

IMPROVEMENT PERMIT DENIAL

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March 20, 2025

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

ph: 910-893-7550

fax: 910-893-9429

Donald Sweeny  
323D Aquilla Rd  
Benson, NC 27504

Re: Application for improvement Permit for property located at 5077 Bunnlevel Erwin Rd

Health Department file SFD2501-0096

Dear Mr. Sweeney:

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 2 bedroom home with a design wastewater flow of 240 gallons per day. The evaluation was done in accordance with the laws and rules governing on-site wastewater systems in General Statutes 130A-333 to 345 and 15A NCAC 18E.

Based on the criteria set out in 15A NCAC 18E .0501 through .0602, the evaluation indicated that the site is **UNSUITABLE** for an on-site wastewater system. Therefore, we must deny your request for an Improvement Permit. A copy of the site evaluation is enclosed. The site is unsuitable based on the following:

- ☐ Unsuitable soil topography and/or landscape position (Rule .0502)
- ☐ Unsuitable soil characteristics (structure or clay mineralogy) (Rule .0503)
- ☒ Unsuitable soil wetness condition (Rule .0504)
- ☐ Unsuitable soil depth (Rule .0505)
- ☐ Unsuitable saprolite (Rule .0506)
- ☐ Presence of restrictive horizon (Rule .0507)
- ☐ Insufficient space for septic system and repair area (Rule .0508)
- ☐ Unsuitable for meeting required setbacks (Rule .0601 or .0602)
- ☐ Other (Cite applicable rule): \_\_\_\_\_

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, as well as use of all possible systems approved under 15A NCAC 18E. 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 such as 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 .0509(a) and (d).

A site classified as UNSUITABLE may be classified as SUITABLE if written documentation is provided that meets the requirements of Rule .0509(b) or (c). 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 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 Department of Health and Human Services' Regional Soil Scientist. 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, 1711 New Hope Church Rd, Raleigh, NC 27609. To get a copy of a petition form, you may write the Office of Administrative Hearings, call the office at 984-236-1850, or download it from the OAH web site at <http://www.oah.nc.gov>. The petition for a contested case hearing must be filed in accordance with the provision of General Statutes 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B. General Statute 130A-335(g) provides that your hearing will be held in the county where your property is located.

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 March 20, 2025. Meeting the 30-day deadline is critical to your formal appeal.

If you file a petition for a contested case hearing with the Office of Administrative Hearings, **you are required** by General Statute 150B-23 to serve a copy of your petition on the Registered Agent for the Department of Health and Human Services: Julie Cronin, Office of General Counsel, Department of Health and Human Services, 2001 Mail Service Center, Raleigh, N.C. 27699-2001.

***Do not serve the petition on your local health department.*** Sending a copy of your petition to the local health department will not satisfy the legal requirement in General Statute 150B-23 that you send a copy to the Office of General Counsel, Department of Health and Human Services.

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

Sincerely,



Enclosures: (Enclose copy of site evaluation and Rule .0509)

15A NCAC 18E .0509 SITE SUITABILITY AND CLASSIFICATION (a) A site evaluated in accordance with Rules .0502 through .0508 of this Section with all parameters determined as suitable shall result in an overall site classification of suitable. Any parameter determined as unsuitable shall result in an overall site classification of unsuitable. (b) Sites classified as unsuitable may be reclassified as suitable as follows: (1) when site modifications are made that meet the requirements in Sections .0900 or .1200 of this Subchapter for the minimum vertical separation to the SWC; (2) if installation of an interceptor drain will intercept and divert lateral water to prevent saturation of the wastewater system; (3) with the use of advanced pretreatment based on the modified siting and sizing criteria in Section .1200 of this Subchapter; or (4) with the use of a wastewater system identified or approved in Sections .0900 or .1700 of this Subchapter (c) For sites that are classified as unsuitable in accordance with this Rule, a special site evaluation in accordance with Rule .0510 of this Section may be provided that demonstrates that the proposed wastewater system can be expected to overcome the unsuitable site conditions and function in accordance with this Subchapter. 17 Changed by S.L. 2024-49, Section 4.21. Page 36 of 95 Version 2.1 – September 30, 2024 (d) An IP shall not be issued for a site which is classified unsuitable.



SOIL/SITE EVALUATION for ON-SITE WASTEWATER SYSTEM  
(Complete all fields in full)

OWNER: Donald Sweeney DATE EVALUATED:                       
ADDRESS: 5077 Bunalevel Erwin Rd  
PROPOSED FACILITY: SFD PROPOSED DESIGN FLOW (.0400): 240 GPD PROPERTY SIZE:                       
LOCATION OF SITE: Same PROPERTY RECORDED:                       
WATER SUPPLY: Public Single Family Well Shared Well Spring Other                      WATER SUPPLY SETBACK:                       
EVALUATION METHOD: Auger Boring Pit Cut TYPE OF WASTEWATER: Domestic High Strength IPWW

P R O F I L E  #	.0502 LANDSCAPE POSITION/ SLOPE %	HORIZON DEPTH (IN.)	SOIL MORPHOLOGY		OTHER PROFILE FACTORS				.0509 PROFILE CLASS & LTAR*	.0503 SLOPE CORRE CTION
			.0503 STRUCTURE/ TEXTURE	.0503 CONSISTENCE/ MINERALOGY	.0504 SOIL WETNESS/ COLOR	.0505 SOIL DEPTH	.0506 SAPRO CLASS	.0507 RESTR HORIZ		
1	L 2-5%	0-4	LS	Fr	10YR8/1 <8"	>28"	—	Expansive clay <8"	U	
		4-28	SC	Fi						
2	L 2-5%	0-4	LS	Fr	10YR8/1 <8"	>30"	—	Expansive clay <8"	U	
		4-30	SC	Fi						
3	L 2-5%	0-4	LS	Fr	10YR8/1 <8"	>20"	—	Expansive clay <8"	U	
		4-20	SC	Fi						
4										

DESCRIPTION	INITIAL SYSTEM	REPAIR SYSTEM	SITE CLASSIFICATION (.0509): <u>U</u> EVALUATED BY: <u>M. K. Borne / O.T.</u> OTHER(S) PRESENT: _____
Available Space (.0508)	<u>U</u>	<u>U</u>	
System Type(s)			
Site LTAR			
Maximum Trench Depth			

Comments: Expansive wet (gray) clay @ more than 70% of auger boring from 8" in ground to further down the auger holes

# LEGEND

LANDSCAPE POSITION	SOIL GROUP	SOIL TEXTURE	CONVENTIONAL LTAR (gpd/ft²)	SAPROLITE LTAR (gpd/ft²)	LPP LTAR (gpd/ft²)	MINERALOGY/ CONSISTENCE		STRUCTURE		
CC (Concave slope)	I	S (Sand)	0.8 - 1.2	0.6 - 0.8	0.4 -0.6	MOIST	WET	SG (Single grain)		
CV (Convex Slope)		LS (Loamy sand)		0.5 -0.7		Lo (Loose)	NS (Non-sticky)	M (Massive)		
D (Drainage way)	II	SL (Sandy loam)	0.6 - 0.8	0.4 -0.6	0.3 - 0.4	VFR (Very friable)	SS (Slightly sticky)	GR (Granular)		
FP (Flood plain)		L (Loam)		0.2 - 0.4		FR (Friable)	S (Sticky)	SBK (Subangular blocky)		
FS (Foot slope)	III	SiL (Silt loam)	0.3 - 0.6	0.1 - 0.3	0.15 - 0.3	FI (Firm)	VS (Very sticky)	ABK (Angular blocky)		
H (Head slope)		SCL (Sandy clay loam)		0.05 - 0.15**		VFI (Very firm)	NP (Non-plastic)	PR (Prismatic)		
L (Linear Slope)		CL (Clay loam)		None		EFI (Extremely firm)	SP (Slightly plastic)	PL (Platy)		
N (Nose slope)		SiCL (Silty clay loam)					P (Plastic)			
R (Ridge/summit)		Si (Silt)					VP (Very plastic)			
S (Shoulder slope)		IV					SC (Sandy clay)	0.1 - 0.4	0.05 - 0.2	SEXP (Slightly expansive)
T (Terrace)						SIC (Silty clay)	EXP (Expansive)			
TS (Toe Slope)	C (Clay)									
		O (Organic)	None							

\* Adjust LTAR due to depth, consistence, structure, soil wetness, landscape, position, wastewater flow and quality.

\*\*Sandy clay loam saprolite can only be used with advanced pretreatment in accordance with 15A NCAC 18E .1200.

HORIZON DEPTH

In inches below natural soil surface

DEPTH OF FILL

In inches from land surface

RESTRICTIVE HORIZON

Thickness and depth from land surface

SAPROLITE

S(suitable) or U(unsuitable); Evaluation of saprolite shall be by pits.

SOIL WETNESS

Inches from land surface to free water or inches from land surface to soil colors with chroma 2 or less - record Munsell color chip designation

CLASSIFICATION

S (Suitable) or U (Unsuitable)

Show profile locations and other site features (dimensions, reference or benchmark, and North).

