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SENATE BILL DRS45244-BR-11

Short Title: Septage Management Amendments. (Public)

Sponsors: Senators McInnis, Steinburg, and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CERTAIN AMENDMENTS TO THE SEPTAGE MANAGEMENT
3 PROGRAM WITHIN THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S
4 DIVISION OF WASTE MANAGEMENT.

5 The General Assembly of North Carolina enacts:

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

7 "§ 130A-291.1. **Septage management program; permit fees.**

8 ...

9 (c) No septage management firm shall commence or continue operation that does not
10 have a permit issued by the Department. The permit shall be issued only when the septage
11 management firm satisfies all of the requirements of the rules adopted by the Commission.
12 Within 90 days of receiving a permit application, the Department shall either grant the permit or
13 notify the septage management firm applying for the permit of the basis for the denial of the
14 permit and give the septage management firm an opportunity to correct the basis for the denial.

15 A septage management firm that commences operation without first having obtained a permit
16 shall cease to operate until the firm obtains a permit under this section and shall pay an initial
17 annual fee equal to twice the amount of the annual fee that would otherwise be applicable under
18 subsection (e) of this section.

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

23 ...

24 (e4) Permits for new septage management firm operators and permits for septage
25 management firm operators that have not operated a septage management firm in the 24 months
26 immediately preceding the submittal of an application shall be considered probationary for 12
27 months. The Department may revoke any probationary permit of a firm or an individual that
28 violates any provision of this section, G.S. 130A-291.2, G.S. 130A-291.3, or any rule adopted
29 under these sections. If the Department revokes a probationary permit issued to a firm or
30 individual, the Department shall not issue another permit to that firm or individual, and the firm
31 or individual may not engage in any septage management activity for a period of 12 months.
32 Septage management firm permits and septage land application site permits may be amended to
33 reflect changes in ownership or corporate structure upon notification to the Department.

34 ...

35 (h) The Department or a properly qualified person approved by the Department shall
36 inspect each septage land application site at least twice a year and shall inspect the records



1 associated with each septage land application site at least annually. The Department shall inspect
2 each pump truck used for septage management at least once every two years. Vehicles and
3 equipment used on site that are not integral to compliance with the nutrient management plan
4 shall not be included in the inspection or otherwise listed with the Department.

5 (h1) The annual permit application shall identify the pumper trucks ~~to be used~~ and other
6 vehicles used in containment and consolidation of septage operated by the septage management
7 firm. Pumper trucks and other vehicles used in containment or consolidation of septage shall be
8 inspected and regulated as vehicles by the Department but shall not be regulated as septage
9 detention facilities. Tanker vehicles used by a permitted septage management firm shall meet all
10 federal and State highway laws. A permitted septage management firm shall notify the
11 Department within 10 days of placing a pumper truck or a vehicle used in containment or
12 consolidation of septage in service that was not previously included in a permit issued to the firm
13 and shall make the pumper truck or the vehicle used in containment or consolidation of septage
14 available for inspection by the Department. A septage management firm is not prohibited from
15 use of a pumper truck or a vehicle used in containment or consolidation of septage that meets the
16 requirements of the rules adopted by the Commission prior to inspection by the Department.
17 Septage vehicles that are listed on the approved septage management firm's permit may remain
18 loaded or partially loaded for no more than seven days. Vehicles used in the transportation,
19 containment, consolidation, or treatment of septage shall be located on the premises of the
20 septage management firm or on the property of another party by legal agreement of the septage
21 management firm and the property owner.

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

24 (j) Septage generated by the operation of a wastewater system permitted under Article
25 11 of this Chapter may be managed as provided in this section and may be land applied at a
26 septage land application site permitted under this section."

27 **SECTION 2.** G.S. 130A-291.3 reads as rewritten:

28 "**§ 130A-291.3. Septage operator training required.**

29 (a) Each septage management firm operator shall attend a training course ~~approved~~
30 ~~pursuant to subsection (d) of this section~~ of no less than four hours of instruction per year. New
31 septage management firm operators and those that have not operated a septage management firm
32 in the 24 months preceding the submittal of an application shall complete the training before
33 commencing operation.

34 (b) Each septage land application site operator shall attend a training course ~~approved~~
35 ~~pursuant to subsection (d) of this section~~ of no less than three hours of instruction ~~per year~~. New
36 ~~septage land application site operators and those that have not operated a septage land application~~
37 ~~site in the 24 months preceding the submittal of an application shall complete the training before~~
38 ~~commencing operation in the first year of licensure. Septage land application site operators~~
39 applying for subsequent permit renewals pursuant to G.S. 130A-291.1 shall have the required
40 three hours of instruction waived if the permitted operator continues to satisfy all of the other
41 requirements of the rules adopted by the Commission. The Department shall notify all septage
42 management firm operators of changes to rules no later than 30 days after those changes have
43 been adopted by the Commission and shall post all septage management program rules to its
44 website.

45 ...

46 ~~(d) The Department shall establish educational committees to develop and approve a~~
47 ~~training curriculum to satisfy the training requirements under this section. A training committee~~
48 ~~shall be established to develop a training program for portable sanitation waste; a training~~
49 ~~committee shall be established to develop a training program for septic tank waste and grease~~
50 ~~septage; and a training committee shall be established to develop a training program for land~~
51 ~~application of septage. Each committee shall consist of four industry members, one public health~~

1 ~~member, two employees of the Department, and one representative of the North Carolina~~
2 ~~Cooperative Extension Service."~~

3 **SECTION 3.(a)** Definitions. – For purposes of this section and its implementation,
4 "Septage Land Application Site Renewal Rule" means 15A NCAC 13B .0832 (General
5 Provisions).

6 **SECTION 3.(b)** Septage Land Application Site Renewal Rule. – Until the effective
7 date of the revised permanent rule that the Environmental Management Commission is required
8 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Septage
9 Land Application Site Renewal Rule as provided in subsection (c) of this section.

10 **SECTION 3.(c)** Implementation. – Subsequent permit renewals for septage land
11 application sites shall be valid for 10 years.

12 **SECTION 3.(d)** Additional Rulemaking Authority. – The Commission shall adopt
13 a rule to amend the Septage Land Application Site Renewal Rule consistent with subsection (c)
14 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
15 to this section shall be substantively identical to the provisions of subsection (c) of this section.
16 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
17 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
18 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
19 in G.S. 150B-21.3(b2).

20 **SECTION 3.(e)** Applicability and Sunset. – This section and rules adopted pursuant
21 to this section apply to all septage land application site permit renewals issued on or after May
22 1, 2021. This section expires when permanent rules adopted as required by subsection (d) of this
23 section become effective.

24 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
25 law.