

April 9, 2001

H 1019. AMEND SEPTAGE MANAGEMENT PROGRAM (=S 873). *TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO AUTHORIZE CERTAIN PERMIT FEES UNDER THAT PROGRAM.* Identical to S 873, introduced 4/4/01.

Intro. by Mitchell.

Ref. to Public Health

GS 130A

April 19, 2001

H 1019. AMEND SEPTAGE MANAGEMENT PROGRAM. Intro. 4/09/01. House committee substitute makes the following changes to 1st edition. Deletes requirement that temporary domestic wastewater holding tanks at construction sites or temporary special events be installed above ground by a plumber licensed in NC.

June 5, 2001

H 1019. AMEND SEPTAGE MANAGEMENT PROGRAM. Intro. 4/9/01. House committee substitute changes 2nd edition by adding provision to proposed GS 130A-291.2 requiring the owner or lessee of a temporary construction trailer to contract with a registered septage management firm or registered portable toilet sanitation firm for the removal of domestic waste.

July 10, 2001

H 1019. AMEND SEPTAGE MANAGEMENT PROGRAM. Intro. 4/9/01. Senate committee substitute makes the following changes to 3rd edition: (1) changes title to read *AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM*; (2) rewrites proposed GS 130A-291.1(g) to provide that production of a crop in accordance with an approved nutrient management plan on land that is permitted as a septage land application site amounts to a bona-fide farm purpose for county zoning purposes (and is thus exempt); (3) provides that the Comm'n for Health Services and the Dep't of Environment and Natural Resources shall begin the temporary rule-making process within 30 days of the bill's effective date (3rd ed., Comm'n to initiate rule-making); (4) makes temporary rules and the substantive sections of act effective Jan. 1, 2002 (3rd ed., when act becomes law); and (5) makes a number of editorial changes.

October 2, 2001

H 1019. SEPTAGE MGT/ON-SITE WASTEWATER/LIABILITY. Intro. 4/9/01. Senate committee substitute makes the following changes to 4th edition. Changes title to *AN ACT TO (1) AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, (2) TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL TECHNOLOGIES ARE APPROVED, AND (3) TO CLARIFY THE OFFICE AND DUTIES OF AN ENVIRONMENTAL HEALTH SPECIALIST.* Makes technical changes to provisions in previous edition and adds the following new provisions.

Rewrites GS 130A-343 to provide for the approval of on-site subsurface wastewater systems. Defines the following terms: accepted wastewater system, controlled demonstration wastewater system, conventional wastewater system, experimental wastewater system, and innovative wastewater system. Requires Dep't of Environment and Natural Resources to approve one or more nationally recognized protocols for the evaluation of on-site subsurface wastewater systems and to provide a listing of all approved experimental, controlled demonstration, innovative, and accepted wastewater systems to local health departments. Permits manufacturers of wastewater systems to apply to the Dep't to have a system evaluated as an experimental system or a controlled demonstration system and sets forth procedures for the evaluation. Authorizes the installation of up to 50 experimental systems or 200 controlled demonstration systems pursuant to protocols approved by the Dep't on sites that are suitable for conventional systems and that have a repair area of sufficient size to allow installation of a conventional, approved innovative, or accepted system if the experimental or controlled demonstration system fails. Permits manufacturers of systems to apply to the Dep't to have the system approved as an innovative system if (1) the system has been evaluated as an experimental or controlled demonstration

system, or (2) the manufacturer can provide data and findings from research and testing in other states. Sets forth procedures and criteria for approval. Permits manufacturers of innovative systems that have been in general use in NC for more than five years to petition the Comm'n to have the system designated as an accepted system and sets forth procedures and criteria for such designation. Requires performance warranties in certain circumstances. Sets forth a schedule of fees as follows: Review of a protocol, \$1000; review of an experimental, controlled demonstration, innovative, or accepted system, \$3000; review of a residential wastewater treatment system pursuant to GS 130A-342, \$2000; review of a new tank design, \$100; review of tank design modification, \$20; review of a component of a system, \$100; modification to approved innovative system, \$1000. Establishes On-Site Wastewater System Account and provides that fees collected shall be placed in the account and applied to the costs of implementing the approval process.

Requires every local health department to hire one or more environmental health specialists and sets forth qualifications and duties for those positions. Grants qualified immunity to environmental health specialists carrying out their statutory duties.

November 6, 2001

H 1019. SEPTAGE MGT/ON-SITE WASTEWATER SYSTEM APPROVAL. Intro. 4/9/01. Senate committee substitute makes the following changes to 5th edition. Amends title to read *TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, AND TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS*. Deletes proposed GS 130A-41.1 relating to office of environmental health specialists in local health departments. Adds provision to proposed GS 130A-291.3(d) to require Dep't of Environment and Natural Resources to establish a training committee to develop a training program for land application of septage. Directs the Dep't of Environment and Natural Resources to mail annual notices of fees prior to Nov. 1, 2001. Adds provision to GS 130A-343 to provide that the Dep't may modify, suspend, or revoke approval of a wastewater system if the approval was based on false, incomplete, or misleading information or if the Dep't finds such action is necessary to protect the public health, safety, or welfare. Reduces fee for review of residential wastewater treatment system from \$2,000 to \$1,500. Requires action on all applications for approval of innovative systems that were filed prior to Oct. 1, 2001, before additional applications are accepted (and requires action on those pending applications within 120 days of effective date of act). Directs Comm'n for Health Services to review its current rules to determine whether any system described in its rules should be designated as an accepted or approved as an innovative system

November 27, 2001

H 1019. SEPTAGE MGT./ON-SITE WASTEWATER SYSTEM APPROVAL. Intro. 4/9/01. Senate amendment makes the following changes to 8th edition. Changes title to *AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, AND TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, AND TO REQUIRE THAT ENVIRONMENTAL HEALTH SPECIALIST BE COVERED UNDER THE STATE'S EXCESS LIABILITY INSURANCE POLICY*. Adds provision that Public Officers and Employees Liability Insurance Comm'n in Dep't of Insurance must have professional liability insurance coverage for local health dep't sanitarians defended by the state. For insurance purposes only, these sanitarians are considered to be employees of the Dep't of Environment and Natural Resources.

January 9, 2002

SL 2001-505 (H 1019). SEPTAGE MANAGEMENT/ON-SITE WASTEWATER SYSTEMS/LIABILITY. *AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE*

MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, AND TO REQUIRE THAT ENVIRONMENTAL HEALTH SPECIALIST BE COVERED UNDER THE STATE'S EXCESS LIABILITY INSURANCE POLICY. Summarized in *Daily Bulletin* 4/9/01, 4/19/01, 6/5/01, 7/10/01, 10/2/01, 11/6/01, and 11/27/01. Enacted Dec. 19, 2001. Sections 1.1, 1.2, and 3 are effective Jan. 1, 2002. The remainder of this act is effective Dec. 19, 2001.