

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH60458-LDz-115A* (4/28)

Short Title: Septic System Setbacks for Pre-1977 Lots.

(Public)

Sponsors: Representative Hill.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A SEPTIC TANK SYSTEM THAT IS FOR A LOT PLATTED PRIOR TO JULY 1, 1977, AND THAT IS OPERATED IN SOILS THAT ARE IN SOIL GROUP 1 MAY BE LOCATED TEN FEET OR MORE FROM ANY OTHER SEPTIC TANK SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-335(e) reads as rewritten:

"(e) The rules of the Commission and the rules of the local board of health shall address at least the following: Wastewater characteristics; Design unit; Design capacity; Design volume; Criteria for the design, installation, operation, maintenance and performance of wastewater collection, treatment and disposal systems; Soil morphology and drainage; Topography and landscape position; Depth to seasonally high water table, rock and water impeding formations; Proximity to water supply wells, shellfish waters, estuaries, marshes, wetlands, areas subject to frequent flooding, streams, lakes, swamps and other bodies of surface or groundwaters; Density of wastewater collection, treatment and disposal systems in a geographical area; Requirements for issuance, suspension and revocation of permits; and Other factors which affect the effective operation and performance of wastewater collection, treatment and disposal systems. The rules regarding required design capacity and required design volume for wastewater systems shall provide that exceptions may be granted upon a showing that a system is adequate to meet actual daily water consumption. This subsection is subject to subsection (e1) of this section."

SECTION 2. G.S. 130A-335 is amended by adding a new subsection to read:

"(e1) A septic tank system that is for a lot that was platted prior to July 1, 1977, and that is operated in soils that are classified as Soil Group 1 may be located 10 feet or

1 more from any other septic tank system. Soils are classified as Soil Group 1 when the
2 local health department evaluates the soil texture and characterizes the soils in
3 accordance with Commission rules as sandy texture soils."

4 **SECTION 3.** This act is effective when it becomes law and applies to
5 applications for permits made on or after that date.