



SENATE BILL 474: Septage Management Amendments.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2021-2022 General Assembly

Committee: House Local Government - Land Use, Planning and Development. If favorable, refer to Rules, Calendar, and Operations of the House
Date: June 17, 2021

Introduced by: Sens. McInnis, Steinburg, Britt
Prepared by: Jonathan Zator*
Analysis of: PCS to Second Edition
 Committee Counsel
 S474-CSBR-17

OVERVIEW: Senate Bill 474 would make certain changes and clarifications to the Department of Environmental Quality's (DEQ) septage management program concerning permit decision timelines, permit amendments, inspection requirements, required operator training, permit length, and continuing education.

The PCS would make clarifying changes and modify certain effective dates.

CURRENT LAW & BILL ANALYSIS:

DEQ's Division of Waste Management operates the septage management program, which is responsible for permitting septage management firms and operators, inspecting septage management operations, and providing technical assistance.

Section 1 of the PCS would make the following changes to the septage management program:

- Require DEQ to issue a septage management firm permit decision within 90 days of receiving an application in accordance with G.S. 130A-294(a)(4).
- Require permit modifications when there is a change in ownership or corporate structure.
- Clarify that pumper trucks and vehicles used in transportation, containment, or consolidation must be listed by the septage management firm on its permit and be inspected and regulated as vehicles but not as septage detention facilities. Pumper trucks and vehicles used by a permitted septage management firm must meet all federal and State highway laws or have a maximum capacity of no more than 21,000 gallons.
- Clarify that equipment used in the containment and consolidation of septage must be regulated as a septage detention or treatment site and require a permit.
- Provide that pumper trucks and vehicles listed on a septage management firm's permit may remain loaded or partially loaded for no more than seven days, and the pumper trucks or vehicles used in the transportation, containment, consolidation, or treatment of septage must be located on the premises of the septage management firm or on the property of another by legal agreement of the septage management firm and the property owner.

Section 2 of the PCS would require DEQ to notify septage management firm operators of rule changes within 30 days of those rules being adopted by the Environmental Management Commission (EMC) and post those rules to its website. This section would also repeal a requirement that DEQ establish educational

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committees to develop and approve various septage training curricula, and instead direct DEQ to develop and maintain a list of approved instruction courses with relevance to septage management firms, septage land application site operators, and septage detention or treatment facility operators.

Section 3 of the PCS would direct the EMC to adopt a rule allowing subsequent permit renewals for septage land application sites and septage detention and treatment facilities to be valid for a period of 10 years and to immediately begin implementing the rule in this way. Currently, permit renewals last for five years. This section would become effective when law and apply to permit renewals issued on or after July 1, 2021, and would expire when the EMC adopts permanent rules as required by this section.

Section 4 of the PCS would provide that DEQ shall not offer online renewal education for septage management firm operators or septage land application operators unless needed on a case-by-case basis in coordinate with the septage industry associations. This section would become effective the earlier of July 1, 2021 or the effective date of an Executive Order rescinding the current restrictions on mass gatherings.

EFFECTIVE DATE: Except as otherwise provided, this bill would become effective when law.

*Kyle Evans, legislative analyst, substantially contributed to this summary.