

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 1202\*

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

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Sponsors: Senator Soles.

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Referred to: Agriculture/Environment/Natural Resources.

May 20, 2004

1 A BILL TO BE ENTITLED

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

7 The General Assembly of North Carolina enacts:

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

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

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

26 " (e1) A septic tank system that is for a lot that was platted prior to July 1, 1977, and  
27 that is operated in soils that are classified as Soil Group 1 may be located 10 feet or  
28 more from any other septic tank system. Soils are classified as Soil Group 1 when the

1 local health department evaluates the soil texture and characterizes the soils in  
2 accordance with Commission rules as sandy texture soils."

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