger in which the casing extends from the ground surface into the aquifer.

(f) “CERTIFIED WELL CONTRACTOR” means any person who:

1. Engages in the construction, repair or alteration of individual on-site drinking water supply systems, either private or semi-public;

2. Is licensed as a well contractor in accordance with the Water Well Standards Act of 1985, O.C.G.A. Sections 12-5-120 et seq.;

(g) “COMMERCIAL DEVELOPMENT” means any development other than residential development. It includes multiple family, retail, wholesale, commercial, office, industrial, church, etc., development.

(h) “COMMUNITY WATER SUPPLY” means any public water supply which serves at least fifteen (15) service connections used by year-round residents or which regularly serves at least twenty-five (25) year-round residents.

(i) “CROSS CONNECTION” means any configuration whereby a potable water supply is connected with any water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains (or may contain) contaminated water, sewage or other unsafe waste or liquid which may be capable of contaminating the potable water supply.

(j) “DPH” means the Georgia Department of Public Health or its successor agency.

(k) “DNR” means the Georgia Department of Natural Resources.

(l) “DRILLED WELL” means any well, whether excavated by rotary or percussion, hydraulic drilling, having a casing that extends from the ground surface through an impermeable formation to an aquifer where adequate capacity is obtained.

(m) “FLOOD PLAIN” means any area susceptible to being flooded or as designated by the one hundred (100) year flood plain area, including Type A Zone flood areas as determined or established in flood studies. This term shall also include one hundred year water levels in detention and retention ponds.

(n) “HEALTH AUTHORITY” means the local county health board.

(o) “NON-COMMUNITY WATER SUPPLY” means any public water supply which

regularly serves at least fifteen (15) service connections or an average of twenty-five (25) individuals for at least sixty (60) days out of the year.

(p) “NON-DRINKING WATER SUPPLY” means any water supply not specifically used, nor intended or designed to be used, as a potable water supply. The term shall include but not be limited to water supplies for irrigation purposes, heating and cooling of structures, etc.

(q) “ONSITE SEWAGE MANAGEMENT SYSTEM” means a system that includes a septic tank, absorption field and all other elements intended to be used for management and disposal of sewage onsite.

(r) “PHYSICAL DEVELOPMENT” means construction including but not limited to any site preparation, grading, excavation for slabs or footings, erection of a structure(s), road construction or installation of an onsite sewage management system(s).

(s) “POINT OF AVAILABILITY” means the nearest location where a community water supply may be connected as determined by the appropriate governmental jurisdiction.

(t) “POTABLE WATER SUPPLY” means any water supply that is satisfactory for drinking, culinary and domestic purposes. Potable water must meet the current standards established by the Environmental Protection Division, DNR.

(u) “PREMISES” means any place or building(s) where people live, work or congregate.

(v) PRIVATE WATER SUPPLY means any water supply consisting of a single well and serving no more than two (2) single residences on one lot.

(w) “PUBLIC WATER SYSTEM” means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections, or regularly serves an average of at least twenty-five individuals, at least sixty (60) days out of the year.

(x) “RESIDENCE” means any building or structure intended for housing of a single family.

(y) “SANITARY SEWER” means a pipe or system of pipes, manholes, etc., constructed for the purpose of conveying sewage.

(z) “SEMI-PUBLIC WATER SUPPLY” means any water supply other than a private water supply which serves less than fifteen (15) service connections or twenty-five (25) people on a daily basis at any time during the year.

(aa) “SPECIAL EVENT” means any activity attracting more than fifty (50) persons that is sponsored, organized, promoted, managed or financed by any person, group, partnership, organization, corporation, business or governmental entity where individuals

congregate to participate in or observe an activity in outdoor or portable enclosed or semi-enclosed structures for more than two (2) consecutive hours.

(bb) "USEABLE AREA" means the total area in a lot that is determined by the Health Authority to be suitable for installation of an onsite sewage management system including the reserve area. The area shall not include any bodies of water, flood plain, easements, etc., except those portions that would be precluded for use by this Chapter via minimum separation distance requirements.

(cc) "WATER SUPPLY" means the source from which the water is obtained and all structures, machinery, conduits and other appurtenances by means of which the water is collected, treated, stored, protected, or delivered to the customer/consumer.

(dd) "WELL" means an excavation or opening into the ground by which groundwater is sought or obtained.

### General Provisions.

(1) Owners of private homes and semi-public water supplies, and all rented or leased premises shall furnish at least one (1) convenient outlet with the capacity to supply an adequate quantity of potable water for drinking and domestic purposes. The number, type and location of the water system appurtenances shall meet applicable building and plumbing codes. Pressure and capacity shall be commensurate with occupancy and use levels and shall meet applicable codes. Special event sponsors must provide an adequate number of potable water supplies as set forth by the local plumbing code.

(2) No person shall begin to construct, bore, drill, dig, alter, or modify an individual or non-public water supply well without having first applied for and obtained from the County Board of Health, Environmental Health Section, a permit. A copy of the intent to drill form provided by the Water Well Standards Advisory Council as stated in Rule 770-5-.08 shall be submitted by the well contractor ten (10) working days prior to construction to the County Board of Health. Site selection must be approved prior to the commencement of the construction. Application for the permit shall be made on forms provided by the County Board of Health at least ten (10) working days before commencing work on the proposed well. This permit will expire twelve (12) months from the date of issue.

(2) No person may install or repair a semi-public water supply nor install a private water supply unless he or she is a licensed well contractor in accordance with the Water Well Standards Act of 1985, O.C.G.A. Sections 12-5-120 *et seq.* The contractor must maintain accurate drillers' log and must furnish a signed copy to the property owner and the County Board of Health, Environmental Health Section.

(3) Licensed contractors are subject to the requirements of the Water Well Standards Act of 1985, O.C.G.A. Sections 12-5-120 *et seq.*, and this Ordinance, contractors shall be held liable for any violations of either or both if applicable.

(4) The County Board of Health may deny a well construction permit to any person or may suspend or revoke an issued permit for failure to comply with the provisions of the Water Well Standards Act 1985, as amended 1995, the Rules of 1991 Water Well Standards Advisory Council. Such denial shall be made in accordance with the provisions of O.C.G.A. Chapter 31-3 et.seq. and/or the “Enforcement and Administrative Rules of Practice and Procedures, County Board of Health”.

(5) Issuance of a well construction permit by a representative of the County Board of Health shall not be construed as a guarantee that such system will be constructed and function satisfactory for a given period of time; furthermore, said representatives do not, by any action taken in effecting compliance with these rules, assume and liability for damages which are caused, or which may be caused, by the malfunction, or possible contamination of such system.

(6) In accordance with the “Rules for Safe Drinking Water”, Rules of the Department of Natural Resources, Environmental Protection Division, Chapter 391-3-5 et.seq. all sources of water to serve a public water system shall be approved by the EPD in writing. Public water systems are regulated by the EPD and are therefore excluded from these rules.

(7) Existing wells that are deepened shall be regarded by the county Board of Health as development of a new ground water source and must meet the requirements for permit approval.

(8) All water well contractors constructing water supply wells shall conform to the following table in establishing minimum acceptable, setbacks, and standards:

The well shall be located as far removed, and in a direction opposite to the groundwater flow, from know or potential sources of pollutants as the general layout of the premises and surroundings allow; however, prior to actual construction, the water well contractor shall notify the County Health Department, Environmental Health Section of the intent to drill water well. Every well shall be protected against surface runoff. The well shall not be located in areas subjected to flooding unless the well casing extends at least two (2’) feet above the level of the highest known flood of record.

<b><u>HORIZONTAL MINIMUM STRUCTURE OR SETBACK</u></b>	<b><u>DISTANCE FROM THE WELL</u></b>
<b>PROPERTY LINES</b>	<b>10'</b>
<b>SEWER LINES</b>	<b>10'</b>
<b>SEPTIC TANK</b>	<b>50'</b>
<b>CHEMICAL/PETROLEM STORAGE</b>	<b>50'</b>
<b>PIT PRIVY</b>	<b>100'</b>
<b>SEPTIC ABSORPTION FIELD (DRIP, BED, SAND FILTER, ETC)</b>	<b>100'</b>
<b>ANIMAL OR FOWL ENCLOSURE</b>	<b>100'</b>
<b>SEEPAGE PITS, CEESPOOLS</b>	<b>150'</b>

**Wells should be located up gradient when possible from these sources of pollution; including but not limited to feedlots, pastures, retention and detention ponds, etc.**

(9) Variation of the distance from areas of known or probable sources of contamination may be permitted by the County Board of Health so that no unreasonable risk to the public health would result by the issuance of said variance.

(10) Every well shall be constructed so it will be accessible for cleaning, treatment, repair, testing, inspection, and such other maintenance as may be necessary.

(11) The upper terminal of the well shall be protected by a sanitary seal or cover to prevent entrance of pollutants to the well.

(12) All individual and nonpublic wells producing water for drinking or food processing shall be disinfected following construction, repair, or when work is done on the pump, before the well is placed in service. The well and pumping equipment shall be disinfected with chlorine applied so that a concentration of at least 50 parts per million of chlorine shall be obtained in all parts of the well with a minimum contact period of two hours before pumping the well.

(13) A coliform test performed by an approved lab shall be required upon completion of construction and following disinfection of the system. The sample results must be satisfactory before final construction can be approved. Disinfection and sampling must be continued until satisfactory results are obtained.

(14) Upon request by the property owner, the Health Authority will sample the supply to determine bacteriological quality, provided well construction meets all regulatory requirements. Sampling of unapproved or noncomplying wells shall be at the Health Authority's discretion. A sample is considered satisfactory and meeting the minimum bacteriological quality limits of this regulation if one (1) or less coliform bacterium per

one hundred (100) milliliter of sample is present.

(15) No person shall allow a public, private, or semi-public water supply to be connected directly or indirectly with any other water supply, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, liquid, gasses, sewage, or other waste of unknown or unsafe quality capable of contaminating the water system. No backflow, configuration bypass arrangement, jumper connections, removable section, swivel or changeover device, or other temporary, permanent or potential connection through which (or because of which) backflow siphonage could occur will be allowed.

(16) No outlet from a water supply shall be installed or maintained so that back siphonage is possible. Approved backflow preventer devices shall be required on all outlets to prevent contamination of the supply and aquifer. The procedure for backflow and back siphonage prevention and cross connection control shall conform to those recommended by the American Water Works Association Manual 14, and the U.S. Environmental Protection Agency Cross Connection Manual.

(17) A water well shall be considered as temporarily abandoned when its use has been interrupted for a period of more than one year and not more than three years. Such well shall be sealed and the well maintained whereby it is not a source or a channel of contamination or pollution when not in service.

(18) A water well shall be considered as permanently abandoned when its service has been interrupted for a period of more than three years or it meets the definition of abandoned well as defined in the part. Such well shall be filled, sealed, and plugged.

(19) Any person who is a property owner or agent upon whose property an abandoned well is located must fill, seal and plug any abandoned well in accordance with the Georgia Department of Natural Resources, Environmental Protection Division, Geological Survey Circular 13 "Grouting and Plugging of Domestic Water Wells in Georgia" and O.C.G.A. section 12-5-134 (1)(K).

(20) Abandoned individual, nonpublic, and irrigation wells shall be filled, sealed, and plugged by a water well contractor licensed by the State of Georgia in accordance with the provisions of the Water Well Standards Act of 1985.

(21) An Abandoned well shall not be used by any person for disposal of refuse, sewage, dead animals or other waste material.

**290-5-55-.04 Enforcement.**

The enforcement and administration of this Chapter shall be in accordance with O.C.G.A. Chapter 31-3-5, O.C.G.A entitled “Administration and Enforcement and Administrative Rules of Practice and Procedures” adopted by County Board of Health, the Administrative procedures Act, O.C.G.A. section 15-10-2 (4)

**Legal Authority**

Official Code of Georgia Annotated (O.C.G.A.) as amended, sections 31-3-1 through 31-3-16 and 31-5-1 through 31-5-24.

**Repeal Clause**

All Rules or any part thereof in conflict with existing Federal or State Department Rules are hereby repealed.

**Effective Date**

These rules shall be in effect on the date of the final adoption of these rules.

**Unconstitutionality Clause**

Should any section, paragraph, sentence, or phrase of these rules be declared unconstitutional or invalid for any reason, the remainder shall not be affective thereby.

Passed and adopted by the \_\_\_\_\_ County Board of Health

the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

Signed: \_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Secretary of the Board