

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1218

Short Title: No Sludge Applied on Certain Public Spaces. (Public)

Sponsors: Representatives Allred; and Harrison.

Referred to: Agriculture, if favorable, Environment and Natural Resources.

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT PERSONS WHO HAVE OBTAINED A PERMIT FOR THE LAND APPLICATION OF SLUDGE AND TO PROHIBIT PERSONS WHO HAVE OBTAINED A PERMIT FOR THE LAND APPLICATION OF SEPTAGE FROM APPLYING THE SLUDGE OR SEPTAGE ON ANY PUBLIC PARKS, SCHOOL GROUNDS, OR ATHLETIC FIELDS AND TO REQUIRE THE POSTING OF PUBLIC NOTICES OF THE RISKS OF TOXIC CONTAMINANTS IN SLUDGE AND SEPTAGE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-215.1 is amended by adding a new subsection to read:

"(d2) Restrictions Pertaining to Sludge Application. – Any person who is required to obtain a permit under subsection (d) of this section for the land application of waste when the waste is sludge as defined in G.S. 130A-290(34) shall not apply the sludge on any public park, school grounds, or athletic field. The Commission shall, in consultation with the Commission for Health Services, adopt rules to implement this subsection and adopt rules to require schools and certain businesses whose customers are likely to frequent schools, public parks, and athletic fields to post notices for the public that in a clear and conspicuous manner state the risks of toxic contaminants in sludge to humans, domestic pets, and wildlife. Any person who is required to obtain a permit under subsection (d) of this section for the land application of waste who violates this subsection or any rules adopted under this section shall be subject to the civil penalties under G.S. 143-215.6A for a violation of a permit condition, and each day that the violation continues shall constitute a separate violation."

**SECTION 2.** G.S. 130A-291.1 is amended by adding a new subsection to read:

"(h1) Any person who is required to obtain a permit under this section and engages in the land application of septage, as defined in G.S. 130A-290, shall not apply the septage on any public park, school grounds, or athletic field. The Commission shall, in consultation with the Environmental Management Commission, adopt rules to implement this subsection and adopt rules to require schools and certain businesses whose customers are likely to frequent schools, public parks, and athletic fields to post notices for the public that in a clear and conspicuous manner state the risks of toxic contaminants in septage to humans, domestic pets, and wildlife. Any person who is required to obtain a permit under this section who violates this subsection or any rules adopted under this section shall be subject to the civil penalties under G.S. 130A-22 for a violation of a permit condition, and each day that the violation continues shall constitute a separate violation."

**SECTION 3.** This act becomes effective January 1, 2010.

