

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

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**HOUSE BILL 61**

Short Title: Local Control/Land Application of Biosolids. (Public)

Sponsors: Representatives Pittman, Ford, and Speciale (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Local Government, if favorable, Environment.

February 10, 2015

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE LOCAL SAFEGUARDS FOR THE LAND APPLICATION OF  
BIOSOLIDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-215.1(d) reads as rewritten:

"(d) Applications and Permits for Sewer Systems, Sewer System Extensions and Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not Discharging to the Surface Waters of the State. –

(1) Applications. – All applications for new permits and for renewals of existing permits for sewer systems, sewer system extensions and for disposal systems, and for land application of waste, or treatment works which do not discharge to the surface waters of the State, and all permits or renewals and decisions denying any application for permit or renewal shall be in writing. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application.

(2) Deemed approved. – If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved.

(3) Effective date. – Permits and renewals issued in approving such facilities pursuant to this subsection shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission.

(4) Local comment and conditions for land application of certain wastes. – Prior to acting on a permit application for the land application of bulk residuals resulting from the operation of a wastewater treatment facility, the Commission shall provide notice and an opportunity for comment from the governing board of the county in which the site of the land application of bulk residuals is proposed to be located. If the county operates or contracts with an incinerator permitted under Article 9 of Chapter 130A of the General Statutes, the governing board may by ordinance require that the bulk residuals be incinerated prior to land application. If the county does not operate or contract with a permitted incinerator, then the governing board



1                    may by ordinance specify an alternate method of pathogen reduction and  
2                    vector attraction reduction. In either case, the ordinance shall be attached to  
3                    the permit, and the Commission shall incorporate the ordinance's  
4                    requirements into the permit.

5                    (5) Public access. – Local governmental units to whom pretreatment program  
6                    authority has been delegated shall establish, maintain, and provide to the  
7                    public, upon written request, a list of pretreatment applications received.

8                    ~~(2)~~(6) An applicant for a permit to dispose of petroleum contaminated soil by land  
9                    application shall give written notice that he intends to apply for such a  
10                    permit to each city and county government having jurisdiction over any part  
11                    of the land on which disposal is proposed to occur. The Commission shall  
12                    not accept such a permit application unless it is accompanied by a copy of  
13                    the notice and evidence that the notice was sent to each such government by  
14                    certified mail, return receipt requested. The Commission may consider, in  
15                    determining whether to issue the permit, the comments submitted by local  
16                    governments."

17                    **SECTION 2.** This act becomes effective October 1, 2015, and applies to any land  
18                    application site for disposal of bulk residuals for which a permit is issued or renewed on or  
19                    after that date.