

GENERAL PERMIT

Individual Residential Wells and Irrigation Wells

This permit authorizes construction of private water supply wells in accordance with the construction standards and other conditions set forth in Parts I through V hereof. This permit is issued in accordance with the provisions of the State Safe Drinking Water Act (Section 44-55-20 *et seq.*), Pollution Control Act (S.C. Code Sections 48-1-10 *et seq.*, 1976), and in accordance with the provisions of the Individual Residential Well and Irrigation Well Regulations 61-44.



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Bureau of Water

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Part I. COVERAGE UNDER THIS PERMIT

- A. **Permit Area.** The permit covers all areas of South Carolina.
- B. **Eligibility.** The permit authorizes construction of individual residential wells and irrigation wells per R.61-44.
- C. **Limitations on Coverage.** This permit does not authorize the construction of any public water supply wells or individual residential or irrigation wells in areas where construction is prohibited by other regulation or local ordinance or law.
- D. **Authorization.** Construction of individual residential wells or irrigation wells becomes authorized under this permit upon completion of the Notice of Intent (NOI) process and submission of fees to the Department in accordance with Part II.

Part II. NOTICE OF INTENT REQUIREMENTS

A. **Notification Process.**

Step 1. The Notice of Intent (NOI) may be submitted by the owner, agent, or well driller. The NOI is considered complete when a signed NOI with the necessary information and a check for the associated fee has been received by the Department (or faxed per Part II.C). Upon receipt of a completed NOI, the Department shall accomplish its review and have either the approval, review comments, or denial transmitted to the applicant within 48 hours. The 48 hour period is calculated from the time and date of receipt of the NOI excluding weekends and legal state holidays. If notice is not given to the applicant by the end of the 48 hour period, coverage under the general permit for individual residential wells and irrigation wells will be considered approved.

Step 2. The well driller shall also give the Department 48 hours prior notice of well installation with the exact date, time, and location of well installation. This notice can be concurrent with the NOI review period. This notice may also be made via a phone call or fax to the local District Environmental Quality Control (EQC) office.

- B. **Contents of Notice of Intent.** A NOI form provided by the Department must be submitted to the Department with true and accurate information necessary for determining the location of, and proper construction of, individual residential wells, replacement wells, and irrigation wells. This information shall include, but may not be limited to:

- 1) owner name, address, and telephone number;
- 2) street address, including county, of the property on which the well is to be installed;
- 3) if the proposed well is a new well or replacement well;
- 4) if the proposed well is an irrigation well or individual residential well;
- 5) signature and date of applicant; and, if available:
- 6) name and license number of the licensed well driller constructing the well;
- 7) proposed date of installation; and,
- 8) proposed well location.

If any information provided on the NOI changes at the time of well construction, the well driller must contact the Department and provide the correct information.

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The Department shall deny coverage under the general permit when the proposed well would violate Regulation 61-71, Well Standards, the Pollution Control Act, Section 48-1-10 *et seq.*, the Safe Drinking Water Act, Section 44-55-10 *et seq.*, 1976 S.C. Code of Laws, or licensing requirements established by the S.C. Department of Labor, Licensing, and Regulation.

- C. **Where to Submit the Notice of Intent.** A check for the permit application fee shall be submitted with the NOI for individual residential wells and irrigation wells. NOIs and associated payment are submitted to the Department at the following address:

SC Department of Health and Environmental Control
Private Well Program
Bureau of Water
2600 Bull Street
Columbia, SC 29201

NOIs may also be faxed to the Department to receive coverage under the general permit per Part II A and B. Should a NOI form be faxed, a copy of the check shall also be faxed with the NOI. The check and original signed NOI must be received by the Department within 5 business days of receipt of the faxed NOI.

Part III. CONSTRUCTION STANDARDS AND QUALIFICATIONS

- A. **Construction.** All individual residential wells and irrigation wells shall be constructed and abandoned in accordance with R.61-44 "Individual Residential Well and Irrigation Well Permitting" and R.61-71 "Well Standards."
- B. **Qualifications.** Individual residential wells and irrigation wells shall be constructed or abandoned by well drillers who are licensed for such purposes by the S.C. Department of Labor, Licensing, and Regulation. The licensing required by the subsection does not apply to owners constructing or abandoning wells on their own property for their own personal use only.

Part IV. STANDARD PERMIT CONDITIONS

- A. **Duty to Comply.**
1. The well driller shall comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the S.C. Pollution Control Act and S.C. Safe Drinking Water Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification.
 2. The well driller hired by the owner shall comply with all applicable regulations and statutes including, but not limited to, the "Well Standards" R.61-71 and "Individual Residential Well and Irrigation Well Permitting" R.61-44.
- B. **Penalties for Violation of Permit Conditions.**
1. Any person who violates a term or condition contained within this permit is subject to the action defined by the S.C. Pollution Control Act and/or S.C. Safe Drinking Water Act.
 2. Nothing in this permit shall be construed to relieve the well driller from civil or criminal penalties for non-compliance.

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- C. **Other State Regulations/Environmental Law.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the well driller from any responsibilities or requirements under other environmental statutes or regulations.
- D. **Inspection and Entry.** The owner shall allow the Department to enter upon the owner's premises where an individual residential well or irrigation well is to be installed, or is installed, under conditions of the permit.

Part V. DEFINITIONS

The definition of any word or phrase employed in this general permit shall be the same as given in the Well Standards, R.61-71, Pollution Control Act, 48-1-10 *et seq.*, and the Safe Drinking Water Act, Section 44-55-10 *et seq.*, 1976 S.C. Code of Laws. Words or phrases which are not defined in the Acts or Regulations are defined as follows:

1. Agent- a person acting on behalf of an owner, subject to the control of the owner, who acts in such a manner as to affect the legal relationships of the owner with third parties.
2. General Permit - a permit for the construction of individual residential wells or irrigation wells issued under R.61-44 authorizing a category of well construction activities within the state.
3. Human Consumption - water used for drinking, bathing, cooking, dishwashing and maintaining oral hygiene, or other similar uses.
4. Individual Residential Well - a potable water well intended to produce water for human consumption at a single residence or family.
5. Irrigation Well - a well intended to produce water for uses other than human consumption, to include, but not be limited to, lawn and landscape watering and agricultural uses.
6. Owner - a property owner where the well is to be constructed.
7. Replacement Well - a well being constructed to take the place of an existing individual residential well or irrigation well that is being taken out of service.
8. Residence - legal residence; the permanent, fixed place of abode which a person intends to be his residence and to which he intends to return.
9. Well driller - an individual, corporation, partnership, association, political subdivision, or public agency of this State who is licensed with the S.C. Department of Labor, Licensing, and Regulation for constructing wells and is in immediate supervision of, and responsible for, the construction, development, drilling, testing, maintenance, repair, or abandonment of any well as defined by R.61-44. This term shall include owners constructing or abandoning wells on their own property for their own personal use only, except that such owners are not required to be licensed by the Department of Labor, Licensing, and Regulation for constructing wells and are not subject to the bonding requirements of R.61-44.