

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-113
HOUSE BILL 609**

AN ACT TO SPECIFY THE MINIMUM SEPARATION DISTANCES BETWEEN A WELL SERVING CERTAIN SINGLE-FAMILY DWELLINGS AND CERTAIN OTHER STRUCTURES ON THE SAME LOT AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT A TEMPORARY RULE TO INCORPORATE THOSE MINIMUM SEPARATION DISTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. For a well serving a single-family dwelling where lot size or other fixed conditions preclude the separation distances specified in subparagraph (a)(2) of 15A NCAC 2C .0107 (Standards of Construction: Water-Supply Wells), as adopted by the Environmental Management Commission on October 12, 2000, and approved by the Rules Review Commission on November 16, 2000, the required separation distances shall be the maximum possible, but shall in no case be less than the following:

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| (1) Septic tank and drainfield | 50 feet |
| (2) Water-tight sewage or liquid-waste collection or transfer facility | 25 feet |
| (3) Animal barns | 50 feet |
| (4) Cesspool or privies | 50 feet. |

SECTION 2. This act constitutes a recent act of the General Assembly within the meaning of G.S. 150B-21.1(a). The Environmental Management Commission may adopt a temporary rule that incorporates the provisions of Section 1 of this act. Notwithstanding G.S. 150B-21.1(d), a temporary rule adopted in accordance with this section shall remain in effect until a permanent rule adopted to replace the temporary rule becomes effective.

SECTION 3. Except as provided by Section 1 of this act, this act does not limit the authority of the Environmental Management Commission to adopt rules governing the location, construction, repair, and abandonment of wells pursuant to G.S. 87-87 and Article 2A of Chapter 150B of the General Statutes.

SECTION 4. This act is effective retroactively to the date on which it is ratified. If the Environmental Management Commission adopts a temporary rule as provided in Section 2 of this act, Section 1 of this act expires when the temporary rule becomes effective.

In the General Assembly read three times and ratified this the 14th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:46 p.m. this 24th day of May, 2001