

## **15A NCAC 02L .0107 COMPLIANCE BOUNDARY**

- (a) For disposal systems individually permitted prior to December 30, 1983, the compliance boundary shall be established at a horizontal distance of 500 feet from the waste boundary or at the property boundary, whichever is closer to the source.
- (b) For disposal systems individually permitted on or after December 30, 1983, a compliance boundary shall be established at a horizontal distance of 250 feet from the waste boundary, or 50 feet within the property boundary, whichever point is closer to the source.
- (c) The compliance boundary shall be established at the time of permit issuance and shall remain in place for the duration of the permit.
- (d) The compliance boundary and zone shall extend vertically from the surface through the water table to the maximum depth of saturation.
- (e) The permitted activity shall not cause or contribute to an exceedance of the surface water standards established under 15A NCAC 02B .0200.
- (f) Multiple contiguous properties under common ownership and permitted for use as a waste disposal area shall be treated as a single property with regard to determination of a compliance zone and setbacks to property lines as per Paragraphs (a) or (b) of this Rule.
- (g) Where compliance zones for separately permitted waste disposal areas under the same ownership on the same property intersect, the Director shall combine the compliance zones into one single compliance zone with a single compliance boundary.
- (h) The permittee shall establish a monitoring program within the compliance zone per the requirements in Rule .0110 of this Section.
- (i) Except as provided in Paragraph (m) of this Rule, no new water supply wells shall be constructed within the compliance zone of a disposal system individually permitted after January 1, 1993.
- (j) Except as provided in Paragraph (m) of this Rule, if the land within an established compliance zone of a disposal system permitted after January 1, 1993 is transferred and that land is serviced by a community water system as regulated under 15A NCAC 18C, the source of which is located outside the compliance boundary, the deed shall contain notice of the permit, including the permit number, a description of the type of permit, and the name, address and telephone number of the permitting agency.
- (k) Except as provided in Paragraph (m) of this Rule, if at the time a permit is issued after January 1, 1993, the permittee is not the owner of the land within the compliance zone, it shall be a condition of the permit issued or renewed that the landowner of the land within the compliance zone, if other than the permittee, execute and file in the Register of Deeds in the county in which the land is located, an easement running with the land that contains either a notice of the permit, including the permit number, a description of the type of permit, and the name, address and telephone number of the permitting agency; or a reference to a notice of the permit with book and page number of its recordation if such notice is required to be filed by statute. The Director shall, upon request by the landowner, file a document terminating the easement with the appropriate Register of Deeds once the following conditions have been met:
- (1) all required groundwater remediation has been completed;
  - (2) groundwater monitoring is no longer required per Rule .0110(f) of this Section; and
  - (3) monitoring wells have been abandoned in accordance with 15A NCAC 02C .0113.
- (l) Any sale or transfer of property which affects a compliance boundary shall be reported to the Director within seven days of the final sale or transfer. For disposal systems which are not governed by Paragraphs (j) or (k) of this Rule, the compliance boundary affected by the sale or transfer of property shall be reestablished consistent with this Rule.
- (m) For ground adsorption sewage treatment and disposal systems serving four or fewer single family dwellings or multiunit dwellings of four or fewer units regulated under 15A NCAC 02T .0600, the requirements of Paragraphs (i), (j), and (k) of this Rule shall not be applicable.
- (n) For ground absorption sewage treatment and disposal systems which are regulated under 15A NCAC 02T .0600, the compliance boundary shall be established at the property boundary.
- (o) Penalties authorized pursuant to G.S. 143-215.6A(a)(1) shall not be assessed for violations of the standards within a compliance zone unless the violations are of permit conditions or negligence in the management of the facility.
- (p) The Director shall require that exceedances of the standards resulting from activities conducted by the permitted facility within the compliance zone be remedied through clean-up, recovery, containment, facility design, or operational control if any of the following occur:

- (1) A violation of the standards occurs or is expected through professional judgment or predicted through modeling to occur in groundwater at or beyond the compliance boundary as a result of the permitted activities.
- (2) A violation of the surface water standards established under 15A NCAC 02B .0200 occurs or is expected through professional judgment or predicted through modeling to occur as a result of the permitted activities.
- (3) An imminent hazard as defined in G.S. 130A-2 exists.
- (4) An exceedance of the standards occurs in bedrock within the compliance zone as a result of the permitted activities, unless it can be demonstrated that the violation will not adversely affect any receptor.

*History Note: Authority G.S. 143-215.1; 143-215.3(a)(1); 143B-282;  
Eff. August 1, 1989;  
Amended Eff. October 1, 1993; November 2, 1992;  
Readopted Eff. June 1, 2022.*