
The Cleveland County Board of Health met on Tuesday, February 13, 2007, at 12:15 p.m. at the Cleveland County Health Department.

Board members present: Joel Spragins, Betty Lingerfelt, Robert Blackburn, Dino Nicopoulos, Robert Miller, Jack Hunt, Steve Rackley, Philip Jiamachello and David McDaniel

Health Department staff present: Denese Stallings, Marty Allen, Rodella Gold, Sam Lockridge, Beth Moore, Kelli Bradley and Charlene Parker

Bob Yelton, County Attorney, and Gene Eaker, public citizen, were also present.

CALL TO ORDER/WELCOME:

Chair Spragins called the meeting to order and welcomed everyone in attendance. Robert Blackburn gave the invocation.

APPROVAL OF JANUARY 23, 2007, BOARD OF HEALTH MEETING MINUTES:

There being no corrections, additions, nor deletions to the minutes of the January 23, 2007, Board of Health meeting, motion was made by Robert Miller and seconded by Philip Jiamachello, that they be approved as written. Motion carried unanimously.

REQUEST FOR CODAP FUNDING FROM UNITED WAY:

Denese Stallings stated that part of the requirement to request funding from the United Way is to obtain the Board of Health's approval for the request. Ms. Stallings stated that approval from the Board of Health is necessary to request \$53,560 from the United Way. This funding is the same amount as last years' funding and will be used to continue the same three programs.

Motion: Robert Miller moved that the Board of Health approve that a request be made to the United Way of Cleveland County for \$53,560 to fund the Community Organization for Drug Abuse Prevention (CODAP) programs as presented. The motion was seconded by Robert Blackburn, and passed unanimously.

BUDGET AMENDMENTS

Rodella Gold presented the following budget amendments for the Board's consideration for approval:

ITEM NUMBER ONE: The North Carolina Department of Environmental and Natural Resources has allocated \$60,000 to offset expenses necessary to implement the new Private Drinking Water Wells Permitting and Water Quality Testing Program. This is a one-time incentive grant to assist local health departments with new legislative requirements that will be effective July 1, 2008. Health departments are required to have a written plan in place by April 30, 2007 with an effective date on or before July 1, 2007 to qualify for the incentive funding.

A request was made to budget these funds in the Environmental Health Department (541) to establish a new Environmental Health Specialist position effective March 1, 2007. The funds will also be used to purchase a vehicle, fiber optic down-hole camera, toolbox, and cell phone expenses. Funds not spent in the 2006-2007 Fiscal Year budget will be allowed to rollover into the next fiscal year.

ITEM NUMBER TWO: The Southern Piedmont Partnership for Public Health Incubator (SPPPH) has approved \$13,000 for the Cleveland County Health Department's participation in Incubator activities. The SPPPH is a collaborative group of health departments in this region that meet to address various issues related to public health. The funds appropriated for Cleveland County were for participation in the Finance, Dental, Accreditation and Grant Writing focus areas. A request was made to budget these funds for travel and professional services associated with the accreditation process.

Motion: Motion was made by Philip Jiamachello, with a second by Betty Lingerfelt, to approve the budget amendments as presented. Motion passed unanimously.

MISCELLANEOUS BUSINESS:

Dr. Spragins read a letter to the Board written to the Editor of the Shelby Star, acknowledging the Board of Health's support for Gardner Webb University becoming the first tobacco-free university campus on August 6, 2007. Robert Blackburn stated that after several months of study, a survey was conducted with 810 participants. Within the 810 survey participants, 3% of the faculty, 10% of the staff, and 17% of the students use some form of tobacco.

Motion: Motion was made by Robert Blackburn to endorse the letter to the Editor of the Shelby Star, acknowledging support to Gardner Webb University for becoming a tobacco-free campus as of August 6, 2007, as presented. Second was made by Robert Miller and motion passed unanimously.

Joel Spragins presented a copy of a letter he wrote to be sent to Dr. Frank Bonner, President of Gardner-Webb University, commending him for his role in pursuing a tobacco-free policy for the University. **Motion was made by Robert Blackburn that the letter be revised to come from the Cleveland County Board of Health. A second was made by Robert Miller and passed unanimously.**

Smoking Bills introduced to Legislation

Robert Blackburn stated that Smoking Bills are being introduced to the Legislature this Session. The State introduced Senate Bill 43 - Smoking in a State Government Building be prohibited. House Bill 24 does the same thing, except allows local counties to make their own decision to be smoke-free. Also, the NC Alliance For Health has formed a new committee on nutrition to deal with problem with obesity in children. Updates on these issues will be provided in the future.

PUBLIC HEARING: RULES GOVERNING THE CONSTRUCTION, INSPECTION, REPAIR, ABANDONMENT, AND WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS IN CLEVELAND COUNTY

Motion: Motion was made by Philip Jiamachello, with a second by Dino Nicopoulos that the Public Hearing open for Rules Governing the Construction, Inspection, Repair, Abandonment, and Water Quality Testing of Private Drinking Water Well in Cleveland County.

Denese Stallings welcomed Gene Eaker, citizen attendee for the Public Hearing and stated that comments would be welcome following the presentation of the proposed rules. Copies of the rules were distributed to the Board of Health at their January 23, 2007 meeting. Mr. Eaker was given a copy of the proposed rules.

Ms. Stallings stated that HB 2873, "An act to require permitting and inspection of new private drinking water wells and to require water quality testing of private drinking water wells." was passed by the N.C. Legislature during the last Session. Under this new law, counties will be required to enforce minimum statewide standards through a local well program with the use of permits and inspections. Before receiving final approval for drinking, well water will be tested for seventeen different possible forms of contaminants, as well as bacteria and acidity. All 100 counties in North Carolina are required to adopt private well and water testing rules. Marty Allen has compiled the presented rules from a template developed by the State. Bob Yelton has reviewed the proposed rules from a legal standpoint and they have met his approval.

There is an incentive for counties to be proactive and adopt their own rules before 2008. A one-time incentive grant to assist local Health Departments in implementing their program is available, if their program is adopted by April 30, 2007. Examples of expenses for implementing the program were identified. This funding will help with the expense of a truck and other equipment that is required for the program.

Marty Allen explained the process that will be followed to inspect and permit drilled wells. He stated that the well rules that we will be working under in Cleveland County are no different than what the State has had well drillers follow throughout the State. Cleveland County's rules are the minimum standard rules that have to be met to be in compliance with the State of North Carolina. A citizen can apply or can have a well driller act as their agent and apply for a permit to construct a new well, a permit to abandon an old well that is on the property, or to repair their well. Within thirty days after the certificate of completion, the staff will take water samples that are required by the State. The drinking water will be tested for the forms of bacteria mentioned

earlier by Ms. Stallings, heavy metals, nitrates, chemicals, as well as the standard bacteria sample. When you get the results back from the well water samples, you have the best identification of any problem that may not meet drinking water standards. Now, protecting the well from then on is the responsibility of the well owner. Hopefully, they don't store gasoline for their chain saw or lawnmower in the same building as the well, which is a common practice and it should not be stored that way.

The well contractor has to be registered in each of the counties in North Carolina between January 15th and January 31st of each year. They have to be a certified well driller and issued a certification by the State of North Carolina. They are responsible for citing criteria, such as setbacks where utilities are located and where the environmental health staff has designated areas available for the well to be drilled, bored, jetted or punched. The environmental health staff will locate the septic systems, repaired areas, dump sites and wells that are in the data files to help the well drillers better locate the spot. A lot of well drillers still use witching devices, which seem to be very effective. The State recognizes that, so the environmental health staff will set an area on the permit that is available for drilling that meets all of the setback criteria. The well driller then uses his discretion on where to drill based on the information. This is not to encumber anybody; this is to keep track of State requirements and to keep data on file. This data will aid in future well location on the property.

Ms. Stallings asked Mr. Allen to share that the Environmental Health staff will make more than one trip to inspect and permit the well and the staff has to be on-site during the drilling process. She stated that the county has 100 to 150 new wells that are constructed each year. As we look at this situation, we actually need more help to manage the program, she stated. Mr. Allen stated that a total of three trips to the site will be required for the permit process. Ms. Stallings stated that we are anticipating cross-training staff to inspect and permit these wells. She proposed one additional position and establishing a permitting fee of \$390 to cover costs of the three visits and water testing. She also requested that a fee of \$100 be established for repair, upgrade, or issue any kind of change to the well permit. These fees are in-line with what surrounding counties are charging for these services.

Question by Philip Jiamachello: "Did we have a previous fee for those procedures?"

Answer by Ms. Stallings: "We have never had rules and regulations in our county."

Question by Philip Jiamachello: "Were the rules proposed, are they the minimum standard?"

Answer by Ms. Stallings: "Yes."

Question by Robert Miller: "Does this apply to wells already drilled?"

Answer by Marty Allen: "Only to the extent that they have to be repaired, have a major repair, i.e., need a new liner or something to that effect, they will be required to get a permit. But something other than that, no inspection or permit will be required."

Question by Robert Miller: "What would the fee be if someone wanted their water tested?"

Answer by Denese Stallings: "We already have a fee for that."

Ms. Stallings stated that if the Board approves the proposed private well rules and regulations the Board of County Commissioners will have to approve the fees, based on the recommendation by the Board of Health.

Question by Robert Blackburn: "How long is your visit when you go out?"

Answer by Marty Allen: "If all goes well on a new permit for constructing a new well, there will be three trips to the lot. The first trip will evaluate the lot and locate all of the areas that the well can't go in. The second trip, we have to stay on-site while they are pouring the cement between the well casing and the opening of the bored hole, which is from the ground surface to 20 feet down. We have to be there to observe the pouring. When that is done, the third trip is made to check the well seal and valves and take the three water samples that the State requires. If anything happens during the well construction, i.e., they go down and hit a dry hole, they want to move and change the permit, the truck breaks down and they can't do the job, then we have to turn around and come back. Ideally, three trips is what it should be. But realistically you are looking at probably four trips minimum."

Question by Robert Blackburn: "But, how much time?"

Answer by Marty Allen: "It all depends on whether the owner of the property and the well driller have done their homework. I would say an hour to an hour and half on the first visit to locate the area. The well grouting could go anywhere from thirty minutes to three to four hours depending on what they are doing. The inspection would be the least amount of time when you draw the water sample, probably an hour or less. You are looking at substantial time."

Question by Joel Spragins: "Does the State not charge extra for the sample analysis then? Is that part of the fee here?"

Answer by Marty Allen: "We are one of the few counties that have the luxury of water analysis in house and it's a very good system. We monitor bacteria in house. The other samples will have to be sent to the State Public Health Lab in Raleigh. Usually, under normal circumstances, there is a ten day turnaround. When all of the counties are in this program, they are going to be putting on additional staff, anticipating a flood of samples. The \$390 includes three samples and three visits. Ms. Stallings stated that it should pay for a person, a new truck and all of our equipment.

Question by Jack Hunt: "When someone asks for a sample out of an old well, would that trigger this?"

Answer by Denese Stallings: "No. They have to come in to make an application to have a water sample done on their well. That would not trigger this."

Question by Jack Hunt: "Another thing, the well drillers have regulations that they have to go by now already, don't they?"

Answer by Ms. Stallings: "Yes, and they still have to go by those. This is rules and regulations that we will follow when we go out and work with them. They still have to meet all of the standards when they drill the well."

Question by Jack Hunt: "Was this mandated by the Legislature?"

Answer by Ms. Stallings: "Yes, this was House Bill 2873 passed by the Legislature."

Marty Allen stated that Environmental Management developed the well construction rules and they were adopted by the State so that all 100 counties will be using the same regulations and be singing out of the same page of the hymnbook. Whether you have a well drilled in Gaston County, Cleveland County or a county down East, the same standards apply across the board.

Question by Jack Hunt: "Who submits the water sample, the well drillers?"

Answer by Marty Allen: "No, my staff has to go out and there are three ways that a water sample can be taken. An Agent with the Department of Environmental Health and Natural Resources, a State person; an Environmental Health Specialist; or a registered water sampler from a certified laboratory can be the only ones that take one. Cleveland County does not have a private lab that can do water samples. We did a few years ago, but it closed. So we probably will do the bulk of the water sampling. But if they choose to have someone from out of the county, as long as they register with us they can.

Question by Robert Miller: "I am just curious as to what is a utility easement? Would you explain what that is sir?"

Answer by Marty Allen: "Duke Power and REA have utility right-of-ways, or easements, where there power transmission lines are. They have smaller lines on poles. One reason for easements is for safety factors. They don't want a well driller to raise his rig up and hit one of those lines and electrocute him. Number two, they want to make sure that the well is put on property owned by the applicant. Some of these easements are very obvious, but if you are the owner or certified driller you are responsible for making sure all of these easements are looked into before Environmental Health comes out. They should have that ready for us and we will do a second check just to be sure that everything is there.

Statement by Jack Hunt: "If the easement is 50 feet from the house and edge of lot that might be a hardship for some."

Marty Allen stated that for some houses that would be. That 50 foot buffer is based on the typical lot size in the State. Further discussion was held about new subdivisions using staggered setbacks. Discussion was held regarding the 50 foot easement required for utility wires.

Question by Philip Jiamachello: "If you were drilling, but hit a dry hole, as long as you were still within the permitted area, you don't need to change the permit? Do you have to come back out and recheck?"

Answer by Marty Allen; "No, they can just call and say they have a problem, they have to move but they are still in the area. As long as it is moved in the permitted area, they do not have to change anything."

Question by Dino Nicopoulos: "How big an area do you generally give?"

Answer by Marty Allen: "It depends on zoning setbacks, utility setbacks, distances for fuel tanks, sewer lines, and county water lines. So, after these measurements, the areas left over are what we have to locate the well. We are dealing with only residential wells that have fourteen or less connections or twenty-four or less individuals connected. The State takes care of what we call community wells, which have a one-hundred foot minimum, instead of a fifty foot.

Question by Dino Nicopoulos: "How about agricultural use, i.e. irrigation systems?"

Answer by Marty Allen: "There are some rules that apply to wells for agricultural use. The draw-down is subject to this. Agricultural wells are exempt from our rules. Wells constructed for agricultural use are eighty inch or larger wells, so you want to be aware of them."

Question by Dino Nicopoulos: "Do the well drillers have to register with you before they dig?"

Answer by Marty Allen: "Yes, in every county. The same regulations apply anywhere else in North Carolina. Some counties charge for registration, but we do not."

Comment guest Gene Eaker: "I don't think that any of this will affect me. I have two wells that you might say are abandoned, but they are on hold. They are not drinking water wells right now."

Marty Allen stated that those wells would not fall under the rules and regulations now, unless you wanted to go back and reinstate those wells and need some apparatus to do so. The wells would then fall under the rules and regulations. The State is concerned about any bored hole in the ground, and whether it is properly abandoned, or just filled in. This needs to be recognized and recorded for future use so that you won't build on top of it. If it is left open, any penetration into the ground is a source for contamination.

Question by Gene Eaker: "How about spring water?"

Answer by Marty Allen: "A spring is considered an unsuitable source of water for drinking purposes. It is a non-protected water source and the quality of water can change from minute to minute. Chemicals used for weed and pest control are in the ground, and springs are very difficult to keep good water quality and monitor."

Question by Gene Eaker: "What about water works selling back to the customers?"

Answer by Marty Allen: "There are certain springs with the right apparatus and constant monitoring/sampling, have been put into use. We see commercials about Mountain Spring Water. You wouldn't recognize the spring by commercial standards as you would just a spring out in the county that people use to drink from."

There being no further comments, motion to close the public hearing was made by Robert Miller, with a second by Dino Nicopoulos. Motion carried unanimously.

Motion: Motion was made by Robert Miller, with a second by Robert Blackburn, that the Cleveland County Board of Health adopt the Rules Governing the Construction, Inspection, Repair, Abandonment, and the Water Quality Testing of Private Drinking Water Wells in Cleveland County as presented,. Motion passed unanimously.

Amended Motion: Motion was made by Robert Miller, with a second by Robert Blackburn, that the motion to adopt the Rules Governing the Construction, Inspection, Repair, Abandonment, and the Water Quality Testing of Private Drinking Water Wells in Cleveland County be amended to include that the fees included in the presentation be sent to the Cleveland County Board of Commissioners for their consideration of adoption. Motion passed unanimously.

Jack Hunt commented that his reason for support of the Private Well Rules was the increase in the use of chemicals. The world has changed over the years and the program is worthwhile for the State to mandate. Further discussion was held regarding abandoned wells.

ADJOURN

There being no further business, Chair Spragins adjourned the Cleveland County Board of Health meeting.

RESPECTFULLY SUBMITTED,

Denese R. Stallings, Secretary
Cleveland County Board of Health