

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-140
SENATE BILL 1202**

AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. A subsurface wastewater disposal system shall be located the maximum feasible horizontal distance, but not less than 10 feet from any other subsurface wastewater disposal system, when all of the following conditions are met:

- (1) The lot or tract of land on which the system will be located is specifically described in a deed, other instrument conveying fee simple title, or on a plat recorded prior to 1 July 1977.
- (2) The lot or tract of land is of insufficient size to allow the minimum horizontal separation distance for a conventional wastewater system required in 15A NCAC 18A .1950.
- (3) The system will receive sewage from only one single-family residence not to exceed four bedrooms.
- (4) The residence is not capable of being served by a public or community wastewater system at the time construction of the system commences.
- (5) The system will be installed in sand or loamy sand soils as defined in 15A NCAC 18A .1935 and installed in accordance with rules adopted pursuant to Article 11 of Chapter 130A of the General Statutes.

SECTION 2. The Commission for Health Services may adopt rules that incorporate the provisions of Section 1 of this act. Except as provided by Section 1 of this act, this act does not limit the authority of the Commission for Health Services or the Environmental Management Commission to adopt rules governing the location, construction, operation, maintenance, or repair of subsurface wastewater disposal systems pursuant to G.S. 130A-335 or other provisions of Article 11 of Chapter 130A of the General Statutes.

SECTION 3. This act is effective when it becomes law and applies to applications for permits made on or after that date. If the Commission for Health Services adopts a permanent rule to implement the provisions of Section 1 of this act, Section 1 of this act expires when the permanent rule becomes effective.

In the General Assembly read three times and ratified this the 12th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:22 p.m. this 29th day of July, 2004