

**WHEREAS**, Fayette County residents deserve safe potable water; and

**WHEREAS**, safe potable water is one of man's precious natural resources; and

**WHEREAS**, safe potable ground water can be contaminated and made totally useless for drinking by improper well drilling and pump installation practices; and

**WHEREAS**, the Commissioners of Fayette County desire to prepare guidelines and standards for the safe construction and drilling of residential water wells as well as the safe installation of pumps and all accompanying parts thereto; and

**WHEREAS**, the Fayette County Commissioners desire to establish standards for the proper installation of private water wells to protect the health, safety and welfare of the citizens of Fayette County hereby adopt an ordinance.

**NOW THEREFORE BE IT RESOLVED THAT THE FOLLOWING ORDINANCE SHALL BE ADOPTED AND MADE A PART OF THE PERMANENT RECORDS OF FAYETTE COUNTY INDIANA that:**

**Section 1. Definitions.**

- a. **Health Officer** – means the duly appointed Health Officer for Fayette County, Indiana or a person designated by the Health Officer to act in or on their behalf. The term shall also mean the Fayette County Health Department.
- b. **Private Well** – means a water well or developed spring that serves a family or business for their potable water needs. This shall not apply to any well used solely to monitor the quality or quantity of ground water.
- c. **Public Water Source** – means any source of water that provides potable water to more than one person, firm or entity for which there is a charge assessed against the user for water consumed.
- d. **Work on any Private well** – means the installation of any new water well and/or pump to bring the water from below the surface of the ground to be used by the owner for their potable water needs.
- e. **Installer** – means any person, firm or entity that installs private water wells for any person or business whether for a fee or without a fee. This term also includes well installers and any person that performs any service to abandon a private well for another person.
- f. **Person** – means any person, firm or entity without respect to any particular gender or type. This shall also include the homeowner or occupant of a residence that performs any activity or service for installation for their own property or residence.
- g. **Maintenance** – means the repair or replacement of any pump, pressure tank, piping, well or well casing wherein the well seal is broken, compromised or removed by an installer or any other person. Maintenance shall also include the installation of any private well that is intended to serve as a replacement for an existing private well.
- h. All other words and phrases shall have their usual and customary meaning.

**Section 2. Contaminated Private Well.**

- a. If the Health Officer determines that water from a private well used by humans for drinking, food preparation, washing or other direct human contact presents a chemical, biological or radiation threat for the persons served by the private well, then the Health officer shall order the owners of said well to cease and desist from its continued use. The Health Officer shall also order the well to be abandoned pursuant to this ordinance.
- b. In an emergency situation as approved by the Health Officer, a home owner may drill a new water well prior to obtaining a permit as required in this ordinance. The well may not be used for human consumption until such time as the well and its water shall be inspected and approved by the Health Officer as per this ordinance. This does not excuse the installer from obtaining all of the necessary permits within two (2) business days. The installer operating under this emergency provision shall notify the Health Officer within two business days of the installation of a private well.
- c. In the event that a private well is contaminated and ordered abandoned by the Health Officer and a public water main becomes available within 100 feet of any property line of the residential or business property served by a private well, the owner of the property shall establish a direct connection for the property to the public water main as soon as reasonable.

- d. After connection to the public water system the owner of the property shall abandon the private well pursuant to 312 IAC 13 *et seq.* and report the abandonment of the private well to the health officer within two business days.
- e. If the Health Officer determines that a private well presents a chemical, biological or radiation threat, then the Health officer may order the owners of said well to permanently abandon said well. The Health Officer may also order the well to be abandoned due to non-use or location.
- f. All wells shall be properly abandoned in accordance with Indiana Code 312 IAC 13-10-2.

**Section 3. Permit for New Private Well.**

- a. Prior to the commencement of any work to install a new private well, the Owner shall obtain a permit from the Health Officer.
- b. The Owner shall submit an application for a permit provided by the Health Officer for a permit to install a new private water well. This application shall be returned to the Health Department.
- c. The permit shall be obtained no later than 2 business days prior to the commencement of any work on the private well.
- d. The Health Officer shall not charge a fee for all permits for new private wells
- e. Prior to the use of the private water well for human consumption, the Health Officer shall inspect the well and its water shall be tested by the owner for bacteriological compliance with all state and federal regulations.
- f. This ordinance shall not apply to any well used solely to monitor the quality or quantity of ground water.
- g. The installer shall not commence work on the private well until the Owner has provided a copy of the permit to the installer.

**Section 4. Process for Installation of a New Well.**

- a. The Installer shall inform the Health Officer at least two (2) days prior to the installation of any new well.
- b. The Health Officer shall be permitted to inspect a private water well installation at any stage of construction.
- c. The Owner shall submit a sample of the water from the new private well for a laboratory analysis to determine if the bacterial content is satisfactory.
- d. The cost for the testing of the first water sample shall be paid by the Owner.
- e. The water from a new water well shall not be used for human consumption until such time as the well has been approved by the Health Officer and the water analysis is acceptable to the Health Officer.
- f. In the event that it shall be necessary for any additional water testing, the Owner shall be responsible for conducting and obtaining any subsequent testing.
- g. All well construction must be performed in accordance with the Department of Natural Resources Rule 312 IAC 13 *et seq.* and Indiana State Department of Health Bulletin PWS 2 and Indiana State Department of Health Bulletin S.E. 13.
- h. In the event that any subsequent testing is required to be performed after installation of a new private well, the installer or owner may obtain a water sample from the private well bladder tank and then submit that sample to a lab certified by the Indiana State Department of Health for analysis.
- i. If a subsequent acceptable water sample is obtained from the private well bladder tank and a sample is otherwise determined to be unacceptable to the Health Officer, the water may not be consumed by the owner or occupant of the dwelling until such time as the owner of the property has performed any and all necessary treatment or taken adequate maintenance or repair to the water system to result in an acceptable water test result will be obtained by the owner or occupant from an outlet other than the private well bladder tank.
- j. The installer shall, thirty (30) days after completion of the installation of the new well, provide to the Health Officer and the owner of the property a copy of the well record submitted to the Indiana Department of Natural Resources.

**Section 5. Well Pumps and Well Standards.**

- a. All hand pumps, stands or similar devices shall be installed so that there is no unprotected opening connected to the interior of the pump. The pump spout shall be a 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) inch above the face of the flange.

- b. 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. There is an effective seal if the well casing extends at least one (1) inch into the pump base, provided the pump is mounted on a base plate or foundation in such a manner to prevent the entry of dust and insects, and the top of the well casing is at least two (2) feet above any known flood water level. Where the pump unit is not located over the well and pump deliver or suction pipe emerges from the top of the pump, a watertight expanding gasket or an equivalent well seal shall be provided at the terminal of a conduit containing a cable for a submersible pump.
- c. All submersible pumps shall have one (1) check valve located on the discharge line above the pump and inside the well casing. If the discharge pipe is at least twelve (12) inches above the ground and slopes to drain into the well, the check valve may be located at the dwelling unit.
- d. Unless a power-driver pump is weatherproof or frost proof, a pump house providing access to the pump for maintenance and repair work shall be constructed to house the pump. The pump house floor shall be constructed of impervious material and shall slope away in all directions from the well or suction pipe.
- e. Discharge lines and vacuum lines from the well to the foundation of heated buildings shall be protected against freezing.
- f. All well vents shall be piped water-tight to a point not less than twenty-four (24) inches above the one hundred year flood plain or any known flood water level, and in any event 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 less than One-quarter (1/4) inch diameter. The terminals of vent pipes shall be shielded and screened to prevent the entrance of foreign matter and preferably should be turned down. If toxic or inflammable gases are vented from the well, the vent shall extend to the outside atmosphere at a point where the gases will not provide a hazard. Openings in pump bases shall be sealed water-tight.
- g. All pressure water systems shall have a faucet on the discharge side of, and as close as possible to, the pump for the collection of water samples. The sampling faucet shall have a smooth, turned-down nozzle. A hose bib shall not be used.
- h. 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. All materials should be approved for use with drinking water. All metallic and not-metallic materials shall have sufficient structural strength and other properties consistent with the purpose for which they were installed. Flexible or non rigid plastic pipe shall not be used for suspending submersible pumps, unless the piping has the physical properties to withstand the torque and load to which it is subjected.
- i. Offset pumps and sampling faucets shall be located where they are readily accessible.
- j. Pressure tanks or approved substitutes used as a 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.

**Section 6. Maintenance of Well**

- a. After the well repair wherein the water quality has been compromised or after the well seal of an existing well has been broken or a private well is drilled to replace the existing well, the well shall be disinfected by the installer pursuant to the procedures set forth in 312 IAC 13-9-1. The upper terminal of a well located in a well pit that is not properly drained to the ground surface in the immediate area or is subject to flooding shall be deemed buried for the purposes of this section. If the well seal is broken, a pitless adapter shall be installed pursuant to 312 IAC 13-4-3 (d).
- b. The Health Officer shall be permitted to inspect a private water well maintenance at any time.
- c. The Owner shall submit a sample of water after maintenance of the water well for analysis at a laboratory to determine if the bacterial content is satisfactory.
- d. In the event that it shall be necessary for any additional water testing, the owner shall be responsible for conducting and obtaining any subsequent testing. All water tests performed shall be performed at a lab that is certified by the Indiana State Department of Health. The Health Department shall provide, at the request of the installer or property owner, a list of those labs certified by the Indiana State Department of Health.
- e. In the event that any subsequent testing is required to be performed by the owner after installation of a replacement private well, the owner or installer may obtain a water sample from the private well bladder tank and then submit that sample to a certified lab for analysis. If the subsequent test result is acceptable to the Health Officer, then the installer shall be relieved from any further responsibility for the water quality at this location.
- f. If a subsequent acceptable water sample is obtained from the private well bladder tank and a sample is otherwise determined to be unacceptable to the Health Officer, the water may

not be consumed by the owner or occupant of the dwelling until such time as the owner of property has performed any and all necessary treatment or taken adequate maintenance or repair to the water system to result in an acceptable water test result will be obtained by the owner or occupant from an outlet other than the private well bladder tank.

- g. Installers who maintain or perform maintenance on private water wells shall be registered with the Fayette County Health Department and be a licensed plumber or well driller.

**Section 7. Installers Registration.**

- a. No person may install, maintain, perform any type of maintenance work or abandon any private well in Fayette County unless they have registered with the Health Officer. Owners of real property that perform installation or maintenance on their own real estate are not required to register.
- b. The person shall supply their name, address, phone number, business name or employer as well as any license number issued by the State of Indiana.
- c. The Health Officer may request additional information of any person registering to perform well drilling or pump repair in Fayette County as the Health Officer may reasonably determine if necessary.
- d. The registration of a person shall not be an indication of their competence or professionalism of the person that registers with Fayette County.
- e. Fayette County shall not assume responsibility for any person that is registered under this ordinance or their work that performs well drilling or water pump repair services.
- f. The registration of an installer may be suspended or revoked by the Health Officer, if the installer fails to comply with any provision of this ordinance or any rule or regulation enacted by the State or Federal Government concerning the maintenance, installation of private wells, pumps or the abandonment of any well.
- g. In the event that a registration shall be suspended or revoked by the Health Officer, the installer may appeal said suspension or revocation to the Fayette County Board of Health for consideration at its next regularly scheduled meeting. The installer must file their notice of intent to appeal the suspension or revocation of the registration within ten (10) business days from the action of the Health Officer.
- h. Upon request, the Health Department shall provide a complete list of currently registered installers.

**Section 8. Minimum Separation Distances**

- a. 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 surroundings permit.
- b. When possible, a water supply well shall be installed hydraulically up gradient from any known or potential pollution source.
- c. 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.
- d. These distances are minimums and do not insure safety.
- e. The minimum separation distances for high capacity wells shall be the same as listed for public wells.
- f. The Health Officer may increase the minimum separation distances for any proposed well location or deny an application where there is a source of known or potential groundwater contamination that is a potential threat to public health and safety.
- g. 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.
- h. Potable water wells and pump suction lines, except for municipal water supply wells, shall maintain the following minimum separation distances from potential pollution sources.

<b>Potential Pollution Source</b>	<b>Residential Wells</b>	<b>Non-Residential Non-Public</b>	<b>Public Wells</b>
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	10 feet	10 feet	10 feet
Sanitary Sewer Connected to the Foundation Drain	15 feet	15 feet	15 feet
Storm Sewer Connected to Foundation Drain	15 feet	15 feet	15 feet
Property Lines <sup>1</sup>	15 feet	25 feet	200 feet
Private residential underground fuel 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 <sup>2</sup>	50 feet	100 feet	200 feet <sup>3,4</sup>
Subsoil Drain (absorption field perimeter drain), sewer pump, Lift Station	50 feet	50 feet	200 feet
Privies and Outhouses	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 <sup>4</sup>
Seepage Pits	100 feet	100 feet	200 feet <sup>4</sup>
Stables, Feeding Pens, Livestock Runs, Manure Piles, etc.	100 feet	100 feet	200 feet
Confined Feeding Operation	200 feet	200 feet	200 feet
Agricultural Crop Field	50 feet	50 feet	100 feet
Geothermal Heat Pump System Diffusion Well for a System Using Less Than 25,000 gallons per day	50 feet	100 feet	200 feet
Geothermal Heat Pump System Diffusion Well for a System Using More Than 25,000 gallons per day	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, 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	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	1000 feet	1000 feet	1000 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	1000 feet

**Footnotes:**

<sup>1</sup> The clearance between a water well and the property line may include the right-of-way width of the 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.

<sup>2</sup> If it is necessary to locate sewer or drains closer than the minimum separation distance to a well, pump or suction line, water works grade ductile iron pipe with mechanical joints or SDR 26 PVC pressure sewer pipe with compression fittings shall be used.

<sup>3</sup> No 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 precaution may be necessary to minimize potential water contamination

<sup>4</sup> The 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; 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, unless that hazard can be overcome through system design.

**Section 10. Penalties and Enforcement.**

- a. Violation of this ordinance may result in a fine against the offending person(s) not to exceed \$2,500.00 plus all court costs, including the cost of enforcement, reasonable attorney fees and the cost of investigation.
- b. Each day shall constitute a separate offense.
- c. The Health Officer shall be responsible for enforcement of this ordinance.
- d. In addition to any fine and other costs, the Health Officer may enforce this ordinance by injunction. The violating party shall be responsible for all costs including reasonable attorney fees incurred by Fayette County in the enforcement of this ordinance.
- e. This ordinance is effective 10 days after it is published.

**Section 11. Revocation and Supersede of Prior Ordinances.**

- a. Any and all prior adopted ordinances that concern the installation and repair of private water wells are hereby revoked.
- b. This ordinance shall supersede and replace any prior ordinance that concerns the installation and repair of private water wells.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
Russell Sidell, Commissioner and President

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Chad Lee, Commissioner

\_\_\_\_\_  
Mark Nobbe, Commissioner

ATTEST:

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Fayette County Auditor