

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 141  
House Committee Substitute Favorable 5/25/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S141-PCS75269-SQ-49

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 1 of S.L. 2008-198 is repealed.

30 **SECTION 4.** Section 1 of this act becomes effective October 1, 2010. The  
31 remainder of the act is effective when it becomes law.



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