

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 609  
Committee Substitute Favorable 4/18/01**

Short Title: Well Construction Standards/Rule Making.

(Public)

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Sponsors:

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Referred to:

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March 14, 2001

A BILL TO BE ENTITLED

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

8 The General Assembly of North Carolina enacts:

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

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|--|----------|
| 15       (1)    Septic tank and drainfield   | 50 feet  |
| 16       (2)    Water-tight sewage or liquid-waste collection<br>17               or transfer facility | 25 feet  |
| 18       (3)    Animal barns   | 50 feet  |
| 19       (4)    Cesspool or privies  | 50 feet. |

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

26       **SECTION 3.** Except as provided by Section 1 of this act, this act does not  
27 limit the authority of the Environmental Management Commission to adopt rules  
28 governing the location, construction, repair, and abandonment of wells pursuant to G.S.  
29 87-87 and Article 2A of Chapter 150B of the General Statutes.

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