

HENDRICKS COUNTY
GROUND WATER WELL ORDINANCE
ORDINANCE NO. 2003 - 26

An Ordinance pertaining to private groundwater well drilling, maintenance, abandonment and other items requiring permits and permit fees for drilling wells, regulating the inspection of such wells, providing for enforcement of this Ordinance, providing for the fixing of penalties for violations of said Ordinance, and providing for incorporation by reference selected portions of the following Indiana State Department of Health Rules: IC 14-25, IC 25-39, 312 IAC 12, and 312 IAC 13, or as amended;

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that the provisions of this Ordinance are effective within Hendricks County and that the Hendricks County Board of Health is hereby empowered to enforce the provisions of this Ordinance.

SECTION I DEFINITIONS

The definitions in this Ordinance are in addition to those contained in IC 25-39-2, 312 IAC 12-1, and 312 IAC 13-1 and apply throughout this Ordinance.

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Ground Water: is any water in natural state below the surface of the ground.

Health Officer – means the Health Officer of Hendricks County in Indiana, or the authorized representative thereof, and shall have the same meaning as local health officer in Indiana Code IC 16-18-2-212 and IC 16-20.

Non-Residential Well: shall mean any well drilled for the use of other than one or two dwelling units.

Person: shall mean any individual, firm, corporation or partnership.

Potable Water: is water suitable for drinking or culinary purposes.

Casing: is steel or wrought iron pipe, approved plastic, or other material approved by the Health Officer, to exclude unwanted solids or liquids from the interior of the well.

Private Water Supply: means one or more sources of ground water, including facilities for conveyance thereof, such as wells springs, and pumps, other than those serving a municipality or those operating as a public utility under the rules of the Indiana Public Service Commission.

Pump Installer: is any individual, partnership, firm or corporation that installs a pump in a well or opens the well to service a pump.

Residential Well: shall mean any well drilled for the use of one or two dwelling units.

Well: is any excavation, whether drilled, bored, driven, jetted, or dug for the purpose of obtaining water from the ground or returning water to the ground or for the purpose of testing the quantity or quality of such water.

Well Drilling: is any operation that produces a well greater than 24 feet deep for drinking water purposes.

Well Driller: is any individual, partnership, firm or corporation that produces, or contracts to construct a well.

Well Owner: is the legal owner of the real estate containing the well site.

Well Repair: any work on a well, well pump, or accessory lines thereto when it is necessary to uncover the buried upper terminal of the well.

SECTION II PERMITS

Before commencement of construction of a well or geothermal heat pump system utilizing a well, a well repair or a pump installation, the owner or agent shall obtain a written permit signed by the Health Officer. No person shall perform any work on such project until such permit is obtained. The application for such permit shall be made on a form provided by the Health Officer of Hendricks County, Indiana, which applicant shall supplement by any plans, specifications and other information as deemed necessary by the Health Officer. Such permit shall be void if the installation is not completed in one year.

In emergency situations, the applicant for the well permit shall notify the health officer by telephone of the pending well installation prior to such installation. The well permit application shall be submitted with signatures within 24 hours of the first regular scheduled workday after the start of the emergency installation, and the application shall provide details regarding the specific situation that mandated the emergency well installation.

It shall be unlawful for any person to install a well or well pump, or to perform a well repair in Hendricks County, who does not possess a valid permit from the Health Officer. If the well installation or well location is regulated by another State or Federal government agency, then applicable State or Federal approval documentation must be provided at the time of County well permit application. Valid Hendricks County Well permits shall be made available on site by the driller or property owner at all times while a well is being drilled.

Only persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a permit.

Any permits issued by the Health Officer shall contain the name of the property owner, the mailing address of the owner, site address, the parcel ID for the property on which the well will be drilled, and other pertinent information required by the Health Officer.

SECTION III PERMIT FEES

The permit fees are specified in the Hendricks County Ordinance for the Collection of Fees.

A permit inspection fee of the amount specified in Section 3.C. of the Hendricks County Board of Health Ordinance for Collection of Fees, Ordinance No. 2001-15, shall be paid to the Hendricks County Health Department at such time as an owner or their agent makes application for a well permit.

SECTION IV MINIMUM REQUIREMENTS

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing the standards set forth, amended to, and incorporated by reference from Indiana Code and Indiana Administrative Code in this Ordinance.

Article 1; Incorporated by Reference

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of Indiana Code:

IC 4-21.5-3	Administrative Adjudication
IC 25-39-4-1	Records; copy of records to department
IC 25-39-4-2	Standards for well siting, construction, and operation

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of Indiana Administrative Code:

312 IAC 12

Rule 1.	Definitions,Rule
Rule 2.	Administration, Rule
Rule 3	Construction Standards

312 IAC 13

Rule 1,	Definitions,
Rule 2-6,	Well Records,
Rule 3,	Well Drilling Procedures and Well Locations,
Rule 4,	Well Equipment and Installation Specifications,
Rule 5	Grouting of Wells
Rule 6,	Minimum Well Constructions Standards
Rule 7	Well Yield
Rule 8,	Other Wells and Structures

Rule 9, Well Disinfection, and
Rule 10, Landowner Responsibility for abandonment and plugging of wells

- (a) The incorporated materials are available for public review at the office of the Hendricks County Health Department.
- (b) Where exceptions (exclusions) to incorporated state rules are necessary, these exceptions will be noted in this Ordinance.
- (c) The incorporation of state regulations as a county ordinance does not negate the requirement to comply with state regulations that may be effective in Hendricks County which are not incorporated in this Ordinance or are retained as state authority.
- (d) EXCEPTIONS (exclusions):
 - 312 IAC 13-1-8,*
 - 312 IAC 13-1-13,*
 - 312 IAC 13-2-1 (to) -5*

Article 2. General Requirements

Water Well Drillers

All water well drillers operating in Hendricks County shall comply with the terms and provisions of this chapter and the incorporated articles. In the event of any conflict between the provisions of the incorporated article and this chapter, the provisions of this chapter shall govern. All water well drillers operating in Hendricks County shall comply with the licensing requirements of Indiana Code 25-39-3

Except as otherwise provided in this Ordinance, any new groundwater well located in Hendricks County shall be operated in compliance with technical criteria and regulatory compliance set out in 312 IAC 12 and 13, and IC 14-25 and IC 25-39. Two copies of each are kept on file in the Hendricks County Clerk's Office, Danville, Indiana, for public inspection.

It shall be the responsibility of the property owner and the well driller to submit to the Hendricks County Health Department the following reports, within thirty (30) days of well drilling:

1. well drilling logs,
2. bacteriological water sample results,
3. water pump technical specifications; and
4. any other reports requested by the H.C.H.D or any other county, state, or federal department or agency.

Article 3 Additional Well Location And Separation Distances

Location

Private water supply wells and open loop, shall be located in keeping with the following principles:

(a) At the highest point on the premises consistent with the general layout and surroundings, but in any case protected against surface drainage and flooding.

(b) As far removed from any known or probable source of contamination as the general layout of the premises and surroundings permit.

(c) Private water supply wells, open loop and closed loop geothermal heat pump system serving a residence consisting of one or two dwelling units shall maintain the following minimum separation distances from sources of contamination:

Gravity sewers outside of building foundations but within 18 inches vertical distance or within 10 feet horizontal distance of potable water lines.

Sewer Pipe PVC ASTM-D 3034 SDR 26 or ASTM-D 2241 SDR 13.5, 17,21, or 26 with gasket compression-type joints.....	10 feet
Sewer Pipes.....	30 feet
Sewers and drains.....	50 feet
Privies.....	50 feet
Septic tanks and Absorption fields.....	50 feet
Sewage pits and Dry wells.....	100 feet
Stables, livestock runs, manure piles, etc.....	50 feet
Streams, lakes, ponds, ditches.....	25 feet
Property lines.....	5 feet
Building overhangs.....	5 feet

The health officer may waive, by written documentation, the requirements set forth above when he considers that it will not endanger public health.

Private water supply wells, open loop, and closed loop geothermal heat pump systems servicing other than a residence consisting of not more than two dwelling units shall maintain the following minimum separation distances from sources of contamination.

Gravity sewers outside of building foundations but within 18 inches vertical distance or within 10 feet horizontal distance of potable water lines.

Sewer Pipe PVC ASTM-D 3034 SDR 26 or ASTM-D 2241 SDR 13.5, 17,21 or 26 with gasket compression type joints.....	30 feet
Sewer Pipe	30 feet
Sewers and Drains.....	100 feet
Septic tanks, absorption fields, filters.....	100 feet
Privies.....	100 feet
Streams, lakes, ponds, ditches.....	50 feet
Property lines.....	5 feet
Building overhangs.....	5 feet

(d) The Hendricks County Health Board may waive by written documentation the requirements set forth above when it is not considered to endanger public health and if it is not in conflict with any other state requirements.

Relationship to buildings. The location of wells with respect to buildings shall be as follows:

(a) Every well and open loop return well located so that it will be reasonably accessible with proper equipment for cleaning, treatment, testing, inspection, and for such other attention as may be necessary. It should be at least five (5) feet outside of any existing building overhang.

(b) No well or open loop return 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.

Well heads and well casing openings shall not be located in any pit, room or space extending below the established ground surface, except when permitted by the Health Officer and under such conditions and construction requirements as is prescribed by the Hendricks County Board of Health.

Article 4 Well Abandonment

- I. Groundwater wells must be properly abandoned in accordance with 312 IAC 13
- II. Any groundwater well connected to an existing structure that is scheduled for demolition must be either:
 - a. Properly abandoned in accordance with 312 IAC 13 or other applicable regulations, with written verification submitted to the Local Health Officer prior to initiating demolition of the structure, or
 - b. Located by global positioning system for later abandonment, with written notification and well location submitted to the Local Health Officer prior to initiating demolition of the structure.

SECTION V COMPLIANCE AND INSPECTION

A. Schedule of Inspection

It shall be the duty of the well driller and the owner of the property on which the well is drilled to notify the Hendricks County Health Department when the well and appurtenances are available for inspection. The Health Officer must be permitted to inspect the well and appurtenances at any reasonable time.

B. Procedure to Follow When Any Violation is Noted

It shall be the duty of the Hendricks County Health Officer to enforce this Ordinance. The Health Officer is authorized by the permittee to perform any activities that, in the Health Officer's opinion, are required to enforce this Ordinance. These activities may include, but are not limited to: inspections, copying and reviewing documentation, obtaining samples, obtaining ground water samples, obtaining surface water samples, monitoring activities, and other duties.

If during an inspection of any water well located in Hendricks County, the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, he shall issue a written order listing such violation to the property owner, and setting a date by which the violation shall be abated. A copy of the written order shall be filed in the Hendricks County Health Department.

Violators of the Ordinance shall be served a written initial notice of violation, whether in person or by any other manner reasonably decided to result in actual notice, including certified mail. Such order shall state the violation, order the abatement of the violation, and provide a reasonable time for abatement.

If the violation is not satisfactorily abated within the specified time, a second notice of violation shall be served, in the same manner as specified for initial notices and containing the same information as specified for initial notice of violation. If the conditions continue following the specified period of time, the matter shall be referred to the attorney for the Hendricks County Health Department or the county prosecutor for appropriate legal action and possible revocation or modification of permit, as specified *in Section 8* of this Ordinance.

Any permit granted by the H.C.H.D. may be revoked or modified by the Health Department for any of the following causes:

- A. Violation of any condition of the permit;
- B. Failure to disclose all of the relevant facts, or
- C. Any misrepresentation made in obtaining the permit;
- D. Any change, situation, or activity relating to the use of the permit, which in the opinion of the Health Officer is not consistent with the purpose of this Ordinance.

C. Revocation of Permit

The Health Officer may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

Any person aggrieved by the revocation or modification of a permit may appeal the revocation or modification to the Hendricks County Board of Health as the appropriate board for an administrative review under IC 4-21.5-3, which Administrative Adjudication Act is hereby adopted by reference.

Pending the decision resulting from the hearing under I.C. 4-21.5-3 concerning the permit revocation or modification, the permit shall remain in force. However the H.C.H.D. may seek such injunctive relief in regard to the activity described in the permit while the decision resulting from the hearing is pending.

SECTION VI AUTHORITY TO INSPECT AND TO COPY RECORDS

The property owner shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION VII APPROVAL OF PLANS

All non-residential Private Groundwater Wells that are hereafter constructed or repaired shall conform with the applicable requirements of the Indiana State Department of Health and the Indiana Department of Natural Resources. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any drilling, repair, or installation work. Any new or repaired well must submit an application on forms provided by the Hendricks County Health Department at least thirty (30) working days prior to scheduling the work.

SECTION VIII PENALTIES

Any person or persons who shall continue to violate any section of this Ordinance, IC 14-25, IC 25-39, 312 IAC 12, or 312 IAC 13 beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction. Upon conviction, by a court of competent jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred dollars (\$2,500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense. In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

SECTION IX UNCONSTITUTIONALITY CLAUSE

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any section, subsection, sentence, clause, and phrase to be unconstitutional, invalid, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause, and phrase or part thereof. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional, or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION X REPEAL AND DATE OF EFFECT

This Ordinance shall apply to the entirety of Hendricks County. All Ordinances and all portions of ordinances, including but not limited to the Hendricks County Ordinance No. 1989-4122, and any other ordinances or parts of ordinances in conflict herewith are repealed or superseded. This Ordinance shall be in full force and effective immediately upon and after its adoption and publication as required by law.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 23rd day of December, 2003.

BOARD OF COMMISSIONERS

Sonya Cleveland

Steve Ostermeier

Linda Palmer-Ryser

ATTEST:

Nancy Marsh
Hendricks County Auditor
