

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rule cited as 15A NCAC 13B .0832.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules>

Proposed Effective Date: *Pending Legislative Review*

Public Hearing:

Date: *January 20, 2022*

Time: *4:30 p.m.*

Location: *A virtual public hearing will be held by webinar as follows:*

WebEx Event Meeting Link:

<https://ncdenrits.webex.com/ncdenrits/j.php?MTID=m8d8e13db4c07e1775d3a3094a7a544fa>

Event number: 2437 299 9427

Event password: 1234

To join by phone: Call +1-415-655-0003 US TOLL, enter access code

If you wish to attend the hearing, you must register before 5:00 p.m. on Wednesday, January 19, 2022.

The registration form can be found at the following link: <https://forms.office.com/g/W0q1wxabEO>

Reason for Proposed Action: *The proposed amendment changes the permit length for subsequent septage land application sites and septage detention and treatment facility permits from five years to ten years. This amendment was required by S.L. 2021-83, s. 3. The Session Law also implemented the change to the permit length directly, beginning July 1, 2021.*

Comments may be submitted to: *Adam Ulishney, 1646 M.S.C., Raleigh, NC 27699-1646; email dwm.publiccomments@ncdenr.gov*

Comment period ends: *February 14, 2022*

Rule is automatically subject to legislative review: *S.L. 2021-83, s. 3.(d)*

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

15A NCAC 13B .0832 GENERAL PROVISIONS

(a) General permitting requirements.

- (1) No person shall manage septage, or any part of septage, or operate a Septage Management Firm without first obtaining a permit from the Division as required under G.S. 130A-291.1(c);
- (2) The permit requirement of G.S. 130A-291.1(c) applies to persons who remove septage, and other waste materials or spent media from wastewater systems permitted by the Department of Health and Human Services, under the authority of Article 11, Chapter 130A of the North Carolina General Statutes;
- (3) The permit requirement of G.S. 130A-291.1(c) applies to persons who manage septage generated from properties that they own, lease, or manage as part of a business, such as mobile homes, mobile home parks, restaurants, and other residential and commercial property;
- (4) The Division may deny a permit application in accordance with G.S. 130A-295.3(c);
- (5) The Division may require an applicant to demonstrate substantial compliance in accordance with G.S. 130A-294(b2)(2);
- (6) Permits issued in accordance with this Section shall be followed;
- (7) Where specified in this Section, permit applications or specific portions of applications shall be prepared in accordance with Rule .0202(a)(3) of this Subchapter; and
- (8) Initial septage land application site and detention and treatment facility permits shall be valid for one year. Subsequent permits shall be valid for ~~five~~ 10 years. The Division may issue a subsequent permit for less than ~~five~~ 10 years based on any of the following factors:
 - (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.

(b) Portable sanitation permitting provisions.

- (1) A mobile or modular office that meets the criteria of G.S. 130A-291.2 shall be considered a chemical or portable toilet as defined in G.S. 130A-290(a)(1c). A storage tank at a mobile or modular office shall not release septage onto the ground. The owner and the lessee of the mobile or modular office shall be considered to be the responsible parties and shall be subject to the requirements of Paragraph (a) of this Rule.
 - (2) No person shall rent or lease portable toilet(s) or contract or subcontract to rent or lease portable toilet(s) to another person or manage or dispose of waste from portable toilet(s), regardless of ownership of the toilet(s), unless that person is permitted to operate a septage management firm.
 - (3) Placement of a chemical or portable toilet as defined in G.S. 130A-290(a)(1c) for potential use in North Carolina shall be considered operation of a septage management firm that requires a permit.
- (c) Recreational vehicle waste provisions.
- (1) Domestic septage from a recreational vehicle shall be managed in accordance with this Section or shall flow directly into a wastewater treatment system permitted by the Department of Environmental Quality.
 - (2) Wastewater from recreational vehicles that are tied down, blocked up, or that are not relocated, and that are not connected to an approved wastewater system shall be managed in accordance with Article 11, Chapter 130A of the NC General Statutes.
 - (3) Recreational vehicle dump stations that do not discharge directly to a wastewater treatment system permitted by the Department of Environmental Quality shall be permitted as a septage detention and treatment facility in accordance with Rule .0837 of this Section.
- (d) Alternate septage management method limitations.
- (1) Grease septage, or any part of grease septage, shall not be introduced or reintroduced into a grease trap, interceptor, separator, or other appurtenance used for the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation, and cleanup unless the Division has received written approval from the wastewater treatment plant operator or the onsite wastewater system permitting authority that reintroduction is acceptable.
 - (2) Septage, or any part of septage, shall not be reintroduced into an onsite wastewater system unless approved pursuant to G.S. 130A-343(c).
 - (3) Septage, or any part of septage, shall not be placed in containers at restaurants designated for yellow grease.
 - (4) Septage, or any part of septage, shall not be disposed of in a municipal solid waste landfill unless the waste passes the Paint Filter Liquids Test as defined by EPA S.W. 846 Test Method 9095B which can be accessed at no cost at <https://www.epa.gov/hw-sw846>, and the landfill receiving the waste has provided the Division written documentation that the specific material will be accepted.
 - (5) Septage, or any part of septage, shall not be disposed of in a dumpster unless the waste passes the Paint Filter Liquids Test and the landfill receiving the waste is a permitted municipal solid waste landfill, in accordance with Section .1600 of this Subchapter.
 - (6) Septage, or any part of septage, managed through subsurface disposal shall be considered a treatment facility and shall require a permit in accordance with this Section and G.S. 130A-343.
 - (7) Facilities receiving septage, or any part of septage, for composting shall be permitted in accordance with Section .1400 of this Subchapter.
- (e) All training to meet the requirements of G.S. 130A-291.3(a) and (b) shall be pre-approved by the Division. 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.*