

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

D

SENATE BILL 474
PROPOSED COMMITTEE SUBSTITUTE S474-PCS45411-BR-12

Short Title: Septage Management Amendments.

(Public)

Sponsors:

Referred to:

April 5, 2021

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 complete permit application, the Department shall grant or deny
13 the permit. The Department shall notify the applicant of the basis for any denial and give the
14 applicant an opportunity to correct the basis for denial. A septage management firm that
15 commences operation without first having obtained a permit shall cease to operate until the firm
16 obtains a permit under this section and shall pay an initial annual fee equal to twice the amount
17 of the annual fee that would otherwise be applicable under subsection (e) of this section.

18 ...

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 months
21 immediately preceding the submittal of an application shall be considered probationary for 12
22 months. The Department may revoke any probationary permit of a firm or an individual that
23 violates any provision of this section, G.S. 130A-291.2, G.S. 130A-291.3, or any rule adopted
24 under these sections. If the Department revokes a probationary permit issued to a firm or
25 individual, the Department shall not issue another permit to that firm or individual, and the firm
26 or individual may not engage in any septage management activity for a period of 12 months.
27 Permit modifications shall be required when there is a change in ownership or corporate structure.

28 ...

29 (h) The Department shall inspect each septage land application site at least twice a year
30 and shall inspect the records associated with each septage land application site at least annually.
31 The Department shall inspect each ~~pump~~-pumper truck used for septage management at least
32 once every two years.

33 (h1) The annual permit application shall identify the pumper trucks and vehicles to be used
34 by the septage management firm. Pumper trucks and vehicles used in the transportation,
35 containment, and consolidation of liquid septage shall be listed by the septage management firm
36 on its permit and inspected and regulated as vehicles by the Department but shall not be regulated



* S 4 7 4 - P C S 4 5 4 1 1 - B R - 1 2 *

1 as septage detention facilities. Equipment used in the containment and consolidation of septage
2 shall be regulated as septage detention or treatment sites and require a permit. All pumper trucks
3 and vehicles used by a permitted septage management firm shall meet all federal and State
4 highway laws or have a maximum capacity of no more than 21,000 gallons. A permitted septage
5 management firm shall notify the Department within 10 days of placing a pumper truck or vehicle
6 in service that was not previously included in a permit issued to the firm and shall make the
7 pumper truck or vehicle available for inspection by the Department. A septage management firm
8 is not prohibited from use of a pumper truck or vehicle that meets the requirements of the rules
9 adopted by the Commission prior to inspection by the Department. All pumper trucks and
10 vehicles that are listed on the approved septage management firm's permit may remain loaded or
11 partially loaded for no more than seven days. All pumper trucks and vehicles used in the
12 transportation, containment, and consolidation of septage that are listed on the approved septage
13 management firm's permit shall be located on the premises of a septage management facility or
14 on the property of another party by legal agreement of the septage management firm and the
15 property owner.

16"

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

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

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

24 (b) Each septage land application site operator shall attend a training course approved
25 pursuant to subsection (d) of this section of no less than three hours of instruction per year. New
26 septage land application site operators and those that have not operated a septage land application
27 site in the 24 months preceding the submittal of an application shall complete the training before
28 commencing operation. The Department shall notify all septage management firm operators of
29 changes to rules no later than 30 days after those changes have been adopted by the Commission
30 and shall post all septage management program rules to its website.

31 ...

32 ~~(d) The Department shall establish educational committees to develop and approve a~~
33 ~~training curriculum to satisfy the training requirements under this section. A training committee~~
34 ~~shall be established to develop a training program for portable sanitation waste; a training~~
35 ~~committee shall be established to develop a training program for septic tank waste and grease~~
36 ~~septage; and a training committee shall be established to develop a training program for land~~
37 ~~application of septage. Each committee shall consist of four industry members, one public health~~
38 ~~member, two employees of the Department, and one representative of the North Carolina~~
39 ~~Cooperative Extension Service. The Department shall develop and maintain a list of approved~~
40 ~~instruction courses that have a direct or indirect relevance to septage management firms, septage~~
41 ~~land application site operators, and septage detention or treatment facility operators. The~~
42 ~~instruction courses shall be technical in nature and address business management practices,~~
43 ~~professional ethics, quality assurance, codes, or similar topics which facilitate professional~~
44 ~~development and serve to safeguard health, safety, and welfare of citizens. The Department may~~
45 ~~approve additional training courses on a case-by-case basis."~~

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

49 **SECTION 3.(b)** Septage Land Application Site Renewal Rule. – Until the effective
50 date of the revised permanent rule that the Environmental Management Commission is required

1 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Septage
2 Land Application Site Renewal Rule as provided in subsection (c) of this section.

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

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

13 **SECTION 3.(e)** Applicability and Sunset. – This section and rules adopted pursuant
14 to this section apply to all septage land application site permit renewals issued on or after June
15 1, 2021. This section expires when permanent rules adopted as required by subsection (d) of this
16 section become effective.

17 **SECTION 4.(a)** The Department of Environmental Quality shall not offer renewal
18 education online for septage management firm operators or septage land application operators
19 unless needed on a case-by-case basis in coordination with the septage industry associations.

20 **SECTION 4.(b)** This section becomes effective June 1, 2021, or upon the date an
21 executive order rescinding Section 5 of Executive Order No. 209 (2021), Remove the Outdoor
22 Face Covering Requirement, Relaxing Restrictions on Gatherings, and Extending the Capacity
23 and Social Distancing Measures of EO 204, becomes effective, whichever is earlier.

24 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
25 law.