

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1077

Short Title: Define Septage.

(Public)

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Sponsors: Representative H. Hunter.

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Referred to: Health and Human Services.

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April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO DEFINE SEPTAGE, TO MAKE SOME TECHNICAL CORRECTIONS,  
AND TO ALLOW THE USE OF CHEMICAL OR PORTABLE TOILETS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-290(a) reads as rewritten:

"(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this Article:

(1) 'CERCLA/SARA' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767, 42 U.S.C. § 9601 **et seq.**, as amended, and the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613, as amended.

(1a) Chemical or portable toilet means a self-contained mobile toilet facility and holding tank and shall include toilet facilities in recreational vehicles.

(2) 'Closure' means the cessation of operation of a solid waste management facility and the act of securing the facility so that it will pose no significant threat to human health or the environment.

(3) 'Commercial' when applied to a hazardous waste facility, means a hazardous waste facility that accepts hazardous waste from the general public or from another person for a fee.

(4) 'Construction' or 'demolition' when used in connection with 'waste' or 'debris' means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings,

- 1 or other structures, but does not include inert debris, land-clearing  
2 debris or yard debris.
- 3 (5) 'Designated local government' means a unit of local government which  
4 holds a permit issued by the Department pursuant to G.S. 130A-291(b)  
5 to operate a solid waste management facility.
- 6 (6) 'Disposal' means the discharge, deposit, injection, dumping, spilling,  
7 leaking or placing of any solid waste into or on any land or water so  
8 that the solid waste or any constituent part of the solid waste may enter  
9 the environment or be emitted into the air or discharged into any  
10 waters, including groundwaters.
- 11 (7) 'Garbage' means all putrescible wastes, including animal offal and  
12 carcasses, and recognizable industrial by-products, but excluding  
13 sewage and human waste.
- 14 (8) 'Hazardous waste' means a solid waste, or combination of solid wastes,  
15 which because of its quantity, concentration or physical, chemical or  
16 infectious characteristics may:
- 17 a. Cause or significantly contribute to an increase in mortality or  
18 an increase in serious irreversible or incapacitating reversible  
19 illness; or
- 20 b. Pose a substantial present or potential hazard to human health  
21 or the environment when improperly treated, stored,  
22 transported, disposed of or otherwise managed.
- 23 (9) 'Hazardous waste facility' means a facility for the collection, storage,  
24 processing, treatment, recycling, recovery, or disposal of hazardous  
25 waste.
- 26 (10) 'Hazardous waste generation' means the act or process of producing  
27 hazardous waste.
- 28 (11) 'Hazardous waste disposal facility' means any facility or any portion of  
29 a facility for disposal of hazardous waste on or in land in accordance  
30 with rules adopted under this Article.
- 31 (12) 'Hazardous waste management' means the systematic control of the  
32 collection, source separation, storage, transportation, processing,  
33 treatment, recovery and disposal of hazardous wastes.
- 34 (13) 'Hazardous waste management program' means the program and  
35 activities within the Department pursuant to Part 2 of this Article, for  
36 hazardous waste management.
- 37 (14) 'Inert debris' means solid waste which consists solely of material that is  
38 virtually inert and that is likely to retain its physical and chemical  
39 structure under expected conditions of disposal.
- 40 (15) 'Land-clearing debris' means solid waste which is generated solely  
41 from land-clearing activities.
- 42 (16) 'Landfill' means a disposal facility or part of a disposal facility where  
43 waste is placed in or on land and which is not a land treatment facility,

- 1 a surface impoundment, an injection well, a hazardous waste long-term  
2 storage facility or a surface storage facility.
- 3 (17) 'Manifest' means the form used for identifying the quantity,  
4 composition and the origin, routing and destination of hazardous waste  
5 during its transportation from the point of generation to the point of  
6 disposal, treatment or storage.
- 7 (18) 'Medical waste' means any solid waste which is generated in the  
8 diagnosis, treatment, or immunization of human beings or animals, in  
9 research pertaining thereto, or in the production or testing of  
10 biologicals, but does not include any hazardous waste identified or  
11 listed pursuant to this Article, radioactive waste, household waste as  
12 defined in 40 Code of Federal Regulations § 261.4(b)(1) in effect on 1  
13 July 1989, or those substances excluded from the definition of 'solid  
14 waste' in this section.
- 15 (18a) 'Municipal solid waste' means any solid waste resulting from the  
16 operation of residential, commercial, industrial, governmental, or  
17 institutional establishments that would normally be collected,  
18 processed, and disposed of through a public or private solid waste  
19 management service. Municipal solid waste does not include  
20 hazardous waste, sludge, or solid waste from mining or agricultural  
21 operations.
- 22 (18b) 'Municipal solid waste management facility' means any publicly or  
23 privately owned solid waste management facility permitted by the  
24 Department that receives municipal solid waste for processing,  
25 treatment, or disposal.
- 26 (19) 'Natural resources' means all materials which have useful physical or  
27 chemical properties which exist, unused, in nature.
- 28 (20) 'Open dump' means a solid waste disposal site which is not a sanitary  
29 landfill.
- 30 (21) 'Operator' means any person, including the owner, who is principally  
31 engaged in, and is in charge of, the actual operation, supervision, and  
32 maintenance of a solid waste management facility and includes the  
33 person in charge of a shift or periods of operation during any part of  
34 the day.
- 35 (22) 'Person' means an individual, corporation, company, association,  
36 partnership, unit of local government, State agency, federal agency or  
37 other legal entity.
- 38 (23) 'Processing' means any technique designed to change the physical,  
39 chemical, or biological character or composition of any solid waste so  
40 as to render it safe for transport; amenable to recovery, storage or  
41 recycling; safe for disposal; or reduced in volume or concentration.
- 42 (24) 'Recovered materials' means those materials which have known  
43 recycling potential, can be feasibly recycled, and have been diverted or

- 1 removed from the solid waste stream for sale, use, or reuse by  
2 separation, collection, or processing.
- 3 (25) 'RCRA' means the Resource Conservation and Recovery Act of 1976,  
4 Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 **et seq.**, as amended.
- 5 (26) 'Recyclable material' means those materials which are capable of being  
6 recycled and which would otherwise be processed or disposed of as  
7 solid waste.
- 8 (27) 'Recycling' means any process by which solid waste, or materials  
9 which would otherwise become solid waste, are collected, separated,  
10 or processed, and reused or returned to use in the form of raw  
11 materials or products.
- 12 (28) 'Refuse' means all nonputrescible waste.
- 13 (28a) 'Refuse-derived fuel' means fuel that consists of municipal solid waste  
14 from which recyclable and noncombustible materials are removed so  
15 that the remaining material is used for energy production.
- 16 (29) 'Resource recovery' means the process of obtaining material or energy  
17 resources from discarded solid waste which no longer has any useful  
18 life in its present form and preparing the solid waste for recycling.
- 19 (30) 'Reuse' means a process by which resources are reused or rendered  
20 usable.
- 21 (31) 'Sanitary landfill' means a facility for disposal of solid waste on land in  
22 a sanitary manner in accordance with the rules concerning sanitary  
23 landfills adopted under this Article.
- 24 (32) 'Septage' means solid waste that is a fluid mixture of untreated and  
25 partially treated sewage solids, liquids and sludge of human or  
26 domestic origin which is removed from a septic tank system. The term  
27 septage includes the following:
- 28 a. Domestic septage which is either liquid or solid material  
29 removed from a septic tank, cesspool, portable toilet, Type III  
30 marine sanitation device, or similar treatment works receiving  
31 only domestic sewage. Domestic septage does not include  
32 liquid or solid material removed from a septic tank, cesspool, or  
33 similar treatment works receiving either commercial wastewater  
34 or industrial wastewater and does not include grease removed  
35 from a grease trap at a restaurant.
- 36 b. Domestic treatment plant septage which is solid, semisolid, or  
37 liquid residue generated during the treatment of domestic  
38 sewage in a treatment works where the designed disposal is  
39 subsurface. Domestic treatment plant septage includes, but is  
40 not limited to, scum or solids removed in primary, secondary, or  
41 advanced wastewater treatment processes and a material  
42 derived from domestic treatment plant septage. Domestic  
43 treatment plant septage does not include ash generated during  
44 the firing of domestic treatment plant septage in an incinerator

- 1                    or grit and screenings generated during preliminary treatment of  
 2                    domestic sewage in a treatment works.
- 3                    c.    Grease septage which is material pumped from grease  
 4                    interceptors, separators, traps, or other appurtenances used for  
 5                    the purpose of removing cooking oils, fats, grease, and food  
 6                    debris from the waste flow generated from food handling,  
 7                    preparation, and cleanup.
- 8                    d.    Industrial or commercial septage which is material pumped  
 9                    from septic tanks or other appurtenances used in the collection,  
 10                    pretreatment, or treatment of any water-carried waste resulting  
 11                    from any process of industry, manufacture, trade, or business  
 12                    where the design disposal of the wastewater is subsurface.  
 13                    Domestic septage mixed with any industrial or commercial  
 14                    septage is considered industrial or commercial septage.
- 15                    e.    Industrial or commercial treatment plant septage which is solid,  
 16                    semisolid, or liquid residue generated during the treatment of  
 17                    sewage that contains any waste resulting from any process of  
 18                    industry, manufacture, trade, or business in a treatment works  
 19                    where the designed disposal is subsurface. Industrial or  
 20                    commercial treatment plant septage includes, but is not limited  
 21                    to, scum or solids removed in primary, secondary, or advanced  
 22                    wastewater treatment plant septage. Industrial or commercial  
 23                    treatment plant septage does not include ash generated during  
 24                    the firing of industrial or commercial treatment plant septage in  
 25                    an incinerator or grit and screenings generated during  
 26                    preliminary treatment of domestic sewage in a treatment works.
- 27                    (33) 'Septage management firm' means a person engaged in the business of  
 28                    pumping, transporting, storing, treating or disposing septage. The term  
 29                    does not include public or community ~~sanitary sewage~~ wastewater  
 30                    systems that treat or dispose septage.
- 31                    (34) 'Sludge' means any solid, semisolid or liquid waste generated from a  
 32                    municipal, commercial, institutional or industrial wastewater treatment  
 33                    plant, water supply treatment plant or air pollution control facility, or  
 34                    any other waste having similar characteristics and effects.
- 35                    (35) 'Solid waste' means any hazardous or nonhazardous garbage, refuse or  
 36                    sludge from a waste treatment plant, water supply treatment plant or  
 37                    air pollution control facility, domestic sewage and sludges generated  
 38                    by the treatment thereof in sanitary sewage collection, treatment and  
 39                    disposal systems, and other material that is either discarded or is being  
 40                    accumulated, stored or treated prior to being discarded, or has served  
 41                    its original intended use and is generally discarded, including solid,  
 42                    liquid, semisolid or contained gaseous material resulting from  
 43                    industrial, institutional, commercial and agricultural operations, and  
 44                    from community activities. The term does not include:

- 1 a. Fecal waste from fowls and animals other than humans;  
2 b. Solid or dissolved material in:  
3 1. Domestic sewage and sludges generated by treatment  
4 thereof in sanitary sewage collection, treatment and  
5 disposal systems which are designed to discharge  
6 effluents to the surface waters;  
7 2. Irrigation return flows; and  
8 3. Wastewater discharges and the sludges incidental to and  
9 generated by treatment which are point sources subject  
10 to permits granted under Section 402 of the Water  
11 Pollution Control Act, as amended (P.L. 92-500), and  
12 permits granted under G.S. 143-215.1 by the  
13 Environmental Management Commission. However, any  
14 sludges that meet the criteria for hazardous waste under  
15 RCRA shall also be a solid waste for the purposes of this  
16 Article;  
17 c. Oils and other liquid hydrocarbons controlled under Article  
18 21A of Chapter 143 of the General Statutes. However, any oils  
19 or other liquid hydrocarbons that meet the criteria for hazardous  
20 waste under RCRA shall also be a solid waste for the purposes  
21 of this Article;  
22 d. Any source, special nuclear or byproduct material as defined by  
23 the Atomic Energy Act of 1954, as amended (42 U.S.C. §  
24 2011).  
25 e. Mining refuse covered by the North Carolina Mining Act, G.S.  
26 74-46 through 74-68 and regulated by the North Carolina  
27 Mining Commission (as defined under G.S. 143B-290).  
28 However, any specific mining waste that meets the criteria for  
29 hazardous waste under RCRA shall also be a solid waste for the  
30 purposes of this Article.  
31 (36) 'Solid waste disposal site' means any place at which solid wastes are  
32 disposed of by incineration, sanitary landfill or any other method.  
33 (37) 'Solid waste generation' means the act or process of producing solid  
34 waste.  
35 (38) 'Solid waste management' means purposeful, systematic control of the  
36 generation, storage, collection, transport, separation, treatment,  
37 processing, recycling, recovery and disposal of solid waste.  
38 (39) 'Solid waste management facility' means land, personnel and  
39 equipment used in the management of solid waste.  
40 (40) 'Special wastes' means solid wastes that can require special handling  
41 and management, including white goods, whole tires, used oil, lead-  
42 acid batteries, and medical wastes.

1 (41) 'Storage' means the containment of solid waste, either on a temporary  
2 basis or for a period of years, in a manner which does not constitute  
3 disposal.

4 (41a) 'Tire-derived fuel' means a form of fuel derived from scrap tires.

5 (42) 'Treatment' means any method, technique or process, including  
6 neutralization, designed to change the physical, chemical or biological  
7 character or composition of any hazardous waste so as to neutralize  
8 such waste or so as to render such waste nonhazardous, safer for  
9 transport, amenable for recovery, amenable for storage or reduced in  
10 volume. 'Treatment' includes any activity or processing designed to  
11 change the physical form or chemical composition of hazardous waste  
12 so as to render it nonhazardous.

13 (43) 'Unit of local government' means a county, city, town or incorporated  
14 village.

15 (44) 'White goods' includes inoperative and discarded refrigerators, ranges,  
16 water heaters, freezers, and other similar domestic and commercial  
17 large appliances.

18 (45) 'Yard trash' means solid waste consisting solely of vegetative matter  
19 resulting from landscaping maintenance."

20 Sec. 2. G.S. 130A-291.1 reads as rewritten:

21 **"§ 130A-291.1. Septage management program.**

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

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

29 (c) No septage management firm shall commence or continue operation that does  
30 not have a permit issued by the Department. The permit shall be issued only when the  
31 septage management firm satisfies all of the requirements of the rules adopted by the  
32 Commission.

33 (d) Septage shall be treated and disposed only at public or community ~~sanitary~~  
34 ~~sewage-wastewater~~ systems designed to discharge effluent to the surface waters and at  
35 sites permitted by the Department. The permit shall be issued only if the site satisfies all  
36 of the requirements of the rules adopted by the Commission.

37 (e) A septage management firm shall pay an annual fee to the Department. The  
38 fee is due by January 1 of each year and varies as follows with the number of septage  
39 pumper trucks operated:

<u>Number of Septage Pumper Trucks Operated</u>	<u>Fee</u>
40 1	\$300
41 2 or more	\$400.

42 All fees collected under this subsection shall be applied to the costs of the septage  
43 management ~~program~~ program only.

1 (f) All public or community ~~sanitary sewage wastewater~~ systems designed to  
2 discharge effluent to the surface waters may accept, treat and dispose septage from  
3 permitted septage management firms, unless acceptance of the septage would constitute  
4 a violation of the permit conditions of the ~~sanitary sewage wastewater~~ system. The  
5 ~~sanitary sewage wastewater~~ system may charge a reasonable fee for acceptance,  
6 treatment and disposal of septage."

7 Sec. 3. G.S. 130A-335(h) reads as rewritten:

8 "(h) ~~It shall be unlawful to discharge sewage or other waste from chemical or~~  
9 ~~portable toilets used for human waste except into a wastewater system which has been~~  
10 ~~approved by the Department.~~ A chemical or portable toilet may be placed at any  
11 location that ensures the toilet will be operated and maintained under sanitary  
12 conditions. The toilet shall not be used as a replacement or substitute for a flush toilet,  
13 where required by the North Carolina Plumbing Code, connected to a permanent  
14 wastewater system. A portable toilet may be used to supplement a flush toilet during  
15 periods of peak use, but shall not be used in lieu of permanent repair to a failing  
16 wastewater system. No chemical or portable toilet shall be placed at any location  
17 except by a person or firm permitted and approved under the provisions of G.S. 130A-  
18 291.1."

19 Sec. 4. This act becomes effective July 1, 1993.