

15A NCAC 13B .0837 SEPTAGE DETENTION AND TREATMENT FACILITY PERMITS

(a) No person shall establish, or allow to be established upon any real property owned, operated, leased, or controlled by that person, a septage detention and treatment facility, unless a permit has been obtained from the Division or the facility is operating in accordance with a NPDES permit issued by the NC Division of Water Resources.

(b) Septage detention and treatment facilities shall be designed, located, constructed, and operated in accordance with the standards specified in Rule .0838 of this Section.

(c) To apply for a permit to operate a septage detention facility the applicant shall submit the following information to the Division:

- (1) name, address, and phone number of
 - (A) the applicant;
 - (B) the landowner or the landowner's legal representative in control of the site; and
 - (C) the proposed operator;
- (2) location of the facility;
- (3) vicinity map or county road map showing the site location;
- (4) types of septage to be stored or treated;
- (5) a description of the facility including the size, number, and type of structures to be used at the site and construction materials to be used;
- (6) an explanation of the methods for discharge into and removal from the detention or treatment facility, the methods for treating leaks or spills at the site, and methods for odor control;
- (7) septage land application site permit number and the name of any wastewater treatment plant(s) where the septage will be disposed;
- (8) written documentation of approved locations to manage any solid or liquid wastes generated at a treatment facility;
- (9) an aerial photograph, extending for a distance of at least 1,000 feet in all directions from the site property lines;
- (10) written authorization to operate a septage detention or treatment facility signed by each landowner (if other than the permit holder) or the landowner's legal representative;
- (11) any other information that the Division may request that is pertinent to the suitability of the proposed facility if it is necessary to determine compliance with this Section; and
- (12) an approval letter from the unit of local government having zoning authority over the area where the facility is to be located, stating that the proposed facility meets all of the requirements of the local zoning ordinance, or that the site is not zoned.

(d) Treatment of septage shall include aerobic or anaerobic digestion, dewatering or thickening, pressing, centrifuging, the use of organisms or enzymes, and pathogen reduction methods or vector attraction reduction methods other than lime stabilization.

(e) To apply for a permit to operate a septage treatment facility, plans and specifications shall be submitted. If required by G.S. 89C, a professional engineer shall prepare these documents. The plans shall include the information set forth in Paragraph (c) of this Rule and the following:

- (1) site plan at a scale appropriate to show the detail of the facility, but in no case greater than 100 feet per inch;
- (2) engineering plans for the entire system, including treatment, storage, and disposal equipment, and containment structures;
- (3) drawings that shall be at a scale appropriate to show pumps, tanks, valves, controls, meters, pipes, and other items critical to the operation of the facility. As-built drawings shall be submitted if the facility construction is not consistent with the initial drawings;
- (4) an operation and maintenance manual signed by the applicant outlining information and instruction on how the facility is to be operated, equipment maintenance, minimization of odors, required safety and personnel training, and an outline of reports to be submitted to the Division. Contingency plans shall be included to address at least equipment failure, human error, inclement weather, and spill and leak cleanup;
- (5) a quality assurance plan signed by the applicant for the process and final product if treatment involves meeting pathogen reduction or vector attraction reduction standards.
- (6) compliance history for the facility showing no unresolved violations of Federal, State, or local laws, rules, regulations, or ordinances; and

- (7) certification that the construction of the treatment facility is complete and consistent with the plans submitted in accordance with this Paragraph;

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter and resolution dated March 11, 2010, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering under G.S. 89C.]

(f) A permit to operate a new septage detention and treatment facility shall not be issued until the proposed site has been approved by the Division. Approval by the Division shall be based on whether the facility is in accordance with the rules of this Section.

(g) Operation of a new septage detention or a new septage treatment facility shall not commence until the facility has been inspected by the Division and found to be consistent with the permit application.

(h) A permit to operate a treatment facility shall not be issued until the facility has been inspected by the Division and found to be consistent with the permit application and operation has been found to be consistent with the operation and maintenance manual.

(i) Application packages for permit renewals for septage treatment facilities shall include:

- (1) updated drawings, if there are changes to the facility;
- (2) updated site plans, if there are changes to the initial site plan;
- (3) updated operation and maintenance manual, if there are changes to the operation and maintenance manual; and
- (4) updated quality assurance plan, if there are changes to the quality assurance plan.

(j) Engineering plans and specifications for marina detention tanks that do not meet the minimum setbacks in Rule .0838(m) of this Section or are located below grade shall be submitted. If required by G.S. 89C, a professional engineer shall prepare these documents. The facilities shall be certified to be constructed in substantial compliance with the plans and specifications submitted in accordance with this Rule. If required by G.S. 89C, a professional engineer shall certify this compliance. [Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter and resolution dated March 11, 2010, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering under G.S. 89C.]

(k) Parts of detention and treatment facilities located below grade and lagoons shall be certified to be constructed in substantial compliance with the plans and specifications submitted in accordance with this Rule. If required by G.S. 89C, a professional engineer shall certify this compliance. [Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter and resolution dated March 11, 2010, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering under G.S. 89C.]

(l) Applications shall be submitted to the Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Raleigh NC 27699-1646. Applications for permits will not be reviewed until all parts of the application have been completed and submitted to the Division.

(m) Applications for renewal permits shall be submitted to the Division at least 90 days prior to the expiration of the permit. The Division shall notify permit holders of facility permit expiration dates 120 days prior to permit expiration.

(n) Applications for renewal permits submitted in accordance with Paragraphs (i) and (m) of this Rule and applications for permit modifications shall not be required to resubmit the information required in Subparagraphs (c)(3) and (9), and Paragraph (d) of this Rule unless changes are made in those plans.

(o) Septage detention and treatment facility permits shall not be transferable.

(p) Permit duration shall be in accordance with Rule .0832(a)(8) of this Section.

(q) Applications for permit modifications shall be required for the following changes:

- (1) property ownership;
- (2) treatment methods;
- (3) types of septage to be stored or treated; or
- (4) size and number of treatment or storage structures.

(r) Applications for facilities that do not meet the standards set forth in this Section shall be denied.

(s) An application requesting reduced setbacks in accordance with Rule .0838(m)(7) of this Section shall include a letter from the appropriate local zoning office approving proposed reduced setbacks.

*History Note: Authority G.S. 130A-291.1;
Eff. April 1, 2010;
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