

15A NCAC 02T .1108 SETBACKS

(a) For residuals treatment and storage facilities, the following setbacks in feet shall be as follows:

Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	100
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	50

(b) For land onto which Class A bulk residuals are applied or stockpiled, the following setbacks in feet shall be as follows:

	Liquid Residuals	Cake Residuals
Each private or public water supply source	100	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	100	25
Surface water diversions such as ephemeral streams, waterways, and ditches	25	0
Groundwater lowering ditches where the bottom of the ditch intersects the SHWT	25	0
Each well with exception of monitoring wells	100	100
Bedrock outcrops	25	0

(c) For land onto which Class B residuals are applied or stockpiled, the following setbacks in feet shall be as follows:

	Surface Application by Vehicle	Surface Application	Injection / Incorporation by Irrigation
Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	400	400	200
Each habitable residence or place of assembly owned by the permittee, the owner of the land, or the lessee or operator of the land to be maintained as part of the project site	0	200	0
Each property line	50	150	50
Public right of way	50	50	50
Each private or public water supply source	100	100	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	32.8	32.8	32.8
Surface water diversions such as ephemeral streams, waterways, and ditches	25	25	25
Groundwater lowering ditches where the bottom of the ditch intersects the SHWT	25	100	25
Subsurface groundwater lowering drainage systems	0	100	0
Each well with exception of monitoring wells	100	100	100
Bedrock outcrops	25	25	25
Top of slope of embankments or cuts of two feet or more in vertical height	15	15	15
Each building foundation or basement	0	15	0
Each water line	0	10	0
Nitrification field	0	20	0

(d) For the construction and operation of surface disposal units, the following setbacks in feet shall be as follows:

Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	400
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Each property line	50
Public right of way	50
Each private or public water supply source	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and Wetlands	100
Surface water diversions such as ephemeral streams, waterways, and ditches	25
Groundwater lowering ditches (where the bottom of the ditch intersects the SHWT)	100
Subsurface groundwater lowering drainage systems	100
Each well with exception of monitoring wells	100
Each water line	10

(e) Setback waivers shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds. Waivers involving the compliance boundary shall be in accordance with 15A NCAC 02L .0107.

(f) Setbacks to property lines established in Paragraphs (a), (c), and (d) of this Rule shall not be applicable if the permittee, the entity from which the permittee is leasing, or the entity that executed the notarized landowner agreement in 15A NCAC 02T .1104(c)(4) owns both parcels separated by the property line.

(g) 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 Paragraphs (a) and (d) of this Rule.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.