

§ 49-331. Definitions

In this article, unless the context otherwise requires:

1. "Department" means the department of environmental quality.
2. "Director" means the director of the department of environmental quality.
3. "Dry well" means a well which is a bored, drilled or driven shaft or hole whose depth is greater than its width and is designed and constructed specifically for the disposal of storm water. Dry wells do not include class 1, class 2, class 3 or class 4 injection wells as defined by the federal underground injection control program (P.L. 93-523, part C), as amended.
4. "Owner" means a person who owns a dry well or a person who owned a dry well immediately before the discontinuation of its use.

§ 49-332. Registration

A. A person who owns an existing dry well that is or has been used for disposal shall register the well on a registration form provided by the director. This form shall be accompanied by a registration fee established by the director by rule in a one-time rule making after the effective date of this amendment to this section. After the one-time rule making, the director shall not increase that fee by rule without specific statutory authority for the increase. Monies collected by the department shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210. The registration form shall include information that the director determines is necessary to meet the purpose of this article.

B. The director shall assign a registration number to each dry well registered pursuant to this section and shall maintain a permanent record of the information contained on the registration form and the registration number.

C. An owner who brings a dry well into operation after August 13, 1986 shall register the well on a registration form provided by the director and shall pay the registration fee established by the director by rule within thirty days of beginning operations.

D. A person who installs a dry well shall notify the owner of the registration requirements of subsection C of this section.

E. This article shall not be construed to legalize any dry well that exists on August 13, 1986 and that is not in compliance with this chapter and chapter 5 of this title.

§ 49-333. Regulation of dry wells; license to drill

A. The director may adopt rules establishing standards for new and existing dry wells pertaining to their performance, operation, construction, design, closure, location and inspection.

B. Dry wells shall not be used for the disposal of hazardous substances as defined in the comprehensive environmental response, compensation, and liability act (P.L. 96-510), as amended, or oil as defined in the federal water pollution control act (P.L. 92-500), as amended.

C. New dry well construction and modifications of existing dry wells shall be performed under the direct and personal supervision of a well driller who holds an appropriate contractor's license issued pursuant to title 32, chapter 10.

(Amended by L. 2017, ch. 112,s. 2, eff. 8/9/2017.)

§ 49-334. Enforcement and penalties; appeals

A. If the director determines that a person is violating this article or any rule adopted pursuant to this article the director may issue an order requiring compliance within a reasonable time. A compliance order becomes final thirty days after the order is served unless within thirty days of service the person named on the order requests a hearing. A hearing shall be conducted pursuant to title 41, chapter 6, article 10. Except as provided in section 41-1092.08, subsection H, the director's final decision may be appealed by any party to the superior court pursuant to title 12, chapter 7, article 6.

B. The director may file an action in the superior court to enforce this article. The director may seek all appropriate relief including temporary and permanent injunctions.

§ 49-335. Rules

The director shall adopt rules necessary to provide procedures for the administration of this article and to implement the program for the regulation of dry wells established by this article.

§ 49-336. Exemption; golf courses

Provisions of this article shall not apply to dry wells used in conjunction with golf course maintenance.