

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  
Senate Agriculture/Environment/Natural Resources Committee Substitute  
Adopted 7/10/01

Short Title: Amend Septage Management Program.

(Public)

Sponsors:

Referred to:

April 9, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO  
INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM.

The General Assembly of North Carolina enacts:

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

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

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

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

(c) No septage management firm shall commence or continue operation that does not have a permit issued by the Department. The permit shall be issued only when the septage management firm satisfies all of the requirements of the rules adopted by the Commission. A septage management firm that commences operation without first having obtained a permit shall cease to operate until the firm obtains a permit under this section and shall pay an initial annual fee equal to twice the amount of the annual fee that would otherwise be applicable under subsection (e) of this section.

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

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

6 (e1) An individual who operates a septage treatment or disposal facility but who  
7 does not engage in the business of pumping, transporting, or disposing of septage shall  
8 pay an annual fee of two hundred dollars (\$200.00).

9 (e2) The fee is A properly completed permit application and the annual fee under  
10 this section are due by January 1 of each year. Annual fee notices shall be mailed prior  
11 to November 1 of each calendar year. A late fee in the amount equal to fifty percent  
12 (50%) of the annual permit fee under this section shall be submitted when a properly  
13 completed application and annual permit fee are not submitted by January 1 following  
14 the November 1 notice.

15 (e3) The Septage Management Account is established as a nonreverting account  
16 within the Department. Fees collected under this ~~subsection~~ section shall be placed in  
17 the Septage Management Account and shall be applied only to the costs of the septage  
18 management program.

19 (e4) Permits for new septage management firm operators and permits for septage  
20 management firm operators that have not operated a septage management firm in the 24  
21 months immediately preceding the submittal of an application shall be considered  
22 probationary for 12 months. The Department may revoke any probationary permit of a  
23 firm or an individual that violates any provision of this section, G.S. 130A-291.2, G.S.  
24 130A-291.3, or any rule adopted under these sections. If the Department revokes a  
25 probationary permit issued to a firm or individual, the Department shall not issue  
26 another permit to that firm or individual, and the firm or individual may not engage in  
27 any septage management activity for a period of 12 months.

28 (e5) Departmental staff who are responsible for administering the septage  
29 management permitting program shall provide technical and regulatory assistance to  
30 permit applicants and permit holders. Assistance may include, but is not limited to,  
31 taking soil samples on proposed and permitted septage land application sites and  
32 providing required training to permit applicants and permit holders.

33 (f) All wastewater systems designed to discharge effluent to the surface waters  
34 may accept, ~~treat-treat~~, and dispose septage from permitted septage management firms,  
35 unless acceptance of the septage would constitute a violation of the permit conditions of  
36 the wastewater system. The wastewater system may charge a reasonable fee for  
37 acceptance, treatment, and disposal of ~~septage~~ septage based on a fee schedule that  
38 takes into account septage composition and quantity and that is consistent with other  
39 charges for use of that system.

40 (g) Production of a crop in accordance with an approved nutrient management  
41 plan on land that is permitted as a septage land application site is a bona fide farm  
42 purpose under G.S. 153A-340.

1       (h) The Department shall inspect each septage land application site at least twice  
2 a year and shall inspect the records associated with each septage land application site at  
3 least annually. The Department shall inspect each pump truck used for septage  
4 management at least once every two years.

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

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

10 **"§ 130A-291.2. Temporary domestic wastewater holding tanks.**

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

22 **"§ 130A-291.3. Septage operator training required.**

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

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

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

37       (d) The Department shall establish educational committees to develop and  
38 approve a training curriculum to satisfy the training requirements under this section. A  
39 training committee shall be established to develop a training program for portable  
40 sanitation waste, and a training committee shall be established to develop a training  
41 program for septic tank waste and grease septage. Each committee shall consist of four

1 industry members, one public health member, two employees of the Department, and  
2 one representative of the North Carolina Cooperative Extension Service."

3       **SECTION 3.** The Commission for Health Services shall adopt temporary  
4 and permanent rules to implement this act. The Commission for Health Services and  
5 the Department of Environment and Natural Resources shall initiate temporary rule-  
6 making proceedings within 30 days of the date this act becomes effective. Temporary  
7 rules to implement the provisions of this act become effective 1 January 2002.

8       **SECTION 4.** Sections 1 and 2 of this act become effective 1 January 2002.  
9 Sections 3 and 4 of this act become effective when this act becomes law.