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Guidance Paper: Inspection of Well Systems

Code: 2012 NC Administrative Code and Policies
Section: N.C. Gen. Stat. § 87-97 and § 143-138 (b17) (2)
Amended by House Bill 628/Session Law 2023-90

Date: 09/26/2017
Updated: 08/21/2023ⁱ

Question #1:

With the changes to NCGS 87-97 by HB 628/SL 2023-90, who is responsible for the inspection of a private drinking water well system from the well head to the outlet of the well pressure tank?

Opinion:

The local health department is exclusively responsible for the inspection of a private drinking water well system from the well head to the outlet of the well pressure tank. Session Law 2017-10 (Senate Bill 131) and the subsequent revision to N.C. Gen. Stat. § 87-97 for well drillers state that the local health department has the sole authority for the permitting and inspection of well systems described by N.C. Gen. Stat. § 143-138 (b17) (2). Subsection (b17) (2) defines the well system as “the well, the pressure tank, the pressure switch, and all plumbing and electrical equipment in the well and between the well, pressure tank, and pressure switch” and does not require a permit for work that does not exceed connecting the well system to the plumbing and electrical systems of the structure(s) being served by the well.

Important Notes:

1. N.C. Gen. Stat. § 87-97 and § 143-138 (b17) (2) shall not be deemed to eliminate the well system from complying with the plumbing or electrical codes. However, the Building Code official has no enforcement jurisdiction.
2. N.C. Gen. Stat. § 87-97, as of July 10th, 2023, does prohibit a local health department from obtaining the services from another agency, such as a local buildings inspections department, for performing the inspections required by N.C. Gen. Stat. § 87-97. N.C Gen. Stat. § 143-138 (b17)(1)(2) excludes private drinking water well installation, construction, maintenance, and repair from a permit under said statute, with the caveat the work is performed by a contractor certified under Article 7A of Chapter 87.
3. Violations, if any, would be addressed by the health department and/or the governing licensing board of the license holder who performed the work.

The guidance and opinions contained herein are not legal advice and may not necessarily reflect the most current statutory or code language.

References:

Excerpt of House Bill 628/Session Law 2023-90, which is the reason for updating this guidance paper.

REPEAL OPTIONAL BUILDING INSPECTION FOR PRIVATE DRINKING WATER WELLS AND MODIFY PERMIT AUTHORIZATION

SECTION 9.5. G.S. 87-97 reads as rewritten:

"§ 87-97. ~~Permitting, inspection,~~ Permitting and testing of private drinking water wells.

(a) **Mandatory Local Well Programs.** – Each county, through the local health department that serves the county, shall implement a private drinking water well permitting, inspection, and testing program. The local health department shall be the exclusive authority for the permitting of wells and well systems as described in G.S. 143-138(b17)(2). Local health departments shall administer the program and enforce the minimum well construction, permitting, inspection, repair, and testing requirements set out in this Article and rules adopted pursuant to this Article. No person shall unduly delay or refuse to permit a well that can be constructed or repaired and operated in compliance with the requirements set out in this Article and rules adopted pursuant to this Article.

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~~(b1) **Inspections.**—When a permit is issued under this section, the local health department shall be responsible for notifying the appropriate building inspector of the issuance of the well permit. The appropriate building inspector may request from the local health department the opportunity to inspect the activities authorized by the permit. The inspection must be performed prior to the final inspection performed by the local health department, and the well contractor shall not be required to be onsite for the inspection by the building inspector. If an inspection by a building inspector after the final inspection has been performed by the local health department is determined to be necessary for the protection of public health, safety, or welfare, the local building inspections department shall be responsible for (i) the additional costs for the inspection and related activities necessary for the inspection and (ii) any damages to the well system caused during the inspection.~~

(b2) **Permit to Include Authorization for Piping and Electrical.** – A permit issued under this section shall also be deemed to include authorization for all of the following:

- (1) The installation, construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch.
- (2) The installation, construction, maintenance, or repair of water pipes by a person certified as a well contractor under Article 7A of this Chapter when running water pipes from the well to the water tank.
- (3) The installation of both water pipes and electrical wiring in a single ditch by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch or other pressure sensing device and water pipes from the well to the water tank. The ditch shall be as deep as the minimum cover requirements for either electrical wiring or water pipes, whichever is greater. The ditch shall be covered by a

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person certified as a well contractor under Article 7A of this Chapter upon the completion of the activities conducted pursuant to this subsection.

This subsection shall not be interpreted to prohibit any person licensed by an independent occupational licensing board from performing any authorized services within the scope of practice of the person's license.

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§ 143-138. – “North Carolina State Building Code.

(b17) Exclusion for Private Drinking Water Well Installation, Construction, Maintenance, and Repair. – No permit shall be required under the Code or any local variant approved under subsection (e) of this section for the electrical and plumbing activities associated with the installation, construction, maintenance, or repair of a private drinking water well when all of the following apply:

- (1) The work is performed by a contractor certified under Article 7A of Chapter 87 of the General Statutes under the terms of a permit issued by the local health department pursuant to G.S. 87-97.*
- (2) The scope of work includes only the connection or disconnection of a well system to either the plumbing served by the well system or the electrical service that serves the well system. For purposes of this subsection, a well system includes the well, the pressure tank, the pressure switch, and all plumbing and electrical equipment in the well and between the well, pressure tank, and pressure switch.”*

Keywords:

Ditch inspection

ⁱ This guidance paper supersedes the prior guidance paper on this topic.