

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 141
PROPOSED HOUSE COMMITTEE SUBSTITUTE S141-PCS75265-RI-29

Short Title: Limit Well Water Testing for VOC's.

(Public)

Sponsors:

Referred to:

February 12, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES
3 CONCERNING WHEN TESTING FOR VOLATILE ORGANIC COMPOUNDS IN
4 NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS IS REQUIRED,
5 AND TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE
6 ORGANIC COMPOUNDS IN ACCORDANCE WITH THOSE RULES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 87-97(h) reads as rewritten:

9 "(h) Drinking Water Testing. – Within 30 days after it issues a certificate of completion
10 for a newly constructed private drinking water well, the local health department shall test the
11 water obtained from the well or ensure that the water obtained from the well has been sampled
12 and tested by a certified laboratory in accordance with rules adopted by the Commission for
13 Public Health. The water shall be tested for the following parameters: arsenic, barium,
14 cadmium, chromium, copper, fluoride, lead, iron, magnesium, manganese, mercury, nitrates,
15 nitrites, selenium, silver, sodium, zinc, pH, and bacterial indicators, indicators. The local health
16 department also shall test the water obtained from the well for the following parameters when
17 required to do so pursuant to rules adopted by the Commission for Public Health: methyl
18 tert-butyl ether, ethylene dibromide, 1,2-dichloroethane, 1,2-dichloropropane, isopropyl ether,
19 benzene, toluene, ethylbenzene, xylenes, trichloroethylene, and tetrachloroethylene."

20 **SECTION 2.** The Commission for Public Health shall adopt rules concerning
21 when testing for volatile organic compounds in newly constructed private drinking water wells
22 under G.S. 87-97, as amended by Section 1 of this act, is required in order to protect public
23 health. In developing these rules, the Commission for Public Health shall incorporate the
24 following factors: (i) known current and historic land uses around well sites and associated
25 contaminants; (ii) known contaminated sites within a given radius of a well and any known
26 data regarding dates of contamination, geology, and other relevant factors; (iii) any GIS based
27 information on known contamination sources from databases available to the Department of
28 Environment and Natural Resources; and (iv) visual on-site inspections of well sites.

29 **SECTION 3.** Section 12 of S.L. 2008-198 reads as rewritten:

30 **"SECTION 12.** Section 1 of this act becomes effective ~~1 October 2009~~ 1 October 2010.
31 Section 2 of this act is retroactive to 1 November 2007. Section 6 of this act becomes effective
32 1 October 2008. Subsections (a), (e), and (f) of Section 8 of this act become effective when this
33 act becomes law. Subsections (b), (c), and (d) of Section 8 of this act become effective 1 April
34 2009 and apply to building permits issued pursuant to G.S. 153A-357 and G.S. 160A-417 for



1 which applications are received on or after that date. Sections 3, 4, 5, 7, and 9 through 12 of
2 this act are effective when this act becomes law."
3 **SECTION 4.** This act is effective when it becomes law, except that Section 1 of
4 this act becomes effective October 1, 2010.