



# SANDERS COUNTY

## Environmental Health

### **WELL REGULATIONS**

Effective Date: January 1, 2018

**Sanders County Environmental Health**

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SANDERS COUNTY RESOLUTION 2017-33

A RESOLUTION TO ADOPT WELL REGULATIONS PROPOSED BY THE SANDERS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

WHEREAS, the Sanders County Sanitarian has requested that the Board of County Commissioners adopt Well Regulations to protect the quality and potability of water for public water supplies and domestic uses by tracking and verifying the location of new wells and to ensure compliance with 50-2-116 MCA, ARM 36.21.638, ARM 17.36.323, ARM 17.36.918, and Sanders County Wastewater Treatment Regulations.

NOW, THEREFORE, IT IS RESOLVED that the Well Regulations proposed by the Sanders County Sanitarian are adopted and take effect December 6, 2017. A copy of the Well Regulations are available at http://co.sanders.mt.us/departments/environmental-health/ or in the office of the Sanders County Sanitarian.

Passed and adopted by the Board of County Commissioners of Sanders County, Montana this 14th day of December, 2017.

Board of County Commissioners Sanders County, Montana

By: absent Carol Brooker, Presiding Officer

By: Glen E. Magera, Acting Presiding Officer

By: Anthony B. Cox, Commissioner

ATTEST:

Nichol Scribner Clerk & Recorder-Assessor-Surveyor

308450 BOOK: 1 MISC PAGE: 7303 Pages: 0

STATE OF MONTANA SANDERS COUNTY

RECORDED: 12/14/2017 3:41 KOI: RESOLUTION

NICHOL SCRIBNER CLERK AND RECORDER

FEE: \$0.00

BY: [Signature]

TO: SANDERS COUNTY BOX 519, THOMPSON FALLS, MT 59873

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1. **Purpose and Authority.** The purpose of this regulation is to protect the quality and potability of water for public water supplies and domestic uses by tracking and verifying the location of new wells and to ensure compliance with 50-2-116 MCA, ARM 36.21.638, ARM 17.36.323, ARM 17.36.918, and Sanders County Wastewater Treatment Regulations.
2. **Definitions and Acronyms.** The following definitions apply to this Code unless terms are otherwise defined under a specific regulation.
  - (A) Absorption System: a secondary treatment system including conventional drainfields, alternative systems, and experimental systems used for subsurface disposal of pre-treated wastewater effluent.
  - (B) Board: the Sanders County Board of Health.
  - (C) Community Water System: any public water supply system which serves at least ten service connections used by year round residents or regularly serves at least 25 year round residents.
  - (D) Containment: a biological, chemical, physical, or radiological constituent in water that is or may become injurious to public health, safety, welfare, or to the environment.
  - (E) Department: the Sanders County Environmental Health Department.
  - (F) DEQ: the Montana Department of Environmental Quality.
  - (G) Groundwater: the water in the zone of saturation that fills all pore spaces of the subsurface geologic material.
  - (H) Potable Water: water that is free of coliform bacteria and contaminants in concentrations that may cause disease or harmful physiological effects, is safe for human consumption and meets the State drinking water standards set forth in 75-6-201 MCA and ARM 17.30.100.
  - (I) Public Water Supply: a system for the provision of water for human consumption from any community well or other water supply that is designed to serve or serves 25 or more persons daily at least 60 days out of the calendar year or has at least 15 service connections.
  - (J) Well Isolation Zone: the area within a 100-foot radius of a well.
  - (K) Wells: an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and includes any related system(s) of pumps, pipes, controls, reservoirs, or mechanical devices used for the purpose(s) of: location, diversion, artificial recharge, acquisition of groundwater or for any other similar purpose.
    - (1) "Well" includes, but is not limited to:
      - (a) Extraction well: well used to extract water for treatment and other processes.
      - (b) Heat exchange well: well used for extracting or injecting groundwater for heating or air conditioning purposes.

- (c) Industrial well: well that is used to supply water for industrial purposes, fire protection, or similar nonpotable uses.
  - (d) Irrigation well: well that is used to provide water for plants, livestock, or other agricultural purposes.
  - (e) Test well: well that is used to obtain information on groundwater quantity, suitability as a drinking water source, or aquifer characteristics for the purpose of designing or operating a water supply well.
  - (f) Water supply well: well that is used to provide potable water for drinking or domestic purposes.
- (2) "Well" for the purpose of this regulation does not include:
- (a) A monitoring well used solely to detect the presence of a contaminant in groundwater or soil, or monitor groundwater levels.
  - (b) An oil or gas well constructed under the jurisdiction of DEQ, except a well that is converted to use as a well covered by this regulation;
  - (c) A well that is used solely for the purpose of:
    - (i) Dewatering during construction,
    - (ii) Stabilizing hillsides or earth embankments.
  - (d) The following excavations:
    - (i) A hole or excavation for an absorption system soil evaluation test,
    - (ii) A drill hole for seismic exploration where the drill hole is less than twenty-five (25) feet in depth,
    - (iii) A geotechnical exploratory boring.

### 3. PERMITS AND APPLICATIONS

- (A) Permit Required. A person may not construct a well within Sanders County without first obtaining a permit from the Department.
- (B) Permit Application and Fees. The Environmental Health Department may not issue a permit or conduct field work for which a fee is set until the following requirements are satisfied:
- (1) The applicant furnishes the Environmental Health Department with necessary information required by the applicable regulation; and,
  - (2) All required fees are paid.
- (C) Application for a permit must be made by the property owner(s) or an authorized representative on forms provided by the Department. The application must include:
- (1) Name and address of the owner and applicant if different, and a complete legal description and address of the property on which construction of the well is proposed.
  - (2) Either of the following:
    - (a) A lot layout approved by DEQ as part of a Certificate of Subdivision Approval, showing the proposed building location and any deviations or changes to the approved layout; or
    - (b) A site plan showing the location of:
      - (i) The proposed well;
      - (ii) Existing and proposed sewage facilities;
      - (iii) Existing and proposed buildings;
      - (iv) Property lines and easements;
      - (v) Any floodplain or surface water within 100' of proposed well location;
      - (vi) Any applicable non-degradation mixing zones; and

- (vii) Any applicable well isolation zones.
  - (3) The intended use of the well. All applications, including those for non-drinking water wells, must include the diameter of the well.
  - (4) The appropriate fee established by the Board.
  - (5) If applicable, written and recorded authorization allowing a well isolation zone to cross onto neighboring private property.
- (D) The Department may issue a permit for a well after all the requirements of this section have been met.
- (E) A permit expires if the well for which the permit was issued is not installed, inspected and approved by the Department within one year after issuance.
- (F) A permit may be extended one time by the Department for one year if:
- (1) The permit holder requests an extension from the Department prior to the expiration of the permit; and
  - (2) The requirements of the permit and this regulation are met; and
  - (3) Any differences in permit application fees are paid in full.
- (G) If a well is constructed in the approved location and fails to produce adequate water:
- (1) The driller must notify the Department; and
  - (2) A new site plan must be submitted showing both well locations unless proof that the original well has been abandoned in accordance with ARM 36.21.679 is submitted to the Department; and
  - (3) A new permit and fees may be required.
- (H) The Department shall charge a fee three times the permit application fee when the construction of a well starts prior to a valid permit being issued. This provision shall become effective 90 days following the effective date of this regulation.
- (I) Revocation. The Environmental Health Department may revoke any permit for failure to comply with permit conditions or any applicable part of these regulations.

#### 4. SITING REQUIREMENTS

- (A) A person may not construct a well where the location of that well would cause a violation of:
- (1) An approved Certificate of Subdivision Approval; or,
  - (2) An approved location for a sewage treatment or disposal system; or,
  - (3) The requirements of Sanders County Wastewater Treatment Regulations.
- (B) The property owner has the ultimate responsibility to determine the location of the well prior to construction. The owner or driller may request a site inspection by the Department prior to drilling to confirm that the proposed well location meets the requirements of this rule. The Department may charge a fee to cover the cost of an additional site inspection.
- (C) If a parcel has a Certificate of Subdivision Approval, all wells must be constructed in the locations shown on the approved site plan. If there is no Certificate of Subdivision Approval for the parcel, the location of the well(s) must conform to the minimum setback requirements shown in Table 1. In addition, wells should remain 100 feet from surface water and 10 feet from

any floodplain.

- (D) Wells that cannot meet the minimum setback requirements in ARM 36.21.638 must receive approval from the Montana Board of Water Well Contractors pursuant to ARM 36.21.680 before a permit may be issued. Variance may not allow intersection of a well isolation zone and a wastewater system mixing zone.

**Table 1.** Horizontal setback distances in feet\*.

Well Use	Absorption Systems	Sealed Components and Other Components**
Residential Drinking Water	100	50
Community or Public Water Supply	100	100
Extraction	100	50
Heat Exchange	100	50
Industrial	100	50
Irrigation	100	50
Testing	100	50

\* This table may be updated as needed to comply with Montana Code Annotated and Administrative Rules of Montana.

\*\*Sealed components include holding tanks, sealed pit privies, and the components addressed in Department Circular DEQ-4, Chapters 4 and 5. Other components include the components addressed in Department Circular DEQ-4, Chapter 7, and include sewer lines without water tight connections, grease traps, dosing tanks, pumping chambers, intermittent and recirculating filters, package plants and evapotranspiration systems.

- (E) Drilling of a well is prohibited if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.

## 5. INSPECTIONS

- (A) Inspections performed by the Environmental Health Department are conducted solely for the purpose of ensuring compliance with the requirements set forth in this Regulation. Inspections are not performed to ensure proper workmanship or to guarantee life expectancy or operation of the facilities or for any other purpose.
- (B) Prior to being used, all wells require a final inspection of the well location by the Department unless specific permission has been granted by the Department.
- (C) When final approval is withheld, a written notice of deficiencies and required corrective action must be provided to the applicant within ten (10) business days of the inspection. The applicant or licensed well driller must notify the Department upon correction of any and all deficiencies. A re-inspection must be made to confirm the deficiencies have been corrected and the system is in compliance with the regulations.
- (D) The applicant or licensed well driller must notify the Department that a well is ready for inspection within two (2) business days of completion of the well.
- (E) The applicant or licensed well driller need not be present during the inspection.
- (F) A site inspection may be required by the Department or requested by the applicant before construction of the well commences to verify the location of the well meets the requirements of

this regulation. A fee established by the Board may be required for a site inspection conducted prior to construction of a well.

- (G) Acceptance of the permit by the applicant confers upon the Department the authority to access the well construction site at reasonable times for the purpose of making examinations and investigations to determine compliance with these Regulations.