

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 798

Short Title: Recordation of Soil and Wastewater Conditions. (Public)

Sponsors: Senators Hartsell; and Bingham.

Referred to: Agriculture/Environment/Natural Resources.

March 23, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE RECORDATION OF SOIL CONDITIONS
3 RELATED TO THE SUITABILITY OF SITES FOR ON-SITE WASTEWATER
4 DISPOSAL.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 2 of Chapter 47 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 47-30.1A. Plats and subdivisions; additional requirements for lots to be served**
9 **by an on-site wastewater system.**

10 All plats and subdivisions for lots to which this section applies shall include a
11 delineation of soils that are suitable, provisionally suitable, and unsuitable for an on-site
12 wastewater system on each lot in the subdivision. The delineation shall be set out in a
13 form specified in rules adopted by the Commission for Health Services pursuant to
14 G.S. 130A-335(i). This section applies only to plats and subdivisions for lots that are to
15 be served by an on-site wastewater system permitted under Article 11 of Chapter 130A
16 of the General Statutes. This section does not apply to plats or subdivisions that are
17 wholly included within a one-time division of land in single ownership into not more
18 than three lots each greater than five acres where no street right-of-way dedication is
19 involved."

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

22 "(i) The Commission shall adopt rules to specify the form in which the
23 delineation of soils that are suitable, provisionally suitable, or unsuitable for an on-site
24 wastewater system are to be included in any plat or subdivision that is recorded pursuant
25 to G.S. 47-30.1A. The delineation of soil suitability shall be based upon an on-site
26 evaluation of the topography, landscape position, soil morphology, saprolite
27 morphology, soil depth, depth to seasonal high-water table, presence of any restrictive
28 horizons, estimated long-term acceptance rate of wastewater application for systems
29 designed to treat not more than 600 gallons per day of wastewater flow, and field-

1 measured long-term acceptance rate of wastewater for systems designed to treat more
2 than 600 gallons per day of wastewater flow. The rules shall provide for inclusion of
3 any additional information in each delineation that may be pertinent to a site and its
4 potential for approval for installation and operation of an on-site wastewater system,
5 including information related to site mapping and to the accuracy of the information
6 presented. The rules shall require that each delineation present information that
7 combines simplicity and accuracy in a manner that is understandable by a layperson. A
8 local board of health may adopt rules that set out additional requirements that address
9 local conditions including topography and soil types or conditions, and local
10 requirements, including increased accuracy in mapping or greater minimum area
11 requirements. Any rules adopted by a local board of health shall be at least as stringent
12 as those adopted by the Commission and shall be approved by the Commission before
13 they become effective."

14 **SECTION 3.** The Commission for Health Services shall adopt rules to
15 implement these requirements of G.S. 130A-335(i), as enacted by Section 2 of this act,
16 no later than 31 July 2006.

17 **SECTION 4.** Sections 2 through 4 of this act become effective when it
18 becomes law. Section 1 of this act becomes effective 1 January 2007, and applies to
19 plats and subdivisions filed for recordation on or after that date.