

La Porte County Water Well / Water Quality Ordinance

Ordinance No. 2015-06
Of The Board of Commissioners
Of LaPorte County, Indiana

Whereas, the Board of Commissioners of La Porte County have determined that it is in the best interest of public health, safety, and welfare of the citizens of La Porte County to establish a Water Well & Water Quality Ordinance to ensure that the county is in compliance with state law and to ensure that residential water wells are constructed, maintained, and safe from defects.

Whereas, Indiana Code 25-39 Indiana Administrative Code Title 312 Article 13, Indiana State Department of Health Bulletin S.E. 13 has promulgated a rule requiring local health departments to enforce sanitary requirements for water well regulations.

Incorporation by Reference: All rules and regulations of the Indiana Code 25-39, Indiana Administrative Code Title 312 Article 13 and Indiana State Department of Health Bulletin S.E. 13, Residential Onsite Sewage System Rule 410 IAC 6-8.3, as amended from time to time are hereby incorporated by reference and said copies are available at the LaPorte County Health Department.

Section 1: Definitions:

- A. **Abandon:** To terminate operations of a well for water supply, monitoring, dewatering or geothermal purpose and to restore the site of the well in a manner that will protect ground water resources from contamination.
- B. **Contamination:** The degradation of natural water quality as a result of human activities.
- C. **Disinfection:** The process of destroying pathogenic microorganisms, such as coliform bacteria.
- D. **Health Officer:** The LaPorte County Health Department Health Officer or his/her duly authorized representative.
- E. **Non -Potable Water Well:** A well not to be used for drinking or culinary purpose including, but not limited to, irrigation wells, geothermal wells, monitoring wells, dewatering wells, waterscape wells, and fire suppression wells.
- F. **Non-Residential/Non Public Well:** Any well used to supply potable water that is not a public well or a residential well. Usually these are wells at commercial facilities where the water is used by less than twenty -five (25) people or less than sixty (60) days per year.
- G. **Person:** An individual, firm, corporation, company, or partnership.

- H. **Potable Water:** Water that is suitable for drinking or culinary purpose.
- I. **Public Water Supply:** Any wells, reservoirs, lakes, rivers, source of supply, pumps, mains, pipes, facilities and structures through which water is obtained, treated as may be required and provided to the public through a water distribution system and that serves at least twenty-five (25) persons per day for at least sixty (60) days per years for drinking, domestic use, or other purposes, including state owned facilities, or that has at least fifteen (15) service connections.
- J. **Public Water System (PWS):** Any collection, treatment, storage, or distribution facility used primarily to provide water to a public water supply
- K. **Public Well:** Any well serving a public water system.
- L. **Pump Installer:** Any person that installs a pump for a well or services a pump for a well.
- M. **Pump Replacement:** Replacing the pump on a well.
- N. **Residential Well:** Any privately owned well intended to be used for potable water in either a one or two family dwelling.
- O. **On-Site Septic System:** Any arrangement of devices and structures used for receiving, treating and disposing of sewage.
- P. **Temporary Well:** A well installed to monitor or collect hydrogeological or engineering data.
- Q. **Water Well:** 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.
- R. **Well Driller:** Any individual, partnership, firm or corporation that produces, or contracts to construct a well.
- S. **Well Drilling:** Any operation that produces or attempts to produce a well.

Section 2: Applicability:

- A. **Potable Wells:** Wells used for drinking water or culinary purpose. Under this ordinance there are the following three types of potable water wells:
 1. Residential wells.
 2. Non-residential/Non-public wells.
 3. Public wells.
- B. **Non-Potable Wells:** All wells that are not to be used for drinking or culinary purposes including, but not limited to, irrigation wells, geothermal wells, monitoring wells, dewatering wells, waterscape wells, and fire suppression wells.
- C. **Temporary Wells:** This ordinance does not apply to wells installed to monitor or collect hydrogeological or engineering data.

Section 3: Licensing and Registration of Well Drillers and Pump Installation:

- A. State License:** Any person that installs or abandons potable or non-potable water wells, performs a well repair/replacement, or pump replacement in La Porte County shall be licensed by the State of Indiana in accordance with I.C. 25-39. et seq. "The Water Well Drillers Law."
- B. County Registration:** Any person that installs or abandons potable or non-potable water wells, performs a well repair/replacement, or pump replacement shall obtain an annual registration from the Health Department. The registration fee will be established by the La Porte County Commissioners. A copy of the applicant's state license shall be provided when applying for a registration. The application shall be on a form provided by the Health Department. The registration shall expire on December 31st of each year. A licensed well driller shall be present during all well drilling or well abandonment activities.
- C. Surety Bond:** Each person applying for a well driller/pump installation registration shall provide a surety bond payable to the La Porte County Health Department and pay the amount established by the La Porte County Commissioners. All such bonds shall expire and be renewed on or before December 31st of each year.
- D. Suspension:** The Health Officer may suspend, repeal, or withhold a registration from any person who is more than thirty (30) days late in making full payment of a penalty described in Section 11.

Section 4: Placement of Water Wells Where Municipal Water is Available:

- A. Potable Wells:**
 - 1. The La Porte County Plan Commission shall determine when connection to municipal potable water systems shall be required for newly proposed major and minor subdivisions.
 - 2. New or replacement potable water wells shall not be installed within a municipality unless the Health Department receives a written notification from the appropriate municipal water system stating that they have no objection to the installation of the well.
 - 3. A potable water well permit will not be issued for a residential well for a property outside of a municipality if municipal water lines exist immediately adjacent to a property boundary.
 - 4. For a non-residential/non-public or public well: if the cost of engineering, materials, and installation of municipal water service to a business, less available public funding, does not exceed one hundred fifty percent (150%) of the cost of engineering, material and installation of an onsite well based on the average well depth of recent wells installed in the area

where the facility is located, the extension of public water service to the facility is required and shall be paid by the property owner.

5. If a municipal public water system is or becomes available within three hundred (300) feet of a residential/non-public or public well system, the residential, non-public, or public well may be required to make a connection to said municipal public water system and use its water exclusively as a potable water source if the Health Officer determines it is necessary to protect public health or groundwater. Upon such connection, the existing water well shall be properly disconnected and said well shall be properly abandoned unless the well has been approved for other uses by the Health Department.

B. Non-Potable Wells:

1. New or replacement non-potable wells (except monitoring, geothermal, and dewatering wells) shall not be installed within a municipality unless the Health Department receives a written notification from the appropriate municipal water system that they have no objection to the installation of the well.
2. No portion of the non-potable water system may be connected to any portion of a potable water system.
3. The Health Department may deny an application for a non-potable well if it determines that the well will adversely impact the quality of the groundwater or an existing water user.
4. The Health Department may issue a variance from the requirements when there are circumstances that, in the opinion of the Health Officer, makes the connection to a municipal water system unreasonable.

Section 6: Water Well Construction Permit:

A. Construction Permit:

1. The property owner or his/her designated representative shall obtain a permit from the Health Department prior to the construction of a water well. An application must be submitted to the Health Department. The application shall include:
2. A drawing that includes the following:
 - a. existing and proposed structures
 - b. existing and proposed on-site septic system
 - c. public ways
 - d. utility right-of-way
 - e. property lines
 - f. neighbors on-site septic system
3. Include a non-refundable permit fee, as prescribed by the La Porte County Commissioners, made payable to the La Porte County Health Department.

4. The proposed location of the well shall be clearly marked on the property where it is to be installed in the field with a stake at the time of the onsite inspection.
5. The permit shall be void if the installation is not completed within one (1) year of permit issuance.
6. The permit shall be void if the site is changed/ altered after the issuance of the permit.

Section 7: Water Well Installation Requirements:

A. Construction Requirement for Potable Wells.

1. The construction of all potable wells in La Porte County shall be in accordance with the applicable requirements of 312 IAC 13 the ISDH Bulletin S.E. 13, "On-Site Water Supply and Wastewater Disposal for Public and Commercial Establishments."

Section 8: Water Well Minimum Separation Distances:

Type of Potable Water Wells

Potential Pollution Source	Residential Wells	Non-Residential Non-Public	Public Wells
Any building overhang to the horizontal center of the well	5 feet	5 feet	5 feet
Building Foundation	10 feet	10 feet	10 feet
Independent Gear Water Drain, Rainwater Downspout, Foundation Drain, Sump Pump Pit	10 feet	10 feet	10 feet
Sanitary Sewer connected to Foundation Drain	15 feet	15 feet	15 feet
Storm Sewer connected to Foundation Drain	15 feet	15 feet	15 feet
Property Lines Also maintain minimum required distance from any source of contamination on adjoining properties	15 feet	15 feet	15 feet
Private residential underground fuel oil tanks	100 feet	100 feet	100 feet
Stream, Lake, Pond, or Ditch, River, Shoreline or Drainage Tile	25 feet	25 feet	25 feet
Sanitary Sewers, Force Mains and Drains	50 feet	100 feet	200 feet
Subsoil Drain (absorption field perimeter drain), Sewer Pump, Lift Station	50 feet	50 feet	200 feet
Privies and Outhouses (to be constructed and maintained in accordance with ISBH Bulletin No. S.E. 11- The Sanitary Privy)	100 feet	100 feet	200 feet
Storm Sewers	25 feet	100 feet	200 feet
Septic and Aerobic Digestion Tanks and Absorption Fields	50 feet	100 feet	200 feet

Seepage Pits	100 feet	100 feet	200 feet
Stables, Feeding Pens, Livestock, Runs, Manure Piles, etc.	100 feet	100 feet	200 feet
Confined Feeding Operation	200 feet	200 feet	200 feet
Geothermal Heat Pump System Diffusion Well for a System using less than 25,000 gallons per day (17.4 gpm)	50 feet	100 feet	200 feet
Geothermal Heat Pump System Diffusion Well for a System using more than 25,000 gallons per day (17.4 gpm)	100 feet	100 feet	200 feet
Minimum separation distance between Geothermal Heat Pump Systems and Sewer/Septic Tanks	100 feet	100 feet	200 feet
Above Ground Storage, Handling, Delivery or Packaging Areas for Regulated Substances	100 feet	100 feet	200 feet
Underground Storage of Regulated Substances	100 feet	100 feet	200 feet
Concrete or Membrane-Lined Agricultural waste pits	50 feet	100 feet	200 feet
Earthen Agricultural Waste Pits, Lagoons and Holding Ponds	500 feet	500 feet	500 feet
Composting Facility Active Area	200 feet	200 feet	200 feet
Land Application of Manure	200 feet	200 feet	200 feet
Land Application of Final Treated Wastewater Treatment Plant Effluent	200 feet	200 feet	200 feet
Land Application of Domestic Septage Disposal	500 feet	500 feet	500 feet
Ridge and Furrow Waste Disposal Site	500 feet	500 feet	500 feet
Injection Wells	50 feet	100 feet	200 feet
Septage or Treated Sludge Disposal Area	500 feet	500 feet	500 feet
Sewage Treatment Lagoons or Wastewater Treatment Facility	500 feet	500 feet	500 feet
Existing, Closed or Abandoned Solid or Hazardous Waste Disposal Facility (Dumps/Landfills)	1,000 feet	1,000 feet	1,000 feet
Construction/Demolition Sites, and IDEM Restricted Waste Site Types 1, 2, and 3 as defined in 329 IAC 2-2-54 and 329 IAN 2-10	600 feet	600 feet	1,000 feet

Section 9: Submission of Water Quality Report and Well Log:

A. Water Quality Report: (Bacteria and Nitrate)

1. The owner of any potable water well installed under a permit issued pursuant to this Ordinance shall have the water analyzed and results submitted to the Health Department within thirty (30) days of the installation of the well.
2. The Water Quality Report shall include:
 - a. address of the property where the sample was taken
 - b. results of the analysis
 - c. detection limits of the analytical methods used
 - d. date of the analysis
 - e. the signature of the person responsible for the analysis
3. Each new or replacement potable water supply well shall be analyzed. The analysis shall include the following:
 - a. Total coliform
 - b. E. coli
 - c. Nitrate (NO₃)
 - d. And any other tests as deemed reasonable and ordered by the Health Officer to the extent that the tests protect against a health threat.
4. If, after its initial analysis the water in a potable water well exceeds maximum contaminant levels (MCL) for coliforms or *E. coli* bacteria, it shall be disinfected again by the well driller or pump installer and resampled.
5. The well driller or pump installer who performed work on the system shall be responsible for properly disinfecting the water system and for repeating the disinfection once, if the water exceeds the MCL. The costs and responsibility of any further disinfecting shall be done by the owner of the water system unless it has been determined that the water system was not properly disinfected by the well driller or pump installer.

A. Well Log:

1. Within thirty (30) days of the completion of the well, the well driller shall submit a copy of the Indiana Department of Natural Resource well log, record of Water Well, State Form 35680 (R5 / 9-04) to the Health Department. The well log shall also contain the LaPorte County Health Department water well permit number.
2. The well driller shall also furnish, upon request, any additional well construction information deemed necessary by the Health Officer.

B. Well Abandonment Log:

1. The well driller shall provide a well abandonment log to the Health Officer for any water well abandoned in La Porte County.

Section 10: Property Transfer, Inspections, Certifications and Testing:

A. Prior to the transfer of ownership of any property in La Porte County, potable water wells and septic systems will be inspected.

1. The fee for the Property Transfer and statement of compliance will be established by the La Porte County Commissioners.
2. Properties that are on municipal water and/or sewer will need to supply the Health Department with a bill for these services. There will be no fee for a Property Transfer for properties with municipal water and sewer services.
3. Property Transfer and statement of compliance will be valid for one (1) year from date of issuance.

B. Septic Inspection:

1. Septic system inspections of an existing septic system for the purpose of a property transfer shall be conducted by an IOWPA certified inspector.
2. Inspectors shall be registered with the La Porte County Health Department and pay a registration fee established by the La Porte County Commissioners.
3. Inspectors applying to be registered shall provide a surety bond established by the La Porte County Commissioners payable to the La Porte County Health Department.
4. The inspector shall submit their report to the La Porte County Health Department on a form provided by the department.
5. After review of the submitted report, the Health Officer will make the determination as to whether or not the system is functioning properly and is in compliance. A certificate of compliance will be issued if the septic system found to be functioning properly.

C. Potable Water Well:

1. Each potable well on the property shall be analyzed by a certified laboratory for the following contaminants:
 - a. Total coliform;
 - b. *E. coli*,
 - c. Nitrate (NO₃).
2. Any other tests as deemed reasonable and ordered by the Health Officer to the extent that the tests protect against a health threat.
3. A certificate of compliance will be issued

Section 11: Violation Notices, Penalties and Fines:

- A. Any person found to be violating any provision of this Ordinance may be served by the County Board of Health or the duly appointed Health Officer with a written order stating the nature of the violation conditions that may transmit disease and provide a time limit for satisfactory correction thereof.
- B. If a person refuses or neglects to obey an order issued under this section or IC 16-20-1-25, proceedings may be instituted in the courts for enforcement or an order may be enforced by injunction if the action is a criminal offense and a law enforcement authority with the jurisdiction over the location where the offense occurred shall be notified.
- C. Any person who violates any provision of this Ordinance shall be deemed to have committed an ordinance violation and shall be fined not more than (\$500.00) five-hundred dollars for the first offense and not more than one - thousand dollars (\$1000.00) for the second offense and for the third and each subsequent offense by a fine of not more than two- thousand five - hundred dollars (\$2,500.00). Each day after the expiration of the time limit as ordered by the County Board of Health or by the duly appointed Health Officer of the County shall constitute a distinct and separate offense. Such fines collected shall be accounted for and shall be transferred to the health fund of the taxing unit.

SECTION 12: Validity:

- A. In the event that any provision of this Ordinance is ultimately determined by a court of competent jurisdiction to conflict with any provision of all rules and regulations of the Indiana Code 25-39, Indiana Administrative Code Title 312 Article 13 and Indiana State Department of Health Bulletin S.E. 13, Residential Onsite Sewage System Rule 410 IAC 6-8.3, then and in any such event the more strict provision shall govern.
 - 1. In the event that any provision of this Ordinance is ultimately determined by a court of competent jurisdiction to be pre-empted by any state or federal law or regulation, this Ordinance shall automatically be deemed amended by eliminating the pre-empted provision and incorporating in its place the applicable provision of the pre-empting state or federal law or regulation.
 - 2. Each provision of this Ordinance shall be construed as separate to the end that if any part of it shall be held invalid for any reason the remainder shall continue in full force and effect.
 - 3. Compliance with the requirements of this Ordinance does not eliminate the necessity of complying with any other applicable federal state or local laws and regulations.

SECTION 13: Effective Date and Repeal:

This Ordinance (with exception of section 10) shall take effect on the date of its passage; publication, and recording as provided by law; accordingly, section 10 will take effect 12/1/2015. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Adopted and approved by the Board of Commissioners of LaPorte County, Indiana this 18th day of November


Board of Commissioners of LaPorte County, Indiana



Dave Decker, President



Vidya Kora, Vice- President



Mike Bohacek, Member

Attest: 

Joie Winski, LaPorte County Auditor