

SECTION .0700 - SETBACKS

15A NCAC 02U .0701 SETBACKS

(a) Treatment and storage facilities associated with systems permitted under this Subchapter shall adhere to the setback requirements in 15A NCAC 02T .0506, except as provided in this Rule.

(b) Final effluent storage facilities shall meet all setback requirements for riparian buffer rules pursuant to 15A NCAC 02B, as well as the following setbacks:

	feet
Each private or public water supply source	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	50
Each well with exception of monitoring wells	100
Each property line for facilities constructed on or after June 18, 2011	50
Each property line for facilities constructed prior to June 18, 2011	0

(c) The setbacks for utilization sites where reclaimed water is land applied shall be as follows:

	feet
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands not classified SA	25
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands not classified SA, provided that the reclaimed water to be utilized contains no more than 10 mg/L of Total Nitrogen and no more than 2 mg/L of Total Phosphorus in addition to applicable requirements in Rule .0101 of this Subchapter and Section .0300 of this Subchapter	0
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands classified SA	100
Each well with exception of monitoring wells	100

(d) No setback between the application area and property lines is required.

(e) Setbacks between reclaimed water storage ponds and property lines or wells under separate ownership may be waived by the adjoining property owner. A copy of the signed waiver shall be provided to the Department.

(f) Setbacks between reclaimed water storage ponds and wells under the same ownership as the reclaimed water storage pond may be waived by the property owner.

(g) Setback waivers, other than those allowed in Paragraphs (e) and (f) of this Rule, shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds. Setback waivers involving the compliance boundary shall be in accordance with 15A NCAC 02L .0107.

(h) Setbacks to property lines established in Paragraphs (a) and (b) of this Rule shall not be applicable if the permittee, or the entity from which the permittee is leasing, owns both parcels separated by the property line.

(i) Habitable residences or places of assembly under separate ownership constructed after the non-discharge facilities were originally permitted or subsequently modified are exempt from the setback requirements in Paragraph (a) of this Rule.

*History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. March 21, 2019.*