



April 17, 2006

Harnett County Government Complex
307 Cornelius Harnett Boulevard
Lillington, NC 27546

ph: 910-893-7550
fax: 910-893-9429

Re: Application for improvement permit for Byrd Pond, lot 7
Health Department file No.06-50014319

Dear RBC Homes,

The Harnett County Health Department, Environmental Health Division evaluated the above-referenced property at the site designated on the plat/site plan that accompanied your improvement permit application. According to your application the site is to serve a 4 bedroom residence with a design wastewater flow of 480 gallons per day. The evaluation was done in accordance with the laws and rules governing wastewater systems in North Carolina General Statute 130A-333 including related statutes and Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rule. 1900 and related rules.

Based on the criteria set out in Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rules .1940 through .1948, the evaluation indicated that the site is **UNSUITABLE** for a ground absorption sewage system. Therefore, your request for an improvement permit is **DENIED**. A copy of the site evaluation is enclosed. The site is unsuitable based on the following:

- Unsuitable soil topography and/or landscape position (Rule .1940)
- Unsuitable soil characteristics (structure or clay mineralogy) (Rule .1941)
- Unsuitable soil wetness condition (Rule .1942)
- Unsuitable soil depth (Rule .1943)
- Presence of restrictive horizon (Rule .1944)
- Insufficient space for septic system and repair area (Rule .1945)
- Unsuitable for meeting required setbacks (Rule .1950)
- Other (Rule .1946) _____

These severe soil or site limitations could cause premature system failure, leading to the discharge of untreated sewage on the ground surface, into surface waters, directly to ground water or inside your structure.

The site evaluation included consideration of possible site modifications, and modified, innovative or alternative systems. However, the Health Department has determined that none of the above options will overcome the severe conditions on this site. A possible option might be a system designed to dispose of sewage to another area of suitable soil or off-site to additional property.

For the reasons set out above, the property is currently classified **UNSUITABLE**, and no improvement permit shall be issued for this site in accordance with Rule .1948(c).

However, the site classified as **UNSUITABLE** may be classified as **PROVISIONALLY SUITABLE** if written documentation is provided that meets the requirements of Rule .1948(d). A copy of this rule is enclosed. You may hire a consultant to assist you if you wish to try to develop a plan under which your site could be reclassified as **PROVISIONALLY SUITABLE**.

You have a right to an informal review of this decision. You may request an informal review by the soil scientist or environmental health supervisor at the local health department. You may also request an informal review by the N.C. Department of Environment and Natural Resources regional soil specialist. A request for informal review must be made in writing to the local health department.

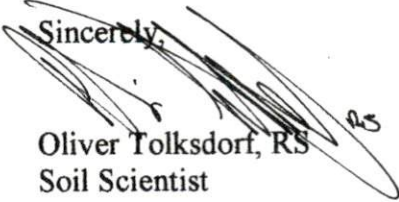
You also have a right to a formal appeal of this decision. To pursue a formal appeal, you must file a petition for a contested case hearing with the Office of Administrative Hearings, 6714 Mail Center, Raleigh, N.C. 27699-6714. To get a copy of a petition form, you may write the Office of Administrative Hearings or call the office at (919) 733-0926 or from the OAH web site at <http://www.ncoah.com/forms.shtml>. The petition for a contested case hearing must be filed in accordance with the provision of North Carolina General Statutes 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B. N.C. General Statute 130A-335 (g) provides that your hearing would be held in the county where your property is located.

Please note: If you wish to pursue a formal appeal, you must file the petition form with the Office of Administrative Hearings **WITHIN 30 DAYS OF THE DATE OF THIS LETTER**. The date of this letter is April 17, 2006. Meeting the 30 day deadline is critical to your right to a formal appeal. Beginning a formal appeal within 30 days will not interfere with any informal review that you might request. Do not wait for the outcome of any informal review if you wish to file a formal appeal.

If you file a petition for a contested case hearing with the Office of Administrative Hearings, you are required by law (N.C. General Statute 150B-23) to send a copy of your petition to the North Carolina Department of Environment and Natural Resources. Send the copy to: Office of General Counsel, N.C. Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, N.C. 27699-1601. Do **NOT** send the copy of the petition to your local health department. Sending a copy of your petition to the local health department will **NOT** satisfy the legal requirement in N.C. General Statute 150B-23 that you send a copy to the Office of General Counsel, NCDENR.

You may call or write the local health department if you need any additional information or assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'Oliver Tolksdorf', written over the word 'Sincerely,'. The signature is stylized and somewhat illegible due to overlapping strokes.
Oliver Tolksdorf, RS
Soil Scientist

Encl.: Copy of site evaluation
Copy of Rule .1948

**SOIL/SITE EVALUATION
 for ON-SITE WASTEWATER SYSTEM**

Owner:

Applicant:

Address:

Date Evaluated:

Proposed Facility:

Design Flow (.1949):

Property Size:

Location of Site:

Property Recorded:

Water Supply: Public Individual Well Spring Other
 Evaluation Method: Auger Boring Pit Cut
 Type of Wastewater: Sewage Industrial Process Mixed

P R O F I L E #	1940 Landscape Position/ Slope%	Horizon Depth (IN.)	SOIL MORPHOLOGY 1941		OTHER PROFILE FACTORS				Profile Class & LTAR
			1941 Structure/ Texture	1941 Consistence Mineralogy	1942 Soil Wetness/ Color	1943 Soil Depth (IN.)	1958 Saprot Class	1944 Restr. Horiz.	
1	FS 2.5%	0-12	C SL	VFR NS/ND					PS .24
		12-30	SBK SL/CL	FR SS/SP					
		31"	MC	FI SLP	CR 2.57 7/2 @ 31"				
2		0-6	G SL	VFR NS/NP					PS .25
		6-31	SBK CL/C	FI SLP					
		31"	MC		CR 2 @ 31"				
3		0-8"	G SL	VFR NS/NP					US
		8-22"	SBK CL	FI SLP					
		22"	MC	FI	CR 2.57 7/2 @ 22"				
4		0-9"	G SL	VFR NS/NP					PS .4
		9-24"	SBK SL	FR SS/SP					
		24"	MC	FI SLP	CR 2 @ 24"				
5		0-6	C SL	VFR NS/NP					US
		6-19"	SBK SL/CL	FR SS/SP					
		19"	MC	FI SLP	1012 7/2 @ 19"				

Description	Initial System	Repair System
Available Space (.1945)		
System Type(s)		
Site LTAR		

Other Factors (.1946): _____
 Site Classification (.1948): _____
 Evaluated By: _____
 Others Present: _____

6 0-14 G SL VFR NS/NP PS
 14-28 SBK SL FR SLP .35
 CR 2 @ 14"



Vicinity Map
(Not to Scale)

LEGEND

- R/W-RIGHT OF WAY
- PB-PLAT BOOK
- DB-DEED BOOK
- PG-PAGE
- PROP-PROPOSED
- SF-SQUARE FEET
- AC-ACRE(S)
- CONC-CONCRETE



CURVE TABLE				
CURVE	RADIUS	LENGTH	CH. BEARING	CHORD
C1	450.00'	100.87'	S27°28'41"E	100.66'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S21°06'01"E	12.71'

JONATHAN L. JOFF
MAP #2000-57
08-08-39-2488
DB 1418, PG 278

(8)
MAP #2004-191
BYRDS POND ESTATES
PHASE 2

(7)
45390 SF
1.042 AC

(6)
MAP #2004-191
BYRDS POND ESTATES
PHASE 2

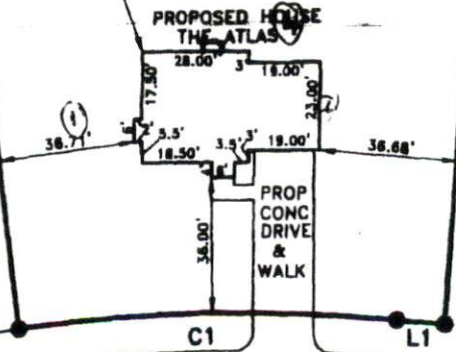
(5)
MAP #99-544
BYRDS POND ESTATES
PHASE 1

N67°21'09"E
360.00'

S56°06'02"W
258.97'

(4)
MAP #99-544
BYRDS POND ESTATES
PHASE 1

SITE PLAN APPROVAL
 DISTRICT NO. 4
 USE SFD
 4 BED ROOMS
 RBC Homes, Inc.
 2111 King Admin. Dr.



WILLIAM'S CREEK DRIVE
50' PUBLIC R/W

PLOT PLAN

PROPERTY OF: RBC HOMES, INC.



TOWNSHIP: STEWARTS CREEK

15A NCAC 18A .1948 SITE CLASSIFICATION

(a) Sites classified as SUITABLE may be utilized for a ground absorption sewage treatment and disposal system consistent with these Rules. A suitable classification generally indicates soil and site conditions favorable for the operation of a ground absorption sewage treatment and disposal system or have slight limitations that are readily overcome by proper design and installation.

(b) Sites classified as PROVISIONALLY SUITABLE may be utilized for a ground absorption sewage treatment and disposal system consistent with these Rules but have moderate limitations. Sites classified Provisionally Suitable require some modifications and careful planning, design, and installation in order for a ground absorption sewage treatment and disposal system to function satisfactorily.

(c) Sites classified UNSUITABLE have severe limitations for the installation and use of a properly functioning ground absorption sewage treatment and disposal system. An improvement permit shall not be issued for a site which is classified as UNSUITABLE. However, where a site is UNSUITABLE, it may be reclassified PROVISIONALLY SUITABLE if a special investigation indicates that a modified or alternative system can be installed in accordance with Rules .1956 or .1957 of this Section.

(d) A site classified as UNSUITABLE may be used for a ground absorption sewage treatment and disposal system specifically identified in Rules .1955, .1956, or .1957 of this Section or a system approved under Rule .1969 if written documentation, including engineering, hydrogeologic, geologic or soil studies, indicates to the local health department that the proposed system can be expected to function satisfactorily. Such sites shall be reclassified as PROVISIONALLY SUITABLE if the local health department determines that the substantiating data indicate that:

- (1) a ground absorption system can be installed so that the effluent will be non-pathogenic, non-infectious, non-toxic, and non-hazardous;
- (2) the effluent will not contaminate groundwater or surface water, and
- (3) the effluent will not be exposed on the ground surface or be discharged to surface waters where it could come in contact with people, animals, or vectors.

The State shall review the substantiating data if requested by the local health department.

History Note: Authority G.S. 130A-335(e);
Eff. July 1, 1982;
Amended Eff. April 1, 1993; January 1, 1990.