

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1993

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SENATE BILL 980*

Short Title: Define Septage.

(Public)

Sponsors: Senator Tally.

Referred to: Environment and Natural Resources.

April 28, 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.

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

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

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

1 subsurface. Domestic treatment plant septage includes, but is
 2 not limited to, scum or solids removed in primary, secondary, or
 3 advanced wastewater treatment processes and a material
 4 derived from domestic treatment plant septage. Domestic
 5 treatment plant septage does not include ash generated during
 6 the firing of domestic treatment plant septage in an incinerator
 7 or grit and screenings generated during preliminary treatment of
 8 domestic sewage in a treatment works.

9 c. Grease septage which is material pumped from grease
 10 interceptors, separators, traps, or other appurtenances used for
 11 the purpose of removing cooking oils, fats, grease, and food
 12 debris from the waste flow generated from food handling,
 13 preparation, and cleanup.

14 d. Industrial or commercial septage which is material pumped
 15 from septic tanks or other appurtenances used in the collection,
 16 pretreatment, or treatment of any water-carried waste resulting
 17 from any process of industry, manufacture, trade, or business
 18 where the design disposal of the wastewater is subsurface.
 19 Domestic septage mixed with any industrial or commercial
 20 septage is considered industrial or commercial septage.

21 e. Industrial or commercial treatment plant septage which is solid,
 22 semisolid, or liquid residue generated during the treatment of
 23 sewage that contains any waste resulting from any process of
 24 industry, manufacture, trade, or business in a treatment works
 25 where the designed disposal is subsurface. Industrial or
 26 commercial treatment plant septage includes, but is not limited
 27 to, scum or solids removed in primary, secondary, or advanced
 28 wastewater treatment plant septage. Industrial or commercial
 29 treatment plant septage does not include ash generated during
 30 the firing of industrial or commercial treatment plant septage in
 31 an incinerator or grit and screenings generated during
 32 preliminary treatment of domestic sewage in a treatment works.

33 (33) 'Septage management firm' means a person engaged in the business of
 34 pumping, transporting, storing, treating or disposing septage. The term
 35 does not include public or community ~~sanitary sewage~~ wastewater
 36 systems that treat or dispose septage.

37 (34) 'Sludge' means any solid, semisolid or liquid waste generated from a
 38 municipal, commercial, institutional or industrial wastewater treatment
 39 plant, water supply treatment plant or air pollution control facility, or
 40 any other waste having similar characteristics and effects.

41 (35) 'Solid waste' means any hazardous or nonhazardous garbage, refuse or
 42 sludge from a waste treatment plant, water supply treatment plant or
 43 air pollution control facility, domestic sewage and sludges generated
 44 by the treatment thereof in sanitary sewage collection, treatment and

1 disposal systems, and other material that is either discarded or is being
2 accumulated, stored or treated prior to being discarded, or has served
3 its original intended use and is generally discarded, including solid,
4 liquid, semisolid or contained gaseous material resulting from
5 industrial, institutional, commercial and agricultural operations, and
6 from community activities. The term does not include:

- 7 a. Fecal waste from fowls and animals other than humans;
8 b. Solid or dissolved material in:
9 1. Domestic sewage and sludges generated by treatment
10 thereof in sanitary sewage collection, treatment and
11 disposal systems which are designed to discharge
12 effluents to the surface waters;
13 2. Irrigation return flows; and
14 3. Wastewater discharges and the sludges incidental to and
15 generated by treatment which are point sources subject
16 to permits granted under Section 402 of the Water
17 Pollution Control Act, as amended (P.L. 92-500), and
18 permits granted under G.S. 143-215.1 by the
19 Environmental Management Commission. However, any
20 sludges that meet the criteria for hazardous waste under
21 RCRA shall also be a solid waste for the purposes of this
22 Article;
23 c. Oils and other liquid hydrocarbons controlled under Article
24 21A of Chapter 143 of the General Statutes. However, any oils
25 or other liquid hydrocarbons that meet the criteria for hazardous
26 waste under RCRA shall also be a solid waste for the purposes
27 of this Article;
28 d. Any source, special nuclear or byproduct material as defined by
29 the Atomic Energy Act of 1954, as amended (42 U.S.C. §
30 2011).
31 e. Mining refuse covered by the North Carolina Mining Act, G.S.
32 74-46 through 74-68 and regulated by the North Carolina
33 Mining Commission (as defined under G.S. 143B-290).
34 However, any specific mining waste that meets the criteria for
35 hazardous waste under RCRA shall also be a solid waste for the
36 purposes of this Article.

37 (36) 'Solid waste disposal site' means any place at which solid wastes are
38 disposed of by incineration, sanitary landfill or any other method.

39 (37) 'Solid waste generation' means the act or process of producing solid
40 waste.

41 (38) 'Solid waste management' means purposeful, systematic control of the
42 generation, storage, collection, transport, separation, treatment,
43 processing, recycling, recovery and disposal of solid waste.

- 1 (39) 'Solid waste management facility' means land, personnel and
2 equipment used in the management of solid waste.
- 3 (40) 'Special wastes' means solid wastes that can require special handling
4 and management, including white goods, whole tires, used oil, lead-
5 acid batteries, and medical wastes.
- 6 (41) 'Storage' means the containment of solid waste, either on a temporary
7 basis or for a period of years, in a manner which does not constitute
8 disposal.
- 9 (41a) 'Tire-derived fuel' means a form of fuel derived from scrap tires.
- 10 (42) 'Treatment' means any method, technique or process, including
11 neutralization, designed to change the physical, chemical or biological
12 character or composition of any hazardous waste so as to neutralize
13 such waste or so as to render such waste nonhazardous, safer for
14 transport, amenable for recovery, amenable for storage or reduced in
15 volume. 'Treatment' includes any activity or processing designed to
16 change the physical form or chemical composition of hazardous waste
17 so as to render it nonhazardous.
- 18 (43) 'Unit of local government' means a county, city, town or incorporated
19 village.
- 20 (44) 'White goods' includes inoperative and discarded refrigerators, ranges,
21 water heaters, freezers, and other similar domestic and commercial
22 large appliances.
- 23 (45) 'Yard trash' means solid waste consisting solely of vegetative matter
24 resulting from landscaping maintenance."

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

26 **"§ 130A-291.1. Septage management program.**

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

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

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

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

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

1 Number of Septage Pumper Trucks Operated Fee

2 1 \$300

3 2 or more \$400.

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

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

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

13 "~~(h) It shall be unlawful to discharge sewage or other waste from chemical or~~
14 ~~portable toilets used for human waste except into a wastewater system which has been~~
15 ~~approved by the Department.~~ A chemical or portable toilet may be placed at any
16 location that ensures the toilet will be operated and maintained under sanitary
17 conditions. The toilet shall not be used as a replacement or substitute for a flush toilet,
18 where required by the North Carolina Plumbing Code, connected to a permanent
19 wastewater system. A portable toilet may be used to supplement a flush toilet during
20 periods of peak use, but shall not be used in lieu of permanent repair to a failing
21 wastewater system. No chemical or portable toilet shall be placed at any location
22 except by a person or firm permitted and approved under the provisions of G.S. 130A-
23 291.1."

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