

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 974  
Second Edition Engrossed 5/10/95

Short Title: Applicator of Agriculture Waste.

(Public)

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Sponsors: Senators Albertson, Speed, Martin of Pitt, Hoyle, Dannelly, Gulley, Sherron, Rand, Cooper, Perdue, Warren, Odom, Jordan, Plexico, Ledbetter, and Blackmon.

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Referred to: Agriculture/Environment/Natural Resources

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May 3, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION  
3 OF AGRICULTURE WASTE TO BE CERTIFIED AS A WATER POLLUTION  
4 CONTROL SYSTEMS OPERATOR.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 90A-44 reads as rewritten:

7 "**§ 90A-44. Certified operators required.**

8 No person, firm, or corporation, municipal or private, owning or having control of a  
9 water pollution control system for which a certified operator is required under rules  
10 adopted by the Commission shall allow such system to be operated by any person who  
11 does not hold a currently valid certificate in an appropriate grade and type issued by the  
12 Commission. No person shall perform the duties of a water pollution control system  
13 operator in responsible charge without being duly certified under the provisions of this  
14 Article. On or after January 1, 1998, no person shall operate a liquid animal waste  
15 management system without being certified under the provisions of this Article. The  
16 Commission shall adopt rules governing the certification of operators of liquid animal  
17 waste management systems. No person shall perform the duties of a water pollution  
18 control system operator who has not paid all fees required under this Article."

1           Sec. 2. G.S. 90A-43 reads as rewritten:

2 **"§ 90A-43. Promotion of training and other powers.**

3           The Commission and the Secretary of Environment, Health, and Natural Resources  
4 are authorized to take all necessary and appropriate steps in order to effectively and fairly  
5 achieve the purposes of this Article, including, but not limited to, the providing of  
6 training for water pollution control system operators and cooperating with educational  
7 institutions and private and public associations, persons, or corporations in the promotion  
8 of training for water pollution control system personnel. The Commission and the  
9 Secretary of Environment, Health, and Natural Resources shall cooperate with the  
10 Agricultural Extension Service in providing training for water pollution control system  
11 operators that perform the land application of agriculture waste."

12           Sec. 3. G.S. 90A-46 reads as rewritten:

13 **"§ 90A-46. Definitions.**

14           The following definitions shall apply throughout this Article:

15           (1) 'Animal waste management system' means a combination of structural  
16 and nonstructural practices that will properly collect, treat, store, or  
17 apply animal waste to the land such that no discharge of pollutants  
18 occurs to surface waters of the State by means except as a result of a  
19 storm event more severe than the 25 year, 24 hour storm.

20           ~~(1)~~(1a) 'Commercial water pollution control system operating firm'  
21 means a person who contracts to operate a water pollution  
22 control system for any person who holds a permit for a water  
23 pollution control system, other than an employee of the  
24 permittee.

25           (2) 'Commission' means the Water Pollution Control System Operators  
26 Certification Commission.

27           (3) 'Waste' has the same meaning as in G.S. 143-213.

28           (4) 'Operator' means a person who holds a currently valid certificate as a  
29 water pollution control system operator issued by the Commission  
30 under rules adopted pursuant to this Article.

31           (5) 'Operator in responsible charge' means the person designated by a  
32 person owning or having control of a water pollution control system as  
33 the operator of record of the water pollution control system and who has  
34 primary responsibility for the operation of such system.

35           (6) 'Water pollution control system' means a system for the collection,  
36 treatment, or disposal of waste for which a permit is required under  
37 rules adopted by either the North Carolina Environmental Management  
38 Commission or the Commission for Health Services."

39           Sec. 4. This act is effective upon ratification.