

ST. JOSEPH COUNTY, INDIANA

WELL DRILLING

AND

WATER SUPPLY SYSTEMS

ORDINANCE

Bill No. _____

Ordinance No. _____

An Ordinance amending Title 24 of the St. Joseph County Code so as to modify thereto Title 24.20, Well Drilling and Water Supply Systems Ordinance.

Department 055 Health

Statement of Purpose and Intent

The purpose and intent of this Ordinance is to protect public health, safety, welfare, and property in St. Joseph County by amending Title 24.20 of the St. Joseph County Code, Well Drilling and Water Supply Systems.

This is an Ordinance pertaining to the installation, use, and abandonment of water wells in St. Joseph County.

NOW THEREFORE IT IS ORDAINED BY THE ST. JOSEPH COUNTY COUNCIL THAT:

Section 1. Chapter 24.20, Well Drilling and Water Supply System is repealed and revised to read as follows:

Section 2. This ordinance shall be in full force and effect from and after its enactment and approval by the St. Joseph County Council.

St. Joseph County Health Department
Well drilling and Water Supply System Ordinance
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24.20.010, Short Title The Ordinance codified in this chapter shall be known and amended as the “St. Joseph County Well Drilling Ordinance”.

24.20.020, Purpose: The purpose of this Ordinance is to establish requirements for the installation, use, and abandonment of water wells in St. Joseph County to protect public health, safety, welfare, and property.

24.20.030, Conflicting Ordinances

The provisions of this Ordinance shall be deemed as additional requirements to the minimum legal requirements of other governmental entities. In case of conflicting requirements, the most restrictive shall apply.

24.20.040, Incorporation by Reference

All rules and regulations of the Indiana Administrative Code Title 312 Article 13, as amended from time to time are hereby incorporated by reference and said copies are available at the St. Joseph County Health Department.

24.20.050, Definitions

Except as defined below, the terms of 312 IAC 13, as amended from time to time, shall have the same definition whenever used in this Ordinance.

For purposes of this Ordinance, the terms below shall be defined as follows:

- A. **Abandonment:** To terminate operation of a well and to restore the site of the well according to the requirements established in this Ordinance and the State of Indiana.
- B. **Administrative Control Area:** A geographic area established by the Health Officer within or near an area of known or suspected groundwater contamination for which the Health Officer may establish restrictions on the installation and use of water wells to protect public health and safety or the groundwater.
- C. **Aquifer:** A geologic formation, group of formations, or part of a formation that yields economically significant quantities of water to wells.
- D. **Board of Health:** The St. Joseph County Board of Health.
- E. **CFR:** Code of Federal Regulations.
- F. **Casing:** Steel or wrought iron pipe, Type "K" copper, PVC, or other material approved by the Health Department, to exclude unwanted solids or liquids from the interior of a well.
- G. **Closure:** The termination of any non-residential land use or activity regulated by this Ordinance.
- H. **Dewatering Wells:** A well installed to remove water from one or more geologic units to allow the installation, construction, or repair of foundations and other subsurface structures and equipment.

- I. **Dry well:** Any manmade structure beneath the ground surface designed or used for disposal of storm water.
- J. **Emergency Conditions:** A condition that is an immediate threat to public health, safety, or welfare or damage to livestock or property. The failure of a well to yield water is not in and of itself an emergency condition.
- K. **EPA:** U. S. Environmental Protection Agency.
- L. **Geothermal Well:** A well that supplies water for use solely to heat and/or cool a structure.
- M. **Health Department:** The Health Department of St. Joseph County Indiana.
- N. **Health Officer:** The Health Officer of the St. Joseph County Health Department or a duly authorized representative.
- O. **High Capacity Well:** A well that has the capability of producing seventy (70) gallons of water or more per minute.
- P. **IAC:** Indiana Administrative Code.
- Q. **IC:** Indiana Code.
- R. **IDEM:** Indiana Department of Environmental Management.
- S. **Injection Well:** Any well, designed or used for the subsurface emplacement of fluids through the well.
- T. **Irrigation Well:** A well that supplies water primarily for the purpose of providing water to vegetation and/or livestock.
- U. **ISDH:** Indiana State Department of Health.
- V. **Maximum Contaminant Level (MCL):** The maximum permissible level of a contaminant in potable water as determined by EPA or IDEM, whichever is more restrictive.
- W. **Monitoring Well:** A well installed to obtain hydrogeological information or to monitor the quality or quantity of groundwater.
- X. **Motor Vehicle Waste Recovery Well:** A shallow waste disposal system that receives or has received fluids from vehicular repair or maintenance activities, such as auto body or automotive repair, car dealerships, or other vehicular repair facilities.
- Y. **Municipal Water System:** A water system operated by a city, town, or county.
- Z. **Municipal Water:** Water obtained from a municipal water system.
- AA. **Non-Community Public Water System:** A public water system that pipes water for human consumption to at least fifteen (15) service connections used by individuals other than year-round residents for at least sixty (60) days a year or one that regularly serves twenty-five (25) or more people at least sixty (60) days a year.
- BB. **Non-Potable Water Well:** A well used to supply water for irrigation, geothermal systems, hydrogeologic monitoring, dewatering, fire suppression, waterscapes, or any other purpose except for drinking or culinary purposes.

- CC. Non-Residential/Non-Public Well:** Any well used to supply potable water that is not a public well or a residential well. Usually these are wells at commercial facilities where the water is used by less than twenty-five (25) people or less than sixty (60) days per year.
- DD. Oil:** Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with non-regulated wastes.
- EE. Operator:** Any person in control of, or having responsibility for the operation of a facility subject to this Ordinance.
- FF. Owner:** Any person who owns a property or part of a property or a facility or part of a facility subject to the requirements of this Ordinance.
- GG. Person:** Any individual, trust, firm, joint stock company, Federal agency, corporation (including a government corporation), limited liability company, partnership, co-partnership, company, estate, municipal corporation, City, School City, Town, School Town, School District, School Corporation, County, State Agency, association, State, municipality, commission, political subdivision of the State, any interstate entity or any other legal entity or their legal representative.
- HH. Potable Water:** Water intended and suitable for drinking or culinary purposes.
- II. Potential Pollution Source:** A facility, site, practice or activity that possesses the ability to damage groundwater.
- JJ. Private Water Supply:** One or more sources of water, including facilities for conveyance thereof, such as wells, springs, and pumps other than those serving a public water supply.
- KK. Public-Owned Treatment Works (POTW):** Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "Municipality" as such device or system is defined by Section 502(4) of the Clean Water Act. This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.
- LL. Public Water Supply:** Any wells, reservoirs, lakes, rivers, sources of supply, pumps, mains, pipes, facilities and structures through which water is obtained, treated as may be required and provided to the public through a water distribution system and that serves at least twenty-five (25) persons per day for at least sixty (60) days per year for drinking, domestic use, or other purposes, including state owned facilities, or that has at least fifteen (15) service connections.
- MM. Public Water System (PWS):** Any collection, treatment, storage, or distribution facilities used primarily to provide water to a public water supply. Public Water System as used in this Ordinance shall have the same meaning as Public Water Supply System in 327 IAC 8-4.1, "The Wellhead Protection Rule", and defined at 327 IAC 8-4.1-1(19).
- NN. Public Well:** Any well serving a public water system.

- OO. Pump Installer:** Any person that installs a pump for a well or services a pump for a well.
- PP. Regulated Substance:** Any hazardous or toxic substance, petroleum, special waste, objectionable material or other substance:
- Regulated under rules adopted by the Indiana Solid Waste Management Board under IC 13-23-1-2.
 - Included under Section 101 of the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601),
 - Included under Subtitle C of the Solid Waste Disposal Act, as amended (42 U.S.C. 6921 through 6939), or
 - Petroleum or petroleum byproducts.
- QQ. Residential Well:** Any privately owned well intended to be used for potable water in either a one or two family dwelling.
- RR. Seepage Pit:** A leaching pit, dry well, or any other cavity in the ground that receives wastewater.
- SS. Septage:** The liquid and/or solid material in or removed from a septic tank, seepage pit, portable toilet, cesspool, wastewater lift station, holding tank or similar wastewater disposal system when the system is cleaned or maintained.
- TT. Siting:** The process of selecting an appropriate location for the installation of a well based on the requirements contained in this Ordinance.
- UU. Surface Impoundments:** A facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of wastes or wastes containing free liquids, and which is not an injection well.
- VV. Tank:** A stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.
- WW. Temporary Well:** A well installed to monitor or collect hydrogeologic or engineering data that is abandoned according to the requirements of this ordinance within thirty (30) days of installation.
- XX. USC:** United States Code.
- YY. Wastewater:** A combination of liquid and water-carried wastes from residence(s), commercial building(s), industry(s), and/or institutions, or any other facility together with any groundwater, surface water, or storm water that may be present.
- ZZ. Wastewater Disposal System:** All equipment and devices necessary for conveyance, collection, storage, treatment, and disposal of wastewater. This does not include land application equipment.
- AAA. Waterscape Well:** A non-potable well that supplies water for the maintenance of water features.

- BBB. Water Well:** Any artificial excavation that derives water from the interstices of the rocks or soil it penetrates and is intended to supply water for potable or non-potable uses.
- CCC. Water Well Permit:** A permit obtained from the Health Department for the installation of a water well for either potable or non-potable uses, excluding temporary wells, as defined herein.
- DDD. Well:** Any artificial excavation that penetrates or derives water from the interstices of the rocks or soil it penetrates including wells for potable or non-potable purposes.
- EEE. Well Driller:** A person or business that operates well drilling or driving equipment or engages in the drilling or driving of wells for hire.
- FFF. Well Drilling:** Any operation that produces or attempts to produce a well.
- GGG. Wellhead:** The entire well assembly.
- HHH. Well Owner:** The legal owner of the real estate containing the well site.
- III. Well Repair or Replacement:** For purposes of this ordinance a well repair is defined as any action, other than drilling or abandoning a well, that includes the alteration of the well casing or well screen.
- JJJ. Well Seal:** A removable arrangement or device used to cap a well or to establish and maintain a water-tight junction between the casing or curbing of a well and the piping or equipment installed therein, so as to prevent unwanted water, or other damaging material, from entering the well at the upper level.
- KKK. Well Vent:** An opening or outlet at the upper end of the well casing to allow equalization of air pressure in the well.
- LLL. Yield:** The quantity of water per unit of time, which may flow or be pumped from a well, when the pumping water level has remained stabilized for one (1) hour or longer.

24.20.060, Applicability

This Ordinance applies to the following types of water wells:

- A. Potable Wells:** Wells used for drinking water or culinary purposes. Under this Ordinance there are the following three types of potable water wells:
1. Residential wells,
 2. Non-residential/non-public wells, and
 3. Public wells.
- B. Non-Potable Wells:** All wells that are not to be used for drinking or culinary purposes including, but not limited to, irrigation wells, geothermal wells, monitoring wells, dewatering wells, waterscape wells, and fire suppression wells.
- C. Temporary Wells:** This Ordinance does not apply to wells installed to monitor or collect hydrogeologic or engineering data that are abandoned according to the requirements of this Ordinance within thirty (30) day of installation.

24.20.070, Licensing and Registration of Well Drillers

- A. State License:** Any person that installs or abandons a potable or non-potable water well or performs a well repair or replacement in St. Joseph County shall first be licensed by the State of Indiana in accordance with I.C. 25-39. et seq. "The Water Well Drillers Law".
- B. County Registration:** Any person that installs or abandons a potable or non-potable water well in St. Joseph County shall first obtain an annual registration from the Health Officer. A copy of the applicant's state license shall be provided when applying for a registration. The application shall be on a form provided by the Health Officer and shall include the information deemed necessary by the Health Officer. The registration shall expire on January 31 of each year. A licensed well driller shall be present during all well drilling or well abandonment activities.
- C. Exam:** To be eligible for a registration, applicants shall be required to pass an exam prepared and administered by the Health Officer on the requirements of the Well Drilling and Water Supply System Ordinance. The exam shall be an open book exam with a passing score of 80%. Persons who fail the test will be provided with the correct answers and shall be allowed to retake the exam one week after failing the exam. There shall be no fee for the exam.
- D. Surety Bond:** Each person applying for a well driller registration shall provide a surety bond payable to St. Joseph County Health Department in the penal sum of Ten Thousand Dollars (\$10,000.00), conditional upon faithful compliance with the provisions of this ordinance as it relates to work performed by the applicant, and agreeing to pay all damages, costs, expenses, and penalties caused by the applicant through failure to comply with such provisions. All such bonds shall expire and be renewed on January 31 of each year.
- E. Fees:** A non-refundable registration fee, as prescribed by the St. Joseph County Commissioners, shall be paid annually to the Health Department by any person applying for a registration to perform well drilling or abandonment in St. Joseph County.
- F. Suspension:** The Health Officer may suspend, repeal, or withhold a registration from any person who is more than thirty (30) days late in making full payment of a penalty prescribed in Sections 24.20.220 and 240 of this Ordinance.

24.20.080, Licensing and Certification of Water Laboratories

- A. State/EPA License or Certification:** Any laboratory that analyzes a water sample required by this Ordinance shall first be licensed or certified to perform the analysis by the state in which their laboratory is located or by the U. S. Environmental Protection Agency (EPA) and shall provide a copy of the current license or certification to the Health Officer.
- B. Suspension:** If the Health Officer determines that water analysis from a laboratory are unreliable, the Health Officer may exclude that laboratory from submitting water analysis and may reject all analysis from that laboratory for a period of up to one year from the date of the determination.

24.20.090, Permits:

A. Potable Water Well Permits:

1. The owner of the real estate on which a water well is to be installed or their authorized agent shall obtain a Water Well Permit for any well installed for potable water.
2. No person shall install a well until and unless a permit is first obtained from the Health Officer and posted in a conspicuous place on the premises, except under emergency conditions as provided in Section 24.20.090.B of this Ordinance.
3. Any person that installs or abandons a potable well shall meet all of the requirements of Section 24.20.070 of this ordinance.
4. Any person applying for a permit to install a potable water well shall submit an application to the Health Officer. The application shall:
 - a. Be on a form provided by the Health Officer,
 - b. Include the information deemed appropriate by the Health Officer,
 - c. Include a drawing made to scale by a registered well driller, licensed surveyor, professional engineer, professional geologist, registered soil scientist, or architect that contains the information specified by the Health Officer, and
 - d. Include a non-refundable permit fee, as prescribed by the St. Joseph County Commissioners, made payable to the Health Department.
5. The proposed location of the well shall be clearly and accurately marked on the property where it is to be installed in the field with a stake at the time of the onsite inspection by the Health Officer or the permit application may be denied.
6. The Health Officer will review the application and conduct an onsite inspection of the proposed location of the well.
 - a. If the Health Officer finds the application and the proposed well location to be in full compliance with this Ordinance, the Health Officer may issue a Water Well Permit.
 - b. If the Health Officer finds the application or the proposed well location not to be in full compliance with the Ordinance, the Health Officer shall advise the applicant why the application is being denied and the measures necessary to bring the application into full compliance with this Ordinance.
7. If a permit is neither issued nor denied in writing within ten (10) working days of the date of the application, the permit shall be considered issued and all other requirements of this Ordinance shall still apply.
8. The requirements of the water well permit shall not be considered fulfilled until the work meets all applicable portions of this Ordinance to the satisfaction of the Health Officer. Non-compliance shall be grounds for revocation of a water well permit, an order from the Health Officer to abandon the well, and the assignment of penalties by the Health Officer as described herein.

9. A permit shall be void if the installation is not completed within one (1) year of permit approval.
10. All public water wells shall be registered with the Health Officer and the owners shall report all sampling and test results to the Health Officer.

B. Emergency Conditions:

1. In rare instances where there is an immediate threat to public health, safety, or welfare or damage to livestock or other property, a registered well driller may take the appropriate action without first obtaining any permits required by this Ordinance provided the well driller takes the following actions. Takes the steps necessary to ensure that the action complies with all requirements of the Well Drilling and Water Supply Ordinance including all applicable separation distance listed in Section 24.20.120, 130, and 140.
 - a. Accepts full responsibility for the proper placement and construction of the well and agrees to make any appropriate and necessary corrective actions required by the Health Officer if the well is not properly located or installed.
 - b. Applies for a Water Well Permit for the well within 2 business days after installing the well.
2. The failure of a well to yield water is not in and of itself an emergency condition.
3. Any party who falsely claims that an emergency condition exists, shall be in violation of this Ordinance and subject to the enforcement provisions contained in Section 24.20.220 and 240.

C. Non-potable Well Permit:

1. The owner of the real estate on which a non-potable water well is to be constructed or their authorized agent shall obtain a Water Well Permit.
2. No person shall install a well until and unless a permit is first obtained from the Health Officer and posted in a conspicuous place on the premises, except as provided in Section 24.20.090.B of this Ordinance.
3. Any person that installs or abandons a non-potable well shall meet all of the requirements of Section 24.20.070 of this ordinance.
4. Any person applying for a permit to install a non-potable well shall submit an application to the Health Officer. The application shall:
 - a. Be on a form provided by the Health Officer,
 - b. Include the information deemed appropriate by the Health Officer,
 - c. Include a drawing made to scale by a registered well driller, registered surveyor, or professional engineer, professional geologist, licensed soil scientist, or architect that includes the information specified by the Health Officer, and
 - d. Include a non-refundable permit fee, as prescribed by the St. Joseph County Commissioners, made payable to the Health Department.

5. The proposed location of a non-potable well shall be clearly and accurately marked on the property where it is to be installed with a stake at the time of the onsite inspection by the Health Officer or the permit application may be denied.
6. The Health Officer will review the application and the proposed well location and may conduct an onsite inspection of the proposed location of the well.
 - a. If the Health Officer finds the application and the proposed well location to be in full compliance with this Ordinance the Health Officer may issue the water well permit.
 - b. If the Health Officer determines that the application or the proposed well location not to be in full compliance with this Ordinance, the Health Officer shall advise the applicant why the application is being denied and the measures necessary to bring the application into full compliance with this Ordinance.
7. If a permit is neither issued nor denied in writing within ten (10) working days of the application, the permit shall be considered issued and all other requirements of this Ordinance shall still apply.
8. The requirements of the water well permit shall not be considered fulfilled until the work meets all applicable portions of this Ordinance to the satisfaction of the Health Officer. Non-compliance shall be grounds for revocation of a water well permit, an order from the Health Officer to abandon the well, and the penalties prescribed by the Health Officer as described herein.
 9. A permit shall be void if the installation is not completed within one (1) year of permit approval.

D. Well Abandonment Permits:

1. No person shall abandon a well until and unless a Well Abandonment Permit is first obtained from the Health Officer and posted in a conspicuous place on the premises.
2. Any person who abandons any type of water well listed in Section 24.20.060 shall have a current well drilling license.
3. No person shall disconnect a potable or non-potable well to connect to a public water supply unless a permit has been issued by the Health Officer to abandon the well being disconnected.
4. When a party applies for a permit to replace an existing water supply well, an application to abandon the existing well shall be made at the same time, except as provided below. The existing well shall be abandoned on the same day and by the same licensed well driller that installed the replacement well.
5. The Health Department may approve an application to not abandon a well that has been replaced if the following conditions are met:
 - a. The well is immediately put to a productive use. Such use shall be defined on the abandonment permit and shall be subject to the approval of the Health Officer.
 - b. The existing well cannot be located after due diligence has been made to locate the well. Due diligence shall, at a minimum, include excavating to a depth of five (5) feet in the most likely locations of the existing well,
 - c. The Health Officer grants approval to not abandon the well, and

- d. The applicable permit fee as prescribed by the St. Joseph County Commissioners has been paid to the Health Department.
6. The licensed well driller performing the well abandonment shall be responsible for properly abandoning the well for which a well abandonment permit has been issued. No one shall take any action to prevent a well driller from properly abandoning a well.
7. There shall be no fee to abandon a well.
8. Any well driller who abandons a well under a permit issued pursuant to this Ordinance shall notify the Health Officer by telephone of the time and date the well will be abandoned at least two hours prior to abandoning the well. No one shall abandon a well prior to the specified time.
9. Upon the abandonment of a well, the well driller shall clearly and accurately mark the location of the abandoned well with a stake if the well is outside of a structure. No person shall remove the stake until the Health Officer has inspected the abandoned well.
10. Any potable or non-potable well not in use for more than one (1) year shall be abandoned according to the requirements of the Health Officer.
11. The Health Officer may order the abandonment of any water well constructed without a valid permit or a well whose continued existence poses a threat to human health or the groundwater. Upon receipt of an order to abandon a well, the property owner shall contract with a licensed well driller who shall obtain a Well Abandonment Permit and abandon the well according to the schedule established by the Health Officer.

E. Water System Repair:

There shall be no permit for repairs to water systems that do not involve altering the well casing or screen. However whenever the sanitary seal is broken the equipment and well must be disinfected consistent with the requirements of Section 24.20.170 of this Ordinance.

F. Temporary Wells:

There shall be no permit for installing temporary wells. However, if a temporary well is not abandoned according to the requirements in Section 24.20.180 of this Ordinance the well shall lose its status as a temporary well and will be subject to all applicable requirements of this Ordinance.

G. Development of Rules and Regulations for Land Application Sites, Water Vending Machines, and Bottled Water Plants:

1. The County Board of Health may develop and implement rules and regulations for the permitting of
 - i. Sites for the land application of septic waste,
 - ii. Distribution of water from water vending machines, and
 - iii. Operation of plants to bottle water.
2. A permit and inspection fee, as determined by the St. Joseph County Commissioners, shall be paid to the Health Department at the time an application for a permit is filed for land application sites, distribution of water from vending machines, and operation of plants to bottle water.

24.20.110, Submission of Reports and Well Logs

A. Water Quality Report:

1. The owner of any potable water well installed under a permit issued pursuant to this Ordinance shall have the water analyzed as defined in section 24.20.170 of this Ordinance and will submit the analysis results to the Health Department within thirty (30) days of the installation of the well.
2. Any laboratory performing a water analysis for a water well installed under a permit issued pursuant to this Ordinance will submit the results of the analysis to the owner and the Health Officer within ten (10) days of the completion of the analysis.
3. The Water Quality Report shall include:
 - a. The address of the property where the sample was taken,
 - b. The results of the analysis,
 - c. The detection limits of the analytical methods used,
 - d. The date of the analysis,
 - e. An identification of any constituent that exceeded an EPA or State of Indiana Maximum Contaminant Level (MCL), and,
 - f. The signature of the person responsible for the analysis.

B. Well Log:

1. Within thirty (30) days of the completion of the well, the well driller shall submit a complete and accurate copy of the Indiana Department of Natural Resources Well Log, Record of Water Well, State Form 35680 (R4/4-92) to the Health Officer. The well log shall also contain the St. Joseph County water well permit number.
2. Each well driller shall also submit to the Division of Water of the Indiana Department of Natural Resources accurate records of each well drilled in accordance with the provisions of Indiana Code 25-39, "The Water Well Drillers Law". Such well drillers shall provide the Indiana Department of Natural Resources with the appropriate St. Joseph County Water Well Permit Number for each well drilled.
3. The well driller shall also furnish, upon request, any additional well construction information deemed necessary by the Health Officer to protect public health and safety or the groundwater.

C. Well Abandonment Log:

1. The well driller shall provide a well abandonment log to the Health Officer for any water well abandoned in St. Joseph County. The well abandonment log shall:
 - a. Be on a form provided by the Health Officer.
 - b. Contain the information required by the Health Officer.

- c. Include a drawing made to scale showing the location of the abandoned well.
 - d. Be received by the Health Officer within thirty (30) days of abandoning the well.
2. Complete accurate records shall be kept of the entire abandonment procedure to provide detailed records for future reference and to demonstrate to the Health Officer that the well was properly abandoned.
- D. Failure to Submit Reports or Logs:** Any party who fails to submit complete and accurate reports as specified in 24.20.110 A, B or C shall be in violation of the Ordinance.

24.20.120, Siting Potable Water Wells

A. General Requirements:

- 1. All new potable water wells shall be located at the highest point on the premises consistent with the general layout and surroundings, but in any case protected against surface drainage, ponding, and flooding and as far removed from any known or potential pollution source as the general layout of the premises and the surroundings permit.
- 2. All new potable water wells shall, in no case, be closer than the **applicable minimum distance** specified in Section 24.20.120.B.
- 3. When possible, a water supply well shall be installed hydraulically up gradient from any known or potential pollution source.

B. Separation Distances:

- 1. Potable water wells and pump suction lines, except for municipal water supply wells, shall maintain the following **minimum separation** distances from potential pollution sources.
- 2. Any and all potential pollution sources shall have and be maintained at the following minimum separation distances from potable water wells. No known or potential pollution source listed shall be located within the specified distance.
- 3. These distances are minimums and do not insure safety.
- 4. The minimum separation distances for high capacity wells shall be the same as listed for public wells.
- 5. The Health Officer may increase the minimum separation distances for any proposed well location or deny an application where there is a source of know or potential groundwater contamination that is a potential threat to public health and safety.
- 6. The Health Officer may decrease the minimum separation distance if the Health Officer determines that the separation distances can not be reasonably met and that public health and safety would not be threatened.

Minimum Separation Distances

Potential Pollution Source	Type of Potable Water Wells		
	Residential Wells	Non-Residential Non-Public	Public ¹ Wells
Any building overhang to the horizontal center of the well	5 feet	5 feet	5 feet
Building Foundation	10 feet	10 feet	10 feet
Independent Gear Water Drain, Rainwater Downspout, Foundation Drain, Sump Pump Pit	10 feet	10 feet	10 feet
Sanitary Sewer connected to Foundation Drain	15 feet	15 feet	15 feet
Storm Sewer connected to Foundation Drain	15 feet	15 feet	15 feet
Property Lines ² Also maintain minimum required distance from any source of contamination on adjoining properties	15 feet	25 feet	200 feet
Private residential underground fuel oil tanks	100 feet	100 feet	200 feet
Stream, Lake, Pond or Ditch, River, Shoreline or Drainage Tile	25 feet	50 feet	50 feet
Sanitary Sewers, Force Mains and Drains	50 feet	100 feet, ^{3,4}	200 feet ^{5,6}
Subsoil Drain (absorption field perimeter drain), Sewer Pump, Lift Station	50 feet	50 feet	200 feet
Privies and Outhouses (to be constructed and maintained in accordance with ISBH Bulletin No. S.E. 11 - The Sanitary Privy")	100 feet	100 feet	200 feet
Storm Sewers	25 feet	100 feet	200 feet
Septic and Aerobic Digestion Tanks and Absorption Fields	50 feet	100 feet	200 feet ⁶
Seepage Pits	100 feet	100 feet	200 feet ⁶
Stables, Feeding Pens, Livestock Runs, Manure Piles, etc.	100 feet	100 feet	200 feet

Confined Feeding Operation	200 feet	200 feet	200 feet
Geothermal Heat Pump System Diffusion Well for a System Using Less Than 25,000 gallons per day (17.4 gpm)	50 feet	100 feet	200 feet
Geothermal Heat Pump System Diffusion Well for a System Using More Than 25,000 gallons per day (17.4 gpm)	100 feet	100 feet	200 feet
Minimum Separation Distance between Geothermal Heat Pump Systems and Sewers/Septic Tanks	100 feet	100 feet	200 feet
Above Ground Storage, Handling, Delivery or Packaging Areas for Regulated Substances	100 feet	100 feet	200 feet
Underground Storage of Regulated Substances	100 feet	100 feet	200 feet
Concrete or Membrane-Lined Agricultural Waste Pits	50 feet	100 feet	200 feet
Earthen Agricultural Waste Pits, Lagoons and Holding Ponds	500 feet	500 feet	500 feet
Composting Facility Active Area	200 feet	200 feet	200 feet
Land Application of Manure	200 feet	200 feet	200 feet
Land Application of Final Treated Wastewater Treatment Plant Effluent	200 feet	200 feet	200 feet
Land Application of Domestic Septage Disposal	500 feet	500 feet	500 feet
Ridge and Furrow Waste Disposal Site;	500 feet	500 feet	500 feet
Injection Wells	50 feet	100 feet	200 feet
Septage or Treated Sludge Disposal Area	500 feet	500 feet	500 feet
Sewage Treatment Lagoons or Wastewater Treatment Facility	500 feet	500 feet	500 feet
Existing, Closed or Abandoned Solid or Hazardous Waste Disposal Facility (Dumps/Landfills)	1,000 feet	1,000 feet	1,000 feet

Construction/Demolition Sites, and IDEM Restricted Waste Site Types 1, 2 and 3 as defined at 329 IAC 2-2-54 and 329 IAC 2-10	600 feet	600 feet	1,000 feet
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Footnotes:

¹The separation distances listed above for public wells are the maximum distances required. These distances may be reduced for a number of reasons including the type of facility serviced by the well, the number of people to use the system, and whether the water produced by the well is automatically disinfected prior to use. The installation and use of public wells is regulated by the Indiana Department of Environmental Management (IDEM) and the required separation distances are contained in 327 IAC 8.3.4. Any person applying for a County permit to install a public well shall provide documentation that they have first applied to IDEM to install the well. The separation distances determined by IDEM shall be adopted by the Health Department for the County permit unless a waiver is granted by the Health Officer.

²The clearance between a water well and the property line may include the right-of-way width of a road or street adjacent to the property if the required clearance is not otherwise available. Additional separation distance may also be obtained by easement from the adjacent property owner. The minimum required separation distance from any potential pollution source on any adjoining property shall be maintained.

³If it is necessary to locate sewer or drains closer than two hundred (200) feet to a potable water well or pump suction line in a mobile home park with twenty-five (25) or more lots, water works grade ductile iron pipe with mechanical joints or SDR 26 PVC pressure sewer pipe with compression fittings shall be used.

⁴If it is necessary to locate sewer, force mains or drains closer than one hundred (100) feet to a well or pump suction line, waterworks grade ductile iron pipe with mechanical joints, or SDR 26 PVC pressure sewer pipe with compression fittings must be used. Said piping shall not be constructed closer than thirty (30) feet to water sources.

⁵No wastewater treatment facility, sewer, force main or drain shall be closer than two hundred (200) feet to a public or municipal water supply well. In unprotected water-bearing formations, greater separation distances and other precautions may be necessary to minimize potential water contamination.

⁶The minimum separation distance between a residential well and/or an absorption field system may be reduced to not less than fifty (50) feet by the Health Department if the parcel in question was buildable as of January 1, 1999. However, it is highly desirable that this separation distance be greater than fifty (50) feet. This distances enumerated may be doubled for soil absorption systems, septic tanks, sewers, force mains, drains and other sources of contamination where there exist horizons, layers or strata within thirty-four (34) inches of the ground surface with a loading rate greater than seventy-five hundredths (0.75) gallons per day per square foot as determined from Table V of Section 49(4) of 410 IAC 6-8.1 "Residential Sewage Disposal Systems", unless that hazard can be overcome through system design.

- C. **Accessibility of Wells:** Every new well shall be located so that it will be reasonably accessible with proper equipment for cleaning, repair, treatment, testing, inspection and such other attention as may be necessary. With the exception of permitted public wells with well houses, wells shall be at least five (5) feet outside of any existing building overhang and at least ten (10) feet from any building foundation.
- D. **Relationship to Buildings:** No well shall be located so that the top of the well will be within the basement of any building nor under a building having no basement. Excluding pump houses, no well, after its construction, shall be allowed to be covered or made inaccessible by any building, permanent structure, earthen material, vegetation, concrete or other material
- E. **Relationship to Ground:** Wellheads, well casing, pumps, pumping machinery, exposed pressure tanks or suction piping shall not be located in any pit, room or space extending below the established ground surface, or in any room or space above the ground which is walled in or otherwise enclosed so that it does not have free drainage by gravity to the surface of the ground at all times, except when permitted by the Health Officer and under such conditions as the Health Officer prescribes.
- F. **Prohibition Against Interference:** No property owner shall construct or install anything, including landscaping, near a water well that will interfere with the inspection, maintenance, or abandonment of the well.
- G. **Additional Requirements:** The Health Officer may place additional requirements on the installation of new wells or the abandonment of existing wells to address specific conditions relative to public health and safety or protection of the groundwater. Any such conditions shall be attached to the well drilling or well abandonment permit.

24.20.130 Siting Non-potable Water Wells

- A. **General Requirements:** All non-potable water wells shall be installed at the highest point on the premises consistent with the general layout and surroundings and the technical requirements of the project, but in any case protected against surface drainage, ponding and flooding.
- B. **Separation from Pollution Sources:** All non-potable wells, except monitoring wells, shall be located as far removed from any known or potential pollution source as the general layout of the premises.
- C. **Hydraulically Up Gradient:** When possible, all wells, except monitoring wells, shall be installed hydraulically up gradient from any known or potential pollution source.
- D. **Accessibility of Wells:** A new well shall be located so that it will be reasonably accessible with proper equipment for cleaning, repair, treatment, testing, inspection and such other attention as may be necessary. Wells shall be at least five (5) feet outside of any existing building overhang and at least ten (10) feet from any building foundation except geothermal, dewatering, fire suppression and monitoring wells.
- E. **Relationship to Buildings:** No well, except monitoring wells, shall be located so that the top of the well will be within the basement of any building or under a building having no

basement. Excluding pump houses, no well, after its construction, shall be allowed to be covered or made inaccessible by any building, permanent structure, earthen material, concrete or other material.

- F. Relationship to Ground:** Wellheads, well casing, pumps, pump machinery, exposed pressure tanks or suction piping shall not be located in any pit, room or space extending below the established ground surface, or in any room or space above the ground which is walled in or otherwise enclosed so that it does not have free drainage by gravity to the surface of the ground at all times, except when permitted by the Health Officer and under such conditions as the Health Officer prescribes.
- G. Prohibition Against Interference:** No property owner shall construct or install anything, including landscaping, that will interfere with the inspection, maintenance, or abandonment of the well.
- H. Additional Requirements:** The Health Officer may place additional reasonable and necessary requirements on the location of wells regulated under the Ordinance on a case-by-case basis to protect the public health or safety of the groundwater. Any such requirements shall be attached to the well drilling permit.
- I. Separation Distances:** The separation distances identified in Section 24.20.110 for residential wells shall apply to all irrigation wells.

24.20.140, Siting of Wells Where Municipal Water is Available

A. Potable Wells

- a. The Area Plan Commission shall determine when connection to municipal potable water systems shall be required for newly proposed major and minor subdivisions.
- b. New or replacement potable water wells shall not be installed within a municipality unless the Health Department receives a written notification from the appropriate municipal water system that they have no objection to the installation of the well.
- c. The Health Department shall consult with a municipality prior to issuing a well permit for any potable well proposed within the municipality's master planning area. The Health Department shall also consult with the all municipalities at least semi-annually to solicit revisions to master planning areas.
- d. No potable water well permit shall be issued for a residential well for a property outside of a municipality if a municipal water line exists immediately adjacent to a property boundary.
- e. For a non-residential/ non-public or public well, if the total cost of engineering, materials, and installation of municipal water service to a business, less available public funding, does not exceed 150% of the total cost of engineering, materials and installation of an onsite well based on the average well depth of recent wells installed in the area where the facility is located, the extension of public water service to the facility is required and shall be paid by the property owner.
- f. The Health Department may issue a variance from the requirements listed above when there are circumstances that, in the opinion of the Health Department, make the connection to municipal water system unreasonable. Requests for variances shall be processed according to the procedures identified in Section 24.20.230.

- g. If a municipal public water system is or becomes available within three hundred (300) feet of a residential, non-residential/non-public, or public water system, the residential, non-residential/non-public, or public system may be required to make a connection to said municipal public water system, and use its water exclusively as a potable water source if the Health Officer determines it is necessary to protect public health or the groundwater. Upon such connection, the existing water system shall properly disconnect and said well shall be properly abandoned unless the well has been approved for other uses by the Health Officer.

B. Non-potable Wells

- a. New or replacement non-potable wells (except monitoring, geothermal, and dewatering wells) shall not be installed within a municipality unless the Health Department receives a written notification from the appropriate municipal water system that they have no objection to the installation of the well.
- b. Non-potable wells (except monitoring, geothermal, and dewatering wells) shall not be installed unless the following conditions are met:
 - i. Siting of the non-potable well shall meet all requirements contained in Section 24.20.130 for the installation of residential water wells.
 - ii. A permanent sticker shall be placed on the wellhead identifying the well as not suitable for human consumption.
 - iii. A permanent sticker or sign shall be placed on any point of use and any piping that extends into a building identifying the water line as not suitable for human consumption.
 - iv. No portion of the non-potable water system may be connected to any portion of a potable water system.
 - v. The owner shall allow an inspector designated by the Health Department to inspect the well and associated piping. If the property is served by municipal water, the inspector and the frequency of inspections shall be determined by the municipality and the costs of the inspection(s) shall be paid by the owner.
 - vi. If the Health Department determines there is a potential cross connection between a potable and non-potable water system, the owner shall install and maintain a backflow prevention device approved by the Health Department on the non-potable water system or take other actions required by the Health Department to prevent a cross connection.
- c. The Health Department may deny an application for a non-potable well if the Health Department determines that the well will adversely impact the quality of the groundwater or an existing water user.

C. Inadequate Water Supply Systems: If the Health Officer determines that a well serving a water system is inadequate to provide a safe source of drinking water, the Health Officer may order the owner of the well to bring the well into compliance with this Ordinance.

24.20.150. Administrative Control Areas

A. To protect the health and welfare of persons residing in St. Joseph County and to protect the integrity of any aquifer within the County, the Health Officer may establish administrative control areas to control the installation and use of wells in and near areas of known, suspected, or

potential contamination in the soil or groundwater. The Health Officer may administer controls through the following measures:

1. Denying an application to install a new well,
2. Requiring that water treatment systems be installed and maintained by the property owner,
3. Requiring surface water and groundwater sampling,
4. Requiring the abandonment of wells,
5. Requiring the installation of monitoring of wells,
6. Requiring property owners to connect to public water supplies when there is a threat to human health, and
7. Other measures deemed appropriate by the Health Officer.

B. The Health Officer shall provide public notice through the local media upon the creation of any administrative control area and shall make maps of the administrative control areas available to the public.

24.20.160, Water Well Installation Requirements

A. Construction Requirements for Potable Water Wells

1. The construction of all potable wells within St. Joseph County shall be in accordance with the applicable requirements of 312 IAC 13 the ISDH Bulletin S.E. 13, "On-Site Water Supply and Wastewater Disposal for Public and Commercial Establishments" and ISDH Bulletin P.W.S.2, "Standards for Construction of Private Water Wells and Water Systems".
2. All wells that will supply, in whole or in part, potable water shall:
 - a. Have a minimum casing diameter of 4 inches nominal inside diameter if to be used for drinking water,
 - b. Have a casing which will extend to the well screen,
 - c. Have a minimum depth of thirty-five (35) feet as measured from the ground surface to the top of the well screen and,
 - d. Have an available draw down of at least twenty (20) feet, as measured from the static water level to the top of the pump.
 - e. The minimum depths feet and the minimum available draw down identified if items c. and d. above need not be met if a basal shale or clay is encountered during the drilling of the well that prevents the well from being completed consistent with these requirements. In such circumstances the well will be completed with the maximum depth and available drawdown practical, and
 - f. Dug wells may not be installed in St. Joseph County except for dewatering wells.
3. Upon the completion of drilling a well, the well driller shall place a permanent identification on the well casing at least six inches above the ground that clearly states the name and state license number of the company that drilled the well.

4. No more than one residence may be connected to a residential water supply well unless the well is registered with and meets the requirements of the State of Indiana for a public well.

B. Water Well Yield:

1. After development and pumping at capacity for a minimum of one (1) hour, residential wells shall have a stabilized yield of at least five (5) gallons per minute and all other potable water supply wells shall have a stabilized yield at least equal to the pumping rate desired from the potable water supply well during normal usage.

C. Sand and/or Clay:

1. The potable water supply well shall be properly developed and screened so that when it is released for others to use and for ninety (90) days thereafter no sand or clay shall be present in the water which may cause damage to the plumbing or appliances attached thereto.
2. If sand or clay is present, the well driller or pump installer shall eliminate the production of sand or clay. In failing in such attempts, the well driller or pump installer shall provide equipment to remove such sand and/or clay so that the collection of same will not thereafter develop in the plumbing. If after additional equipment is installed, the potable water supply well continues to result in an accumulation of sand and/or clay, a new potable water well shall be installed.
3. Nothing herein shall be construed to make the well driller or pump installer liable for the cost of the aforesaid changes, but, instead, the same shall remain a matter of contract.

D. Pump Installation: The pump installation shall comply with the requirements as stated in the most current ISDH Bulletin, P.W.S.2, "Standards for Construction of Private Water Wells and Water Systems".

E. Hand Pumps: All hand pumps, stands, or similar devices shall be installed so that no unprotected opening connected with the interior of the pump exists. The pump spout shall be of the closed downward-directed type. All hand pumps shall be bolted to a mounting flange securely fastened to the well casing. The top of the casing shall extend at least one (1) foot above the face of the flange or at least 2 feet above any known flood water level.

F. Power Driven Pumps: All power-driven pumps located over wells shall be mounted on the well casing, a pump foundation, or a pump stand, so as to provide an effective well seal at the top of the well. Extension of the casing at least One (1) foot into the pump base will be considered an effective seal provided the pump is mounted on a base plate or foundation, in such manner to exclude dust and insects, and the top of the well casing is at an elevation at least two (2) feet above the 100 year flood level. Where the pump unit is not located over the well and the pump delivery or suction pipe emerges from the top thereof, a watertight expanding gasket or equivalent well seal shall be provided between the well casing and piping. A similar watertight seal shall be provided at the terminal of a conduit containing a cable for a submersible pump.

G. Check Valve: All submersible pumps shall have one check valve located in the discharge line above the pump and inside the casing.

H. Pump Bearing Lubrication:

1. Bearings of pumps shall be lubricated with water or oil of food grade quality.
2. If a pump delivering potable water is provided with a water lubrication tank, the tank shall be so designed, installed and maintained as to prevent damage of the water therein.
3. The oil reservoir shall be constructed to protect the water from damage. The lubrication system shall be designed, installed and maintained to minimize leakage of oil into the water. The oil shall be of food grade quality.

I. Pumphouses: Unless the power-driven pump installation is of weatherproof and frost proof construction, a weatherproof and frost proof structure housing the pump shall be constructed permitting access to the pump for maintenance and repair work. The pumphouse floor shall be constructed of concrete and shall slope away in all directions from the well or suction pipe.

J. Protection Against Freezing: Discharge lines and vacuum lines from the well to the foundation of any buildings shall be protected against freezing.

K. Well Vents: This Section shall also apply to remediation wells. All well vents shall be piped water-tight to a point not less than twenty-four (24) inches above the 100 year flood level and, to the top of the well casing. Such vent opening and piping shall be of sufficient size to prevent clogging by frost and in no case be less than one-quarter (1/4) inch in diameter. The terminals of vent pipes shall be shielded and screened to prevent the entrance of foreign matter and preferably turned down. If toxic or flammable gases or regulated substances are vented from the well, they shall be treated as required by the Health Officer, and all necessary permits shall be obtained, and the vent shall extend to the outside atmosphere at a point where the gases will not produce a health hazard or safety hazard. Openings in pump bases shall be sealed water-tight

L. Suction or Non-Pressure Lines: All buried suction pipe or non-pressure lines are prohibited with the exception of well points used temporarily during construction.

M. Materials Prohibited: No material will be used in the well or pump installation that will result in the delivered water being toxic or having an objectionable taste or odor as defined by the American Water Works Association Standards (AWWA). All metallic and non-metallic materials shall have sufficient structural strength and other properties to accomplish the purpose for which installed. Flexible or non-rigid plastic pipe shall not be used for suspending submersible pumps, unless having the physical properties to withstand the torque and load to which it is subjected. Plastic pipe shall not be used unless bearing the approval of the National Sanitation Foundation and unless having the physical properties to withstand the torque and load to which it is subjected. Materials with lead or asbestos are prohibited.

N. Offset Pumps and Sampling Faucet Location: Offset pumps and sampling faucets shall be located where they are readily accessible. They shall not be located in a crawl space unless the crawl space is drained to the ground surface beyond the crawl space either by gravity or by means of a sump pump, and a minimum of four (4) feet of clear working space is provided between the floor of the crawl space and the floor joist in the pump area. If located in a crawl space, the pump shall be located within five (5) feet of the point of entry. The access opening should be at least two (2) feet high and two (2) feet wide. Any part or accessory to the water system, which requires routine maintenance, shall not

be installed in a crawl space unless that crawl space meets the requirements of the provisions of this Ordinance.

O. Pressure Tanks: Pressure tanks or approved substitutes, used as part of the water system, shall be of such size as to prevent excessive wear of the pump due to frequency of starting or stopping.

P. Wellhead Height: All wellheads shall extend above the ground surface for a minimum of one (1) foot and two (2) feet above the 100 year flood level.

Q. Non-Potable Well Installation Requirements:

1. All non-potable water systems shall be clearly labeled as non-potable at each point of use, on the wellhead, and on any piping located inside of any structure. The non-potable labels shall be maintained and replaced as necessary to ensure the well and piping is labeled until the well is abandoned.
2. The piping for non-potable wells shall not be connected to any potable water system.
3. Upon the completion of drilling a well, the well driller shall place a permanent identification on the well casing at least six inches above the ground that clearly states the name and state license number of the company that drilled the well.
4. All wellheads shall extend above the ground surface for a minimum of one (1) foot and two (2) feet above the 100 year flood level.

24.20.170, Disinfection and Sampling Procedures

A. Disinfection of Drilling and Maintenance Equipment:

1. Before installation of a potable water well or breaking the sanitary seal on an existing well, all well construction, and maintenance equipment and applicable materials shall be thoroughly disinfected with a solution adequate to kill any pathogens present. Pumping equipment and gravel used in gravel wall wells shall be disinfected before being placed in service for general use.
2. To prevent damage of the potable water well or aquifer, it is desirable to maintain a chlorine residual of one-hundred (100) parts per million in the well hole during the drilling process.
3. The casing pipe shall be thoroughly swabbed to remove oil, grease, and joint dope, using alkalies as necessary to obtain clean surfaces.

B. Disinfection of Water System:

1. The well and appurtenances thereto shall be disinfected according to the specifications of the Health Officer. Such treatment shall be performed prior to any use of water from the system when the potable water supply well work is finished and when a pump is installed or reinstalled. If the two operations are performed on the same day, only the latter disinfection shall be required.
2. The disinfection of the water system shall include the water in the well pipe, gravel used in gravel well construction, well pipe, pumping equipment, water storage tank(s) and all in-house plumbing including any existing water heater, clothes washing machine, and dishwasher.

3. If, after the water in the system has been analyzed according to the requirements of this Ordinance, the water in a potable water well exceeds Maximum Contaminant Levels (MCL) for coliforms or E. coli bacteria, it shall be disinfected again by the well driller or pump installer, sampled and analyzed according to the requirements of this Ordinance.
4. The well driller or pump installer who performed work on the system shall be responsible for properly disinfecting the water system and for repeating the disinfection once, if the water exceeds MCLs. The costs and responsibility of any further disinfecting shall be bourn by the owner of the water system unless the water system was not properly disinfected by the well driller.
5. Disinfection of water systems shall be performed only by a well driller with a current County well drillers registration or a plumber licensed to perform work in St. Joseph County. The Health Officer recommends that owners not attempt to disinfect their wells.
6. The Health Department shall issue and revise, as deemed necessary, procedures for disinfecting water systems. All parties disinfecting water systems pursuant to this Ordinance shall follow the procedures issued by the Health Officer.

C. Water Sampling: All potable and irrigation wells shall be sampled as described below.

1. After the water system has been disinfected the water system shall be pumped to remove all the disinfectant and sampled.
2. All water samples shall be properly collected from an appropriate sampling faucet and analyzed using the analytical methods listed in 40 CFR parts 141 or 143 or otherwise approved by the Health Officer.
3. For public wells, the water analysis must demonstrate the water to be of satisfactory bacteriological and applicable chemical water quality before the well may be placed in service.
4. All water samples shall be collected in accordance with procedures provided by the Health Officer.
5. A copy of any required laboratory and field analysis shall be submitted to both the Health Officer and the potable water supply well owner by the laboratory performing the analysis.
6. If the first sample does not provide satisfactory results the water supply well shall be either disinfected or decontaminated until the test results are satisfactory or the well is abandoned.
7. For the purposes of this Ordinance, any potable water well is contaminated when the water withdrawn from it is found to contain any contaminant or pollutant which is present in a concentration exceeding any MCL or when the Health Officer determines that the water provided by such well is a health hazard.

8. Each new or replacement potable water supply well shall be analyzed. The analysis shall include the following and any other tests as deemed reasonable and ordered by the Health Officer to the extent that such tests protect against a health threat:
 - a. Total Coliform
 - b. E. coli
 - c. Nitrates (NO₃)
 - d. Fluoride
 - e. Arsenic
 - f. Sulfate
 - g. Residual chlorine
 - h. Temperature (laboratory)
 - i. pH (laboratory)
9. If a well tests positive for residual chlorine, it shall be flushed, resampled, and reanalyzed for coliforms and E. coli.
10. The Health Officer may order that no water shall be used for any purpose from a potable water well if the Health Officer has information indicating that the water exceeds an MCL. In such case, no person shall use such water until testing demonstrates that the water meets all MCLs.
11. The costs of the laboratory tests shall be paid by the owner.

24.20.180, Well Abandonment Procedures

- A.** Unsealed or unplugged abandoned wells constitute a health hazard to public health, safety, welfare, and to the preservation of the groundwater resource because an improperly abandoned well might serve as an intentional or unintentional source of contamination.
- B.** All wells shall be abandoned in a manner that restricts the movement of water within the well casing and annular space surrounding the well casing to the zone in which it originated and in a manner determined by the Health Officer.
- C.** The preferred method of abandoning wells is to remove the well casing and fill the well with a bentonite slurry or, at a minimum, bentonite pellets.
- D.** Any well existing or determined to be existing without a proper well seal shall be abandoned upon an order from the Health Officer to do so. Wells shall be abandoned as specified by the Health Officer and in accordance with 312 IAC 13. Any additional requirements may be approved by the Health Officer.
- E.** Any well not in use for over one year may be required to be properly abandoned by the Health Officer.

24.20.190, Well Maintenance Procedures

- A. It shall be the responsibility of the owner of a well to maintain a water well on their property in accordance with the provisions of this Ordinance. Any defect that exists or occurs in any well or abandoned well that could cause damage to the well water or the aquifer shall be corrected immediately by the owner upon the order of the Health Department.
- B. All water wells shall be protected against breakage through accident and secured from vandalism. The owner of a well shall be responsible for corrective action caused by contamination that enters a water system or the groundwater through their well.
- C. Any well deemed by the Health Officer to be in a vulnerable location shall be protected against breakage through accident. Means to protect the well may include guard posts, locking caps, fences, installation in an invulnerable location, and other such means to protect the well from undesired intrusion as directed by the Health Officer.
- D. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, cover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with a public or private water supply or which could result in damage to the soil or groundwater (unless such activity has been approved or permitted by the Health Officer). Any such action shall be a violation of this Ordinance.
- E. All wells requiring permits shall be tagged with a Health Department well identification number. Either this tag or a replacement tag shall remain on the well until its abandonment. It shall be a violation of this Ordinance to remove said tag.

24.20.210, Reporting Requirements Substitution

In the case where a report requiring information of the same character must be filed to meet a State or Federal requirement, the report may be copied and submitted to the Health Officer in lieu of otherwise applicable reporting requirements under this Ordinance. Any of the above information required, not included in the report, must be submitted additionally.

24.20.220, Enforcement

- A. **Authority to Adopt Rules and Regulations:** The County Board of Health may adopt, amend or rescind any rules and regulations and standards as deemed necessary for proper enforcement and to carry out the purposes and intent of this Ordinance. This shall be accomplished using public comment periods, public meetings, and public hearings, as appropriate, in accordance with State law and in consultation with the Water Resources Advisory Board.
- B. **Right-of Entry Upon Premises:** The Health Officer or an authorized representative, bearing proper credential and identification, may enter upon and inspect private property, after due notice, for such purposes as inspections, observation, measurement, sampling, testing and records examination necessary to carry out the provisions of this Ordinance.
 - 1. Upon the receipt of an application to install a well, the Health Officer, shall be permitted to inspect the location, installation, condition, and sampling of the wells at any stage.

2. In the event a person who has common ownership over a building, structure or land does not permit an inspection while work is being performed pursuant to a permit issued through this Ordinance, said permit shall be immediately cancelled and all such work shall be immediately suspended. The work may only commence upon the issuance of a new permit and a notification by the Health Officer that the work can continue.
 3. In the event a person who has common ownership over a building, structure or land does not permit an inspection, the inspection may be rescheduled and the person shall be notified by United States Certified Mail. Failure of such person to thereafter permit an inspection will be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, observing, measuring, sampling, testing or examining records necessary to carry out the provisions of this Ordinance.
 4. In the event a building, structure or land appears to be vacant or abandoned and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Health Officer may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection.
- C. Reimbursement of Health Department Expenses:** Any person violating any provision of this Ordinance shall become liable to the Health Department for any expense, loss or damage occasioned it by reason of such violation.
- D. Issuance of Notice of Violations:** Whenever the Health Officer determines there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance; the Health Officer shall give notice in writing of such violation to the person or persons responsible thereof, and to any known agent of such Person. Such notice shall:
1. Include a statement of reasons why the notice of violation is being issued.
 2. Allow a reasonable time for the performance of any act it requires.
 3. Be served upon the Owner or his agent, or the operator, as the case may require; provided that such notice shall be deemed to be properly served upon such Owner or agent, or upon such operator, if a copy thereof is served upon him personally, or if a copy thereof is sent by certified mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he/she is served with such notice by any other method authorized or required under the laws of this State.
 4. Contain an outline of required remedial action.
 5. Describe the penalty that is imposed for non-compliance.
- E. Request for Hearing:** Any person affected by a notice of violation of the Ordinance issued by the Health Officer may request and shall be granted a hearing on the matter before the Health Officer, provided that such person shall file with the office of the Health Officer by mail postmarked or hand delivered, within fifteen (15) days after service of the notice. The request for a hearing shall be written and shall set forth a brief statement of the grounds thereof. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of a request thereof. At such hearing the petitioner shall be given an opportunity to be heard and to

show cause why such notice should not be complied with. The Health Officer shall sustain, modify, or withdraw the notice to the petitioner as soon as practical and in no case later than fifteen (15) days following the hearing.

F. Appeals of Health Officer's Determination:

1. Any decision rendered by the Health Officer pursuant to a hearing may be appealed to the County Board of Health provided that an appeal is filed with the Health Officer by mail postmarked or hand delivered, within fifteen (15) days after a decision is issued by the Health Officer. The appeal shall contain a written request for a hearing and a brief statement of the grounds thereof. Upon receipt of such petition, the Health Officer shall arrange a time and place for a hearing with the County Board of Health and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of a request thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.
2. After a hearing, the County Board of Health shall sustain, modify, or withdraw the decision of the Health Officer as soon as practical but in no case more than thirty (30) days after the hearing. If the Board of Health sustains or modifies such notice, it shall be deemed to be an order. Any notice properly served shall automatically become an order.

G. Issuance of Emergency Orders: Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, the Health Officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that action be taken as the Health Officer deems necessary to meet the emergency. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person receiving such an order may seek a hearing under subparagraphs E and F above while carrying out such order, and shall have the right to recover any of its response costs to the extent that the order or any portion thereof is found to have been arbitrary or capricious or not otherwise in accordance with law. After such consideration, depending upon the finding as to whether the provisions of this Ordinance have been complied with, the Health Officer shall continue such order in effect, modify it or revoke it.

24.20.230, Variance

The Health Officer shall approve, amend, or disapprove a written petition for a variance, exemption, or exception from provisions of this Ordinance, as soon as practical after receiving the request and in no case later than thirty (30) days after the petition is filed. A decision by the Health Officer may be appealed to the County Board of Health for consideration at their next regularly scheduled meeting. The County Board of Health shall render a decision in the matter as soon as practical and, in no case, later than thirty (30) days after the meeting date.

24.20.240, Penalties

- A. Notice of Violation:** Any person found to be in violation of any provision of this Ordinance shall be served by the Health Officer with a written order stating the nature of the violation, remedies for correcting the violation, and a time limit for satisfactory correcting the violation, and the fines, if any, imposed for the violation.
- B. Penalties:** Any person determined by the Health Officer to be in violation of this Ordinance shall be punished for each offense by a penalty established by the Health Officer of not more than Five Hundred Dollars (\$500.00); for the first offense, not more than One Thousand Dollars (\$1,000.00) for the second, and by not more than One Thousand Five Hundred Dollars (\$1,500.00) for each subsequent offense. Each day after receiving a notice of violation from the Health Officer shall constitute a distinct and separate offense.
- C. Liability for Health Department Costs:** Any person violating any provisions of this Ordinance shall become liable to the Health Department for any expense, loss, or damage occasioned it by reason of such violation, including the costs for labor, supplies, equipment, and services.

24.20.250, Severability

If any section or part of this Ordinance be for any reason held unconstitutional or invalid by a court of competent jurisdiction, that holding shall not affect the validity of the remaining portions of the Ordinance, but the remaining portions shall be and remain in full force and effect.

24.20.260, Disclaimer of Liability

- A. Health Department Liability:** The Ordinance shall not create liability on the part of the Health Department or any officer, employee or agent thereof for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made thereunder.
- B. Inspections:** All inspections shall be at the discretion of the Health Officer and nothing in this Ordinance shall be construed as requiring the Health Officer to conduct any inspection nor shall any inspection imply a duty to conduct any other inspection. Nothing in this Ordinance shall be construed to hold the Health Officer responsible for any damage to persons or property by any failure to make an inspection or reinspection or for inspections that failed to identify unacceptable conditions or procedures.

PASSED AND ADOPTED this _____ day of _____, 2005, by the following vote: