

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1019
Committee Substitute Favorable 4/19/01
Committee Substitute #2 Favorable 6/5/01

Short Title: Amend Septage Management Program.

(Public)

Sponsors:

Referred to:

April 9, 2001

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO
2 AUTHORIZE CERTAIN PERMIT FEES UNDER THAT PROGRAM.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 130A-291.1 reads as rewritten:

5 **"§ 130A-291.1. Septage management ~~program~~program; permit fees.**

6 (a) The Department shall establish and administer a septage management
7 program in accordance with the provision of this section.

8 (b) For the protection of the public health, the Commission shall adopt rules
9 governing the management of septage. The rules shall include, but not be limited to,
10 criteria for the sanitary management of septage, including standards for the
11 transportation, storage, ~~treatment~~ treatment, and ~~disposal~~ disposal of septage; operator
12 registration and training; the issuance, ~~suspension~~ suspension, and revocation of
13 permits; and procedures for the payment of annual fees.

14 (c) No septage management firm shall commence or continue operation that does
15 not have a permit issued by the Department. The permit shall be issued only when the
16 septage management firm satisfies all of the requirements of the rules adopted by the
17 Commission. Any septage management firm that commences operation prior to
18 obtaining a permit shall cease to operate, obtain a permit under this section, and pay an
19 initial annual fee, in lieu of the amount of the annual fee under subsection (e) of this
20 section, equal to twice the amount of the annual fee under subsection (e) of this section.

21 (d) Septage shall be treated and disposed only at a wastewater system that has
22 been approved by the Department under rules adopted by the Commission or by the
23 Environmental Management Commission or at a site that is permitted by the
24 Department under this section. A permit shall be issued only if the site satisfies all of
25 the requirements of the rules adopted by the Commission.

26 (e) A septage management firm that operates one pumper truck shall pay an
27 annual fee of ~~three hundred dollars (\$300.00)~~ five hundred fifty dollars (\$550.00) to the
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1 Department. A septage management firm that operates two or more pumper trucks shall
2 pay an annual fee of ~~four hundred dollars (\$400.00)~~ eight hundred dollars (\$800.00) to
3 the Department.

4 (e1) Individuals who operate a septage management facility but do not operate a
5 septage management firm shall pay an annual fee of two hundred dollars (\$200.00).

6 (e2) The fee is A properly completed permit application and the annual fee under
7 this section are due by January 1 of each year. Annual fee notices shall be mailed prior
8 to November 1 of each calendar year. A late fee in the amount equal to fifty percent
9 (50%) of the annual permit fee under this section shall be submitted when a properly
10 completed application and annual permit fee are not submitted by January 1 following
11 the November 1 notice.

12 (e3) Fees collected under this subsection-section shall be applied only to the costs
13 of the septage management program. Fees remaining at the end of the fiscal year shall
14 not revert to the General Fund.

15 (e4) Permits of new septage management firm operators and permits of septage
16 management firm operators that have not operated a septage management firm in the 24
17 months preceding the submittal of an application shall be considered probationary for
18 12 months. The Department shall revoke any probationary permit of a firm or an
19 individual that violates any provision under this section, G.S. 130A-291.2, G.S. 130A-
20 291.3, or any rule adopted under these sections. Any holder of a probationary permit
21 under this subsection that begins operation prior to completing all of the requirements of
22 this section, G.S. 130A-291.2, G.S. 130A-291.3, or the rules adopted under these
23 sections shall be prohibited from operating for 12 months.

24 (e5) Department staff involved in permitting septage management firms and
25 facilities shall be responsible for and directly involved in providing technical and
26 regulatory assistance to site operators and permit applicants. This assistance shall
27 include, but not be limited to, taking soil samples on permitted septage land application
28 sites and providing required training under this section to permit holders.

29 (f) All wastewater systems designed to discharge effluent to the surface waters
30 may accept, ~~treat-treat~~, and dispose septage from permitted septage management firms,
31 unless acceptance of the septage would constitute a violation of the permit conditions of
32 the wastewater system. The wastewater system may charge a reasonable fee for
33 acceptance, treatment, and disposal of ~~septage-septage~~ based on a specified formula of
34 septage strength and quantity consistent with other charges.

35 (g) Growing and harvesting, in accordance with an approved nutrient
36 management plan on permitted septage land application sites, a crop that is used or is
37 sold is considered agriculture.

38 (h) Septage land application sites shall be inspected at least twice a year. Septage
39 land application site records shall be inspected at least annually. Pump trucks used for
40 septage management shall be inspected at least once every two years.

1 (i) The Department shall approve innovative or alternative septage treatment or
2 storage methods that are demonstrated to protect the public health and the
3 environment."

4 **SECTION 2.** Part 2 of Article 9 of Chapter 130A of the General Statutes is
5 amended by adding two new sections to read:

6 **"§ 130A-291.2. Temporary domestic wastewater holding tanks.**

7 When a permanent domestic wastewater collection and treatment system is not
8 available at a construction site or a temporary special event, a temporary wastewater
9 holding tank of adequate capacity to prevent overflow may be used under a mobile or
10 modular office to accommodate domestic wastewater from a commode and sink. The
11 wastewater shall be removed often enough to prevent the temporary domestic
12 wastewater holding tank from overflowing. The owner or lessee of a temporary
13 construction trailer shall contract with a registered septage management firm or
14 registered portable toilet sanitation firm for the removal of domestic waste. The
15 wastewater shall be removed from the temporary domestic wastewater holding tank by a
16 septage management firm holding a current permit under this section to operate a
17 septage management firm.

18 **"§ 130A-291.3. Septage operator training required.**

19 (a) Each septage management firm operator shall attend a training course of no
20 less than four hours of instruction per year. New septage management firm operators
21 and those that have not operated a septage management firm in the 24 months preceding
22 the submittal of an application shall complete the training before commencing
23 operation.

24 (b) Each septage land application site operator shall attend a training course of no
25 less than three hours of instruction per year. New septage land application site operators
26 and those that have not operated a septage land application site in the 24 months
27 preceding the submittal of an application shall complete the training before
28 commencing operation.

29 (c) Upon the completion of the permit requirements under G.S. 130A-291.1 and
30 the training requirements under this section, the Department shall issue the septage
31 management firm a certificate to operate as a registered portable sanitation firm or a
32 registered septage management firm, or both.

33 (d) Educational committees shall be established to develop a training curriculum
34 or to approve existing training curricula to satisfy the training requirements under this
35 section. One training committee shall be established to develop a training program for
36 portable sanitation waste, and one training committee shall be established to develop a
37 training program for septic tank waste and grease septage. Each committee shall consist
38 of four industry members, one public health member, two members of the Department,
39 and one representative of the North Carolina Cooperative Extension Service."

40 **SECTION 3.** The Commission for Health Services shall adopt temporary
41 rules to implement this act and shall begin the temporary rule-making process within 30
42 days of the effective date of this act.

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SECTION 4. This act is effective when it becomes law.