

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2021-83
SENATE BILL 474

AN ACT TO MAKE CERTAIN AMENDMENTS TO THE SEPTAGE MANAGEMENT PROGRAM WITHIN THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S DIVISION OF WASTE MANAGEMENT.

The General Assembly of North Carolina enacts:

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

"§ 130A-291.1. Septage management program; permit 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. Within 90 days of receiving a complete permit application, the Department shall grant or deny the permit in accordance with G.S. 130A-294(a)(4). 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.

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(e4) Permits for new septage management firm operators and permits for septage management firm operators that have not operated a septage management firm in the 24 months immediately preceding the submittal of an application shall be considered probationary for 12 months. The Department may revoke any probationary permit of a firm or an individual that violates any provision of this section, G.S. 130A-291.2, G.S. 130A-291.3, or any rule adopted under these sections. If the Department revokes a probationary permit issued to a firm or individual, the Department shall not issue another permit to that firm or individual, and the firm or individual may not engage in any septage management activity for a period of 12 months. In the event of a change in ownership or corporate structure, the permit shall be amended to reflect the change in ownership, corporate structure, and contact information upon Department approval of the application for permit amendment.

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

(h1) The annual permit application shall identify the pumper trucks and vehicles to be used by the septage management firm. Pumper trucks and vehicles used in the transportation, containment, or consolidation of liquid septage shall be listed by the septage management firm on its permit and inspected and regulated as vehicles by the Department but shall not be regulated as septage detention facilities. Equipment used in the containment and consolidation of septage shall be regulated as septage detention or treatment sites and require a permit. All pumper trucks and vehicles used by a permitted septage management firm shall meet all federal and State highway laws or have a maximum capacity of no more than 21,000 gallons. A permitted septage



management firm shall notify the Department within 10 days of placing a pumper truck or vehicle in service that was not previously included in a permit issued to the firm and shall make the pumper truck or vehicle available for inspection by the Department. A septage management firm is not prohibited from use of a pumper truck or vehicle that meets the requirements of the rules adopted by the Commission prior to inspection by the Department. All pumper trucks and vehicles that are listed on the approved septage management firm's permit may remain loaded or partially loaded for no more than seven days. All pumper trucks and vehicles used in the transportation, containment, or consolidation of septage that are listed on the approved septage management firm's permit shall be located on the premises of a septage management facility or on the property of another party by legal agreement of the septage management firm and the property owner.

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

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

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

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

...

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

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

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

SECTION 3.(c) Implementation. – Subsequent permit renewals for septage land application sites and septage detention and treatment facilities shall be valid for 10 years.

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

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

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

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

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

In the General Assembly read three times and ratified this the 30th day of June, 2021.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Destin Hall
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:34 p.m. this 8th day of July, 2021