

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS55138-SY-7 (3/16)

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

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE RECORDATION OF SOIL CONDITIONS
RELATED TO THE SUITABILITY OF SITES FOR ON-SITE WASTEWATER
DISPOSAL.

The General Assembly of North Carolina enacts:

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

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

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

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

"(i) The Commission shall adopt rules to specify the form in which the
delineation of soils that are suitable, provisionally suitable, or unsuitable for an on-site
wastewater system are to be included in any plat or subdivision that is recorded pursuant
to G.S. 47-30.1A. The delineation of soil suitability shall be based upon an on-site
evaluation of the topography, landscape position, soil morphology, saprolite
morphology, soil depth, depth to seasonal high-water table, presence of any restrictive

1 horizons, estimated long-term acceptance rate of wastewater application for systems
2 designed to treat not more than 600 gallons per day of wastewater flow, and field-
3 measured long-term acceptance rate of wastewater for systems designed to treat more
4 than 600 gallons per day of wastewater flow. The rules shall provide for inclusion of
5 any additional information in each delineation that may be pertinent to a site and its
6 potential for approval for installation and operation of an on-site wastewater system,
7 including information related to site mapping and to the accuracy of the information
8 presented. The rules shall require that each delineation present information that
9 combines simplicity and accuracy in a manner that is understandable by a layperson. A
10 local board of health may adopt rules that set out additional requirements that address
11 local conditions including topography and soil types or conditions, and local
12 requirements, including increased accuracy in mapping or greater minimum area
13 requirements. Any rules adopted by a local board of health shall be at least as stringent
14 as those adopted by the Commission and shall be approved by the Commission before
15 they become effective."

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

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