



E-News
SPECIAL EDITION

President's Message

I would like to let the membership know that a bill significant to our industry has passed thru the House and Senate and was signed by the Governor on 6/29/22. This bill was initially written and then pushed thru the short session with much effort by Matthew Brown (NCGWA Vice President), Billy Yow (former WCCC Commissioner and current NCGWA member), Representative Mark Brody (pushed the bill thru the house) and Senators McInnis, Jarvis & Galey (who sponsored the bill in the Senate.)

This bill, Senate Bill 372, will allow certified well contractors to grout wells without inspection by local health departments. The contractor will still need to notify the health department of the day and approximate time. This is a win-win situation for all concerned. If you see any of the people who made this happen so quickly, please be sure to thank them.

I caution all certified members as well as all other certified drillers to take this legislation as a sign that the State of North Carolina recognizes the professionalism of the North Carolina Certified Well Contractor and trusts us to Provide, Preserve and Protect our precious ground water resources.

Let's show them their trust in not unwarranted!

Thanks, Bill Magette, President NCGWA

Message From Matthew Brown

Greetings,

I am very pleased to tell you all about some exciting changes coming our way this October. On June 29th, the Governor signed SB-372. This is a historic accomplishment for our state. This legalizes self-grouting for all residential water wells! There are some steps that we must follow (see page 2) and make note of these. Wells that have been issued a variance must still be inspected.

So how did this come to be? Over the past year, I have heard a lot of conversations about how far behind we all are. I know I personally lose days or at best a half day due to not being able to grout after 3:30 or an occasional Saturday. I have also heard how the local health departments are short staffed or that their budgets are tight. A solution for these issues was needed. After some in depth conversations with regional and local health department inspectors, an idea began to form. I contacted my friend and fellow member Billy Yow. He was able to make the legislative connections that we needed.

Billy and I made multiple phone calls to state legislators and health officials. I wrote a letter, endorsed by NCGWA board, describing our position that we needed to be able to self-grout (see page 3). The consensus was "the health department has total control but with none of the responsibility" when it comes to grout process. The letter and plan were well received. I took a day and traveled to Raleigh

and there I was asked to speak to a house committee about our request. I was impressed by their enthusiasm with helping our industry to be more efficient in serving the citizens of North Carolina.

We are happy to report that this huge undertaking did not cost us anything financially or require us to hire an attorney. I am thankful for the efforts and time that these individuals put into this: NCGWA member Billy Yow, NCDHHS Regional Wilson Mize & John Brooks, and House Representative Mark Brody. This is a gift! Let's do our part to continue to prove that we are trustworthy, and we are worthy to be called "certified professionals". I have been warned that the state may come down hard if there is any "shady" work. We have come too far to go backwards. A compromise was made to allow an option for an inspector to be present. However, this is not to hinder our activities. It doesn't hurt to be checked up on every now and then.

We need you! If you encounter any issues in your area let us know. Our board is scattered around the state. Contact us because we are here to help. Please join us at the Jubilee, Monday at 10:00 am for our membership meeting. We will have much to discuss and celebrate. Also, we plan to have another great Fall Field Day and Clay Shooting this October. Our association is active and strong. Join us, come to the shows, sign-up your employees, spouse, etc. for memberships.

I'm honored to serve you and as always "keep turning to the right".

Respectfully, Matthew Brown, NCGWA Vice-President

WELL GROUTING CERTIFICATION CHANGE

SECTION 6.(a) G.S. 87-97 is amended by adding the following new subsections to read:

"(e2) Grouting Certification. – Notwithstanding any other provision of this Article, during the construction, repair, or abandonment of a private drinking water well, the local health department shall not conduct a grouting inspection if all of the following apply:

- (1) The well contractor provides written, verbal, or electronic notice of intent to grout to the local health department prior to 9:00 A.M. on the date of grouting.
- (2) The written, verbal, or electronic notice of intent to grout includes the location, permit number, and anticipated time for grouting and indicates that grouting may occur after normal business hours or on the weekend.
- (3) If the grouting is to occur on a State holiday, the written, verbal, or electronic notice of intent to grout is provided by the last business day prior to the State holiday.
- (4) The well contractor provides written certification, in a format and method specified by the Commission, to the local health department that the private drinking water well has been grouted in compliance with rules adopted pursuant to this Article.

(e3) Health Department Optional Presence. – Upon receipt of a notice of intent to grout under subsection (e2) of this section, the local health department may opt to be present during the grouting but the failure of the local health department to be present shall not affect the authority of the well contractor to self-certify the grouting under that subsection.

(e4) Exception for Variance. – Notwithstanding subsection (e2) of this section, if a variance is issued to a rule requiring grouting of a private drinking water well to a certain depth under rules adopted pursuant to this Article, the well contractor shall schedule a grout time and inspection with the local health department and only the local health department shall have the authority to certify that the private drinking water well was grouted in compliance with this Article."

SECTION 6.(b) This section becomes effective October 1, 2022, and applies to inspections conducted on or after that date.

Letter to State Legislators

May 6, 2022

To whom it may concern,

A motion to remove the responsibility of well grout inspections from local county environmental health departments.

Our membership from across the state have voiced concerns about the lack of consistency of inspections. For example, some counties require notification as precise as an on-site startup time in addition to the grout inspection. On the other end of the spectrum of almost constant requests of county inspectors issuing self-grouts with no inspector involvement. We also find across the state counties refusing to allow any grouting to take place if the inspectors are on vacation, at continuing education classes, or have multiple roles which prevents them from completing grouting inspections. In addition, the business hours of each county differ which creates time restraints for the well contractors.

There are some counties who do not follow the NC Statue ISA NCAC 02C, 0305, with regards to the rule in reference to the one hour wait time, allowing contractors to grout or self-grout without the presence of an inspector. There has been an unwillingness by many counties as well as local individual inspectors to work with contractors and allow self-grout. Our association feels strongly that as certified well contractors we bear the responsibility of proper well construction which includes the grouting process. The certified contractor currently is hindered by this lack of consistency. Our certifications bind us to adhere to the 2C.100 well construction standards leaving us, the certified individual, the responsibility of the well construction from start to finish. We feel that currently the inspectors have total control while bearing none of the responsibility.

From our discussions with the local and state regional inspectors, we understand that maintaining staff members is as hard for the counties as it is for the contractors, therefor we are proposing the removal of the grout inspection to help and facilitate local health department inspectors to better serve their respective counties. Well grouts can sometimes require multiple trips and unknown timeframes as each project is unique. In some cases, even multiple trips to the job site are required. Most county inspectors have multiple job duties which can conflict with other inspections, often our membership has noted that the well grout is at the bottom of the list, leaving families, farms, and businesses with extended wait times to place the wells in service. Furthermore, inspectors time spent with well grout prevent short-staffed departments from serving other public businesses which include public swimming pools, septic inspections, restaurants and writing new permits. Our goal is to help reduce the local health departments workload and some of the financial burdens associated with these inspections as well as increase their efficiency.

I have discussed Virginia's privatization of well inspections including the permit process involving several different Virginia certified contractors and past presidents of the Virginia Water Well Association. It has been stated that "privatization and the absence of grout inspections have had no negative impact to the public safety or health". I can also attest to the truth of this statement as I also work as a certified master well system provider. We can use Virginia's example as a model for North Carolina that the certified contractor is the best resource to take the responsibility for all aspects of the well construction.

In conclusion, our association is built upon groundwater professionals whose mission it is to provide, protect, and preserve North Carolina's most valuable resource. We do not take this duty lightly and look forward to an added trust for our industry. A strong partnership is built upon respect for the certified individual to perform contractor activities efficiently all the while reducing the burden on local county staff and budgets. We feel that it is our responsibility to develop ways to allow both the private and public sectors to serve the public at large more adequately.

Respectfully, Matthew Brown, NCGWA Vice-President

NCGWA Membership Meeting

**To be held at the South Atlantic Jubilee in Myrtle Beach, SC
Monday, August 1, 2022 / 10:00 AM / Tentatively Room 208**

Information From Wilson Mize, NCDHHS

Well grout inspection changes, Section 6.(a):

Amends G.S. 87-97 by adding subsections (e2), (e3), and (e4). The amended language allows the LHD to be present for a private drinking water well grouting inspection, but permits the well contractor to dictate the time of the grouting and to proceed with grouting with or without the LHD present if all the following apply:

1. The well contractor provides written, verbal, or electronic notice of intent to grout to the LHD prior to 9:00 A.M. on the date of grouting.
2. The written, verbal, or electronic notice of intent to grout includes the location, permit number, and anticipated time for grouting and indicates that grouting may occur after normal business hours or on the weekend.
3. If the grouting is to occur on a State holiday, the written, verbal, or electronic notice of intent to grout is provided by the last business day prior to the State holiday.
4. The well contractor provides written certification, in a format and method specified by the Commission, to the local health department that the private drinking water well has been grouted in compliance with rules adopted pursuant to this Article (submission of a GW-1/GW[1]30 completion form). Subsection (e4) states that if a variance is issued to a rule requiring the grout of a private drinking water well to a certain depth, the well contractor shall schedule a time for the grouting inspection with the LHD and only the LHD shall have the authority to certify that the private drinking water well was grouted in compliance with 15A NCAC 02C .0118.

I know several well contractors have been asking how this affects irrigation or ag wells in counties that have local rules. The legislation only references private drinking water wells so I get the sense some counties may continue requiring well grout inspections like in the past for irrigation wells. I spoke to Matthew and told him for those counties you may want to send a letter from NCGWA explaining why they should handle these grouts just like those for private wells and it will likely take us attending board of health or county commissioner meetings requesting they make changes to their local rules.

I have also had questions as to whether local rules can still require grout inspections like in the past. I have been told because this is in the law it supersedes any local regulations and county rules cannot differ for private drinking water wells than what is specified in the statute.

We are also still waiting on a response from the AGs office concerning grout notifications but from what we are hearing if a well contractor calls in a grout for after business hours (i.e. 6:00 at night or on a weekend) by law they should not grout that well until the time they provided to the county. There will likely be some counties to show up after hours or weekends so we want to make sure they have the ability to inspect if they choose to and if it's grouted prior to the time provided they may not be willing to sign off on the well.

We want to make sure we aren't just being told the grout is after hours to avoid inspections and then find out they are still grouting during the day etc.

Again, please let me know if you have any questions come up from other well contractors and we will be happy to address them as they come up.

Regards,

Wilson Mize, R.E.H.S.

Regional Environmental Health Specialist
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