

REGULATORY IMPACT ANALYSIS

AMENDMENTS TO 15A NCAC 13B .0832 “GENERAL PROVISIONS” FOR SEPTAGE MANAGEMENT FACILITIES

July 26, 2021

GENERAL INFORMATION

Agency:	Environmental Management Commission
Department:	Department of Environmental Quality Division of Waste Management Solid Waste Section https://deq.nc.gov/about/divisions/waste-management/solid-waste-section
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Title of Rule:	“General Provisions” (for septage management)
Citations:	15A NCAC 13B .0832
Authority:	G.S. 130A-294; S.L. 2021-83
Impact Summary:	- State Government Impact? None beyond the effect of S.L. 2021-83 - Local Government Impact? None beyond the effect of S.L. 2021-83 - Private Sector Impact? None beyond the effect of S.L. 2021-83 - Substantial Economic Impact? No
Table 1	Estimated Savings from S.L. 2021-83 - July 1, 2026 – June 30, 2031
Appendix 1	Proposed Rule Text
Appendix 2	Session Law 2021-83

PROPOSED RULEMAKING SCHEDULE

<i>Date</i>	<i>Action</i>
09/08/2021	GWWMC Meeting: Approval of proposed text to go to EMC.
11/18/2021	EMC Meeting: Approval of rule text and regulatory impact analysis for public comment.
12/15/2021	Rules published in NC Register and Agency website Comment Period Begins.
12/30/2021	Earliest date for public hearing.
02/14/2022	Comment Period Ends.
03/10/2022	EMC Meeting: Approval of Hearing Officer's Report and Adoption of Rules.
03/18/2022	Submittal to OAH (rule exempt from RRC Review per S.L.)
--	Effective Date is Pending Legislative Review per S.L.

PURPOSE AND SUMMARY OF RULE CHANGE

The Division of Waste Management (Division) Solid Waste Section (Section) is responsible for regulating solid waste management within the state under the statutory authority of the Solid Waste Management Act, Article 9 of Chapter 130A of the General Statutes; specifically, G.S. 130A-291.1 for septage management. Rules governing solid waste management adopted under this authority are codified at Title 15A, Subchapter 13B of the North Carolina Administrative Code. Rule .0832 establishes general provisions and requirements for septage management, including general permitting requirements, portable sanitation permitting provisions, recreational vehicle waste provisions, alternate septage management method limitations, training requirements, inspection and entry requirements, and clarification on what shall be handled as septage or domestic septage.

15A NCAC 13B Rule .0832(a)(8) is proposed for amendment to make the rule change required by Session Law 2021-83 Section 3.(d), which requires that a rule be adopted to be substantively identical to the implementation in S.L. 2021-83 Section 3.(c). Section 3.(c) extends the permit length for any subsequent permits issued on or after July 1, 2021 for septage land application sites (SLAS) and septage detention and treatment facilities (SDTF) from 5 years to 10 years. "Subsequent permits" means any permits issued after the initial permit is issued for a new SLAS or SDTF, which are also mentioned in the rules in 15A NCAC 13B .0830-.0846 and in S.L. 2021-83 as "permit renewals". The purpose of extending the permit length is to reduce the burden on existing permittees by reducing the number of subsequent permit applications they are required to submit.

Existing rule .0832(a)(8) states that the initial permit shall be issued for one year only, and subsequent permits shall be issued for 5 years. The existing rule further clarifies that the Division may issue permits for a shorter term based on the following circumstances:

- (A) the duration of the landowner authorization or wastewater treatment plant authorization;
- (B) the compliance history of the operator;

- (C) if any of the information for the permit application was received after the due date;
or
- (D) to allow the due date for a subsequent permit application to be the same date as the septage firm permit application due date.

The proposed amendment does not make any changes to the permit length for initial or subsequent septage firm permits (permits for pumping and hauling septage) which are issued for one year, or for the initial permits for SLAS and SDTF, which are also issued for one year.

SLAS and SDTF permits issued prior to July 1, 2021 will expire on the expiration date provided in the permit. S.L. 2021-83 Section 3.(c) and the proposed amendment do not extend the length of any existing permits issued prior to July 1, 2021, so only permit renewals issued on or after July 1, 2021 are valid for 10 years. If a permittee wishes to obtain a renewal permit that is valid for 10 years, they must submit an application for permit renewal in accordance with the permit application requirements in 15A NCAC 13B Section .0800 on or after July 1, 2021.

The proposed amendment does not require any existing permittee to immediately submit an application for permit renewal to change the permit length. The permittee may wait to submit their permit renewal application until their normally scheduled renewal application due date, which is 90 days prior to the existing permit expiration date (see Rules .0837(m) or .0840(g)). The proposed amendment also does not prevent any applicant that was issued a permit prior to July 1, 2021 from submitting an application for permit renewal early. For example, if a permit holder wishes to obtain a permit that is valid for 10 years as soon as possible, but their existing permit does not expire for 4 more years, nothing in the rule prevents them from submitting a permit renewal application now if they wish, in order to request a 10-year permit from the Division.

BASELINE

Certain aspects of Rule .0832 became obsolete after the passage of Session Law 2021-83, which directly implemented the change to the subsequent permit length for SLAS and SDTF in Section 3.(c), and Section 3.(d) required that Rule .0832 be amended to be substantively identical to the change implemented by the Session Law. Therefore, updating the rule as required by the Session Law does not create any additional impact to regulated entities or the agency.

The Session Law also stated that the implementation of the change to permit length would remain effective until permanent rules are adopted to include this change. The change to permit length applies to any subsequent permits issued by the Division on or after July 1, 2021. The Division has been implementing the change to the permit length since July 1, 2021 as required by the Session Law. The Division did not issue any subsequent SLAS or SDTF permits on July 1, 2021, or between July 1, 2021 and the effective date of the Session Law, July 8, 2021.

PARTIES POTENTIALLY AFFECTED BY SESSION LAW 2021-83

Rule .0832 General Provisions (for Septage Management) is applicable to all septage management facilities in North Carolina, including septage firms, septage land application sites (SLAS), and septage detention and treatment facilities (SDTF). However, the change to permit length enacted by the Session Law as reflected in the proposed amendment only impacts subsequent SLAS and SDTF permits. Parties potentially affected by the proposed amendment are as follows:

Existing SLAS and SDTF Permit Holders for Permits Issued Prior to July 1, 2021

As of July 1, 2021, there are currently 104 active existing SLAS permits and 182 active existing SDTF permits that were issued by the Division prior to July 1, 2021. All of the existing SLAS permitted facilities are owned and operated by individuals or private businesses in the private sector, and the majority of the SDTF permitted facilities are also owned and operated by the private sector. Approximately 2-5 of the permitted SDTFs are owned or operated by local governments, but this analysis will assume that 3 of the permitted SDTFs are owned or operated by local governments. These existing permits will not be affected by the change to permit length in the Session Law or the proposed amendment because the change only applies to permits renewals issued after July 1, 2021. All existing permits issued prior to July 1, 2021 will still expire on the expiration date stated in the existing permit.

Future SLAS and SDTF Permit Renewal Applicants

The Division assumes that the existing permit holders as described above for all active SLAS and SDTF permits issued prior to July 1, 2021 will apply for permit renewals when their existing permit expires. While the Division cannot predict how many first-time permit applicants will apply for an initial permit in the future, or whether those first-time applicants will subsequently apply for a permit renewal, the Division expects the majority of future first-time applicants to be from the private sector.

Local Government (other than the permit applicants described above)

Applications for permit renewals must include a signed authorization from any local government wastewater treatment plant (WWTP) that the applicant proposes to use for disposal of septage if needed. The change to the permit length is not likely to affect the WWTP in these circumstances; but it may impact their decision on whether to sign the authorization for a full 10 years. Local government staff also approve any zoning changes needed to use a property for an SLAS and SDTF.

State Government

Solid Waste Section Environmental Compliance Branch staff that review permit applications, issue permit renewals, and provide regulatory compliance, enforcement, and technical assistance for permitted SLAS and SDTF; and take enforcement action against the management of septage that does not comply with applicable laws, rules, and permits may be impacted by the change to permit length.

ANALYSIS OF IMPACTS FROM SESSION LAW 2021-83

Assumptions

- Assumes a range of total compensation (salary plus benefits) based on mean North Carolina salary and mean state government salary of Environmental Program Consultants of **\$37 - \$50 per hour** in 2021 dollars (inflation was not considered as a factor).
- Assumes a range of hours spent by permit holders drafting and submitting SLAS and SDTF permit renewal applications (based on consultation with permit holders) of **2 – 16 hours**.
- Assumes a range of hours spent by Solid Waste Section staff reviewing each SLAS and SDTF permit renewal application, working with the applicant to obtain additional information, and issuing the permit (based on consultation with Section staff) of **4 – 10 hours**.
- Assumes all existing permit holders will apply for a permit renewal over the next 5 years.

- Assumes that the renewal permits for the 110 existing private sector-owned permits where the term has been limited by a landowner or WWTP authorization will continue to be limited in the same manner, and therefore the change to permit length will not have any impact.
- Assumes that **173** existing private sector-owned permits and **3** existing local government-owned permits that are currently valid for the full 5-year term will be obtaining a permit for the full 10-year term upon renewal.

Existing and Future Permit Holders (Private Sector and Local Government)

Costs:

The change to permit length is not expected to impose any additional costs on existing or future permit holders. Because the existing rule allows the Division to issue SLAS and SDTF permits for a shorter length of time for the reasons stated in Rule .0832(a)(8)(A)-(D), the Division estimates that approximately 110 of the 286 existing permits were issued for less than five years. The Division expects that future renewal permits for these existing permits will not be impacted by the change to permit length since the renewal permit lengths will likely continue to be limited by the reasons stated in Rule .0832(a)(8)(A)-(D).

If the owner of the land where an SLAS or SDTF is located is different than the permit applicant, the permit applicant is required to obtain a signed authorization from the landowner to use the property for an SLAS or SDTF; and submit the authorization with the permit renewal application. The landowner will need to consider whether they wish to sign an authorization for their land to be used for an SLAS or SDTF for a full 10 years instead of 5 years. However, the rule does allow the Division to issue a subsequent permit for less than 10 years if the landowner chooses not to authorize the full 10 years. Because of the flexibility provided in the rule, the change to permit length is not expected to affect landowners; however, the permit holder may have to request that the Division reduce the length of their permit in order to obtain the landowner authorization. The same consideration would be required for the local government WWTPs that provide authorization for these permit holders to dispose of septage at the WWTP.

Benefits:

The number of permit renewal applications for existing and future permits submitted to the Division (for permits where the length is not otherwise limited by Rule .0832(a)(8)(A)-(D)) are expected to be reduced by the change to permit length. This change will provide a benefit to existing and future private sector (private businesses and individuals) and local government permit holders through reduced time spent in drafting and submittal of permit applications after they have been issued a permit that is valid for 10 years. Because permits issued prior to July 1, 2021 will still expire on the expiration date stated in the permit, the Division does not expect any significant change to the number of permit renewal applications submitted in the first five years, from July 1, 2021 to June 30, 2026. The reduction in permit renewal applications will mainly occur between five and ten years after July 1, 2021 (between July 1, 2026 and June 30, 2031), when most SLAS and SDTF permits would have been due for their next five-year renewal applications under existing rule, but will now no longer have to submit those five-year renewal permit applications.

Under the rules existing prior to July 1, 2021, the Division expected to receive approximately 286 applications for SLAS and SDTF permit renewals between July 1, 2026 and June 30, 2031. After implementation of the Session Law, the Division only expects to receive 110 applications between July 1, 2026 and June 30, 2031 from the private sector for existing permits where the term is limited by landowner or WWTP authorizations.

The change to permit length should result in a total opportunity savings of between \$12,925 and \$139,731 for existing private sector permit holders, and between \$225 and \$2,423 for existing local government permit holders between July 1, 2026 and June 30, 2031. The Division cannot predict how many first-time permit applicants will apply for a subsequent permit in the future; but the Division expects the opportunity savings for a future applicant will be between \$75 and \$808 per permit renewal application between July 1, 2027 and June 30, 2032, assuming the applicant will have an initial one-year permit, and then a subsequent 10-year permit.

Permitted septage management facilities pay annual permit fees to the Department throughout the term of the permit, and no additional fee is required for permit applications; therefore, the change to permit length is not expected to change the amount of fees paid to the Department by permit holders. Permit holders will continue to have the option to terminate their permit at any time; and the Department will continue to have the authority to suspend or revoke a permit in accordance with G.S. 130A-23.

State Government

Costs:

As stated above, the change to permit length does not change the amount of fees paid to the Department by permittees. Also, because the change to permit length does not change the inspection schedule for permitted facilities or the ability of the Division to conduct inspections, the change to permit length is not expected to significantly impact compliance.

Benefits:

The reduction in the number of permit applications submitted between July 1, 2026 and June 30, 2031 will provide a benefit to state government in reduced time spent by the Section's employees for reviewing and processing the permit applications and issuing those permits. Under existing rules prior to July 1, 2021, the Division expected to receive approximately 286 applications for subsequent SLAS and SDTF permits between July 1, 2026 and June 30, 2031. After the implementation of the Session Law, the Division only expects to receive 110 permit renewal applications between July 1, 2026 and June 30, 2031 from the private sector for existing permits where the term is limited by landowner or WWTP authorizations.

The change to permit length should result in a total opportunity savings of between \$26,298 and \$88,846 for state government staff in the Division between July 1, 2026 and June 30, 2031. The Division cannot predict how many first-time permit applicants will apply for a subsequent permit in the future; but the Division expects the opportunity savings for Division staff will be between \$149 and \$505 per permit renewal application between July 1, 2027 and June 30, 2032, assuming the applicant will have an initial one-year permit, and then a subsequent 10-year permit.

The time saved in reviewing and issuing permit renewals between July 1, 2026 and June 30, 2031 could be redirected toward inspecting septage vehicles, investigating enforcement cases for illegal dumping of septage or preparing training or guidance documents for permitted facilities, which may result in some minor improvements in compliance.

Local Government (other than permit holders described above)

Local governments consider and provide zoning approval during the application for the initial permits only, therefore a change to the subsequent permit length should not affect the zoning approval process.

Local government WWTPs will need to consider whether they wish to sign an authorization for septage management facilities to dispose of septage at their WWTP for a full 10 years instead of the existing 5 years. However, the rule does allow the Division to issue a subsequent permit for less than 10 years if the WWTP chooses not to authorize the full 10 years. Because of the flexibility provided in the rule, the change to permit length is not expected to affect WWTPs; however, the permit holder may have to request that the Division reduce the length of their permit in order to obtain the WWTP authorization.

General Population and the Environment

The change to permit length does not change the frequency of inspection or enforcement by the Department. The reduction in time spent between July 1, 2026 and June 30, 2031 by state government staff reviewing permit renewal applications and issuing permits as described above may allow an increase in time spent on inspecting septage vehicles, investigating enforcement cases for illegal dumping of septage or preparing and updating training or guidance documents for permitted facilities, which may result in some minor benefit to the environment and any individuals leaving near an SLAS or SDTF from increased compliance.

IMPACT SUMMARY

- Session Law 2021-83 implemented the change in permit length from 5 years to 10 years directly for all subsequent SLAS and SDTF permits (permit renewals) issued after July 1, 2021. The Session Law implementation remains effective until the rule amendment is effective. Updating the rule to be “substantively identical” to the Session Law does not create any additional impact on regulated entities or the agency.
- The change to permit length is not expected to result in any costs or benefits within the first five years and will not result in a substantial economic impact.
- The change to permit length is not expected to impose any additional costs on any affected parties.
- The change to permit length is not expected to change state government revenues from permit fees because septage management facilities pay annual permit fees collected throughout the length of the permit, and a separate permit application fee is not collected for these facilities.
- The change to permit length may result in a benefit of reduced permitted facility staff time spent drafting and submitting permit renewal applications between July 1, 2026 and June 30, 2031. The estimated opportunity savings during that time could be a total of between \$12,925 and \$139,731 for private sector permit holders, and between \$224 and \$2,423 for local government permit holders.
- The change to permit length may result in a benefit of reduced state government staff time spent reviewing permit renewal applications and issuing those permits between July 1, 2026 and June 30, 2031, for an estimated opportunity savings during that time of between \$26,298 and \$88,846. The time saved may allow additional time for inspecting septage vehicles, investigating illegal/non-permitted dumping, or updating training and guidance documents.
- The change to permit length will not change the compliance or inspection schedule for permitted SLAS or SDTF facilities.
- The change to permit length may provide some minor benefits to the general population and the environment due to increased state government staff time available for updates to training and guidance or to address compliance issues such as leaking septage vehicles or illegal/non-permitted dumping.

TABLE 1

Estimated Savings from S.L. 2021-83 - July 1, 2026 – June 30, 2031

TABLE 1**Estimated Savings from S.L. 2021-83 - July 1, 2026 – June 30, 2031**

Entity	Total existing permits	Existing permits limited by authorizations (that will still have to reapply between 2026-2031)	Existing permits for the full 5-year term that will not need to reapply in 2026-2031	Range of estimated total compensation (salary plus benefits) - hourly rate		Estimated range of hours spent per permit application		Estimated range of savings per permit application		Estimated range of savings for all permits in 2026-2031 (in today's dollars)	
				min	max	min	max	min	max	min	max
Private Sector	283	110	173	\$ 37	\$ 50	2	16	\$ 75	\$ 808	\$ 12,925	\$ 139,731
Local Government	3	0	3	\$ 37	\$ 50	2	16	\$ 75	\$ 808	\$ 224	\$ 2,423
State Government	286	110	176	\$ 37	\$ 50	4	10	\$ 149	\$ 505	\$ 26,298	\$ 88,846

Total: \$ 39,448 \$ 231,000

APPENDIX 1

Proposed Rule Text

1 15A NCAC 13B .0832 is proposed for amendment as follows:

3 **15A NCAC 13B .0832 GENERAL PROVISIONS**

4 (a) General permitting requirements.

- 5 (1) No person shall manage septage, or any part of septage, or operate a Septage Management Firm
- 6 without first obtaining a permit from the Division as required under G.S. 130A-291.1(c);
- 7 (2) The permit requirement of G.S. 130A-291.1(c) applies to persons who remove septage, and other
- 8 waste materials or spent media from wastewater systems permitted by the Department of Health and
- 9 Human Services, under the authority of Article 11, Chapter 130A of the North Carolina General
- 10 Statutes;
- 11 (3) The permit requirement of G.S. 130A-291.1(c) applies to persons who manage septage generated
- 12 from properties that they own, lease, or manage as part of a business, such as mobile homes, mobile
- 13 home parks, restaurants, and other residential and commercial property;
- 14 (4) The Division may deny a permit application in accordance with G.S. 130A-295.3(c);
- 15 (5) The Division may require an applicant to demonstrate substantial compliance in accordance with
- 16 G.S. 130A-294(b2)(2);
- 17 (6) Permits issued in accordance with this Section shall be followed;
- 18 (7) Where specified in this Section, permit applications or specific portions of applications shall be
- 19 prepared in accordance with Rule .0202(a)(3) of this Subchapter; and
- 20 (8) Initial septage land application site and detention and treatment facility permits shall be valid for
- 21 one year. Subsequent permits shall be valid for ~~five~~ten years. The Division may issue a subsequent
- 22 permit for less than ~~five~~ten years based on any of the following factors:
- 23 (A) the duration of the landowner authorization or wastewater treatment plant authorization;
- 24 (B) the compliance history of the operator;
- 25 (C) if any of the information for the permit application was received after the due date; or
- 26 (D) to allow the due date for a subsequent permit application to be the same date as the septage
- 27 firm permit application due date.

28 (b) Portable sanitation permitting provisions.

- 29 (1) A mobile or modular office that meets the criteria of G.S. 130A-291.2 shall be considered a chemical
- 30 or portable toilet as defined in G.S. 130A-290(a)(1c). A storage tank at a mobile or modular office
- 31 shall not release septage onto the ground. The owner and the lessee of the mobile or modular office
- 32 shall be considered to be the responsible parties and shall be subject to the requirements of Paragraph
- 33 (a) of this Rule.
- 34 (2) No person shall rent or lease portable toilet(s) or contract or subcontract to rent or lease portable
- 35 toilet(s) to another person or manage or dispose of waste from portable toilet(s), regardless of
- 36 ownership of the toilet(s), unless that person is permitted to operate a septage management firm.

- 1 (3) Placement of a chemical or portable toilet as defined in G.S. 130A-290(a)(1c) for potential use in
2 North Carolina shall be considered operation of a septage management firm that requires a permit.
- 3 (c) Recreational vehicle waste provisions.
- 4 (1) Domestic septage from a recreational vehicle shall be managed in accordance with this Section or
5 shall flow directly into a wastewater treatment system permitted by the Department of
6 Environmental Quality.
- 7 (2) Wastewater from recreational vehicles that are tied down, blocked up, or that are not relocated, and
8 that are not connected to an approved wastewater system shall be managed in accordance with
9 Article 11, Chapter 130A of the NC General Statutes.
- 10 (3) Recreational vehicle dump stations that do not discharge directly to a wastewater treatment system
11 permitted by the Department of Environmental Quality shall be permitted as a septage detention and
12 treatment facility in accordance with Rule .0837 of this Section.
- 13 (d) Alternate septage management method limitations.
- 14 (1) Grease septage, or any part of grease septage, shall not be introduced or reintroduced into a grease
15 trap, interceptor, separator, or other appurtenance used for the purpose of removing cooking oils,
16 fats, grease, and food debris from the waste flow generated from food handling, preparation, and
17 cleanup unless the Division has received written approval from the wastewater treatment plant
18 operator or the onsite wastewater system permitting authority that reintroduction is acceptable.
- 19 (2) Septage, or any part of septage, shall not be reintroduced into an onsite wastewater system unless
20 approved pursuant to G.S. 130A-343(c).
- 21 (3) Septage, or any part of septage, shall not be placed in containers at restaurants designated for yellow
22 grease.
- 23 (4) Septage, or any part of septage, shall not be disposed of in a municipal solid waste landfill unless
24 the waste passes the Paint Filter Liquids Test as defined by EPA S.W. 846 Test Method 9095B
25 which can be accessed at no cost at <https://www.epa.gov/hw-sw846>, and the landfill receiving the
26 waste has provided the Division written documentation that the specific material will be accepted.
- 27 (5) Septage, or any part of septage, shall not be disposed of in a dumpster unless the waste passes the
28 Paint Filter Liquids Test and the landfill receiving the waste is a permitted municipal solid waste
29 landfill, in accordance with Section .1600 of this Subchapter.
- 30 (6) Septage, or any part of septage, managed through subsurface disposal shall be considered a
31 treatment facility and shall require a permit in accordance with this Section and G.S. 130A-343.
- 32 (7) Facilities receiving septage, or any part of septage, for composting shall be permitted in accordance
33 with Section .1400 of this Subchapter.
- 34 (e) All training to meet the requirements of G.S. 130A-291.3(a) and (b) shall be pre-approved by the Division.
35 Approval by the Division shall be based on whether the training is in accordance with the rules in this Section.

(f) Waste from holding tanks not otherwise addressed in this Section, and from wastewater systems pumped more often than every 30 days, shall not be considered domestic septage and shall not be land applied at a permitted septage land application site.

(g) Inspection and entry. The permit holder of a septage management firm or facility shall allow a representative of the Division to:

- (1) enter the permit holder's premises where a regulated facility or activity is located or conducted;
- (2) access and copy any records required in accordance with this Section or conditions of the permit;
- (3) inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by the Division;
- (4) sample or monitor for the purposes of assuring permit compliance or as otherwise authorized by the Federal Clean Water Act or the North Carolina Solid Waste Management Act, any substances, parameters, or soils at any location; and
- (5) photograph for the purpose of documenting times of compliance or noncompliance at septage management facilities or to require the permit holder to make such photos for the Division.

(h) Washings from the interior of septage handling containers such as pump trucks shall be managed as septage.

History Note: Authority G.S. 130A-291.1; 130A-291.2; 130A-295.3(c); 130A-335;
Eff. October 1, 2009;
~~*Amended Eff. January 1, 2014;*~~
Readopted Eff. February 1, 2019; 2019;
~~*Amended Eff. Pending Legislative Review; January 1, 2014;*~~

APPENDIX 2

Session Law 2021-83

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.

...

(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.

...

(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.

...."

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

Montie, Jessica

From: Hollis, Carrie
Sent: July 26, 2021 11:44 AM
To: Montie, Jessica; Everett, Jennifer; Ulishney, Adam
Cc: Snyder, Ashley B; McGhee, Dana; Grozav, Anca
Subject: Review - Septage Management, 15A NCAC 13B .0832
Attachments: DEQ_2021-07-26.pdf

OSBM has reviewed the Division of Waste Management's amendments to rule 15A NCAC 13B .0832 in accordance with G.S. 150B-21.4 and with E.O. 70 from 10/21/2010 as amended by E.O. 48 from 4/9/2014. OSBM has determined the amendments have little to no impact on state or local governments and no substantial economic impact. The regulatory impact analysis is approved for publication.

Carrie Hollis

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