

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2282

Short Title: Secondary Nutrient Recycling.

(Public)

Sponsors: Representatives Bowman, Brown; Loflin, Albertson, Weatherly, Privette, Mercer, Lutz, and P. Wilson.

Referred to: Basic Resources.

June 4, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE MANAGEMENT AND RECYCLING OF
3 SECONDARY NUTRIENTS.

4 Whereas, current laws and regulations treat the byproducts and residues of
5 food processing as sludge and inhibit their use as nutrients on smaller, dispersed tracts
6 of farmland; and

7 Whereas, such byproducts and residues are derived from food products and
8 contain no harmful substances; and

9 Whereas, land application, use as animal feedstocks, and other beneficial
10 agricultural uses of these food byproducts is an economically, agronomically and
11 environmentally sound method of recycling such secondary nutrients and should be
12 encouraged by the State; and

13 Whereas, the State's Solid Waste Management Act discourages and may
14 eventually prohibit the disposal of these secondary nutrients into landfills; and

15 Whereas, land application and other agricultural uses of secondary nutrients
16 by processors constitutes a beneficial use that will assist local governments in meeting
17 their obligations under the Solid Waste Management Act to reduce their landfill
18 dependence; Now, therefore,

19 The General Assembly of North Carolina enacts:

20 Section 1. G.S. 143-215.1 is amended by adding a new subsection (d2) as
21 follows:

22 "(d2) Land Application of Secondary Nutrients. – A person may dispose of secondary
23 nutrients on the land (i) through a land application system, (ii) as an animal feedstock,

1 or (iii) for other beneficial agricultural uses in accordance with the provisions of this
2 subsection only after certification by the Commission that the secondary nutrients are
3 free of toxic wastes as defined in this Chapter and hazardous substances as defined in
4 G.S. 130A-310(2). An application for a permit for certification or recertification of a
5 waste as a secondary nutrient and any decision denying such application shall be in
6 writing. The Commission shall act on the application as quickly as possible. The
7 Commission may conduct any inquiry or investigation it considers necessary with
8 respect to the chemical constituency of the waste before acting on an application and
9 may require an applicant to submit samples, data, and other information the
10 Commission considers necessary to evaluate the application. If the Commission fails to
11 act on an application for a certification or recertification permit within 45 days after the
12 applicant submits all information required by the Commission, the application is
13 considered to be approved. The generator of the waste must obtain a recertification
14 permit whenever the chemical constituency of the waste is altered prior to its disposition
15 on the land. Each permit must be renewed every five years from the date of initial
16 certification or the most recent recertification, whichever is later.

17 Notwithstanding the provisions of subsection (a), a certified secondary nutrient may
18 be applied to the land, provided that the following conditions are met:

- 19 (1) The secondary nutrient is applied at agronomically-acceptable rates,
20 where appropriate, and in accordance with best management practice
21 guidelines developed by the North Carolina State University
22 Agricultural Extension Service, in consultation with the Division of
23 Environmental Management and the Department of Agriculture; or
- 24 (2) The secondary nutrient is applied as an animal feedstock in accordance
25 with nutrient management guidelines developed by the North Carolina
26 State University Agricultural Extension Service in consultation with
27 the North Carolina Department of Agriculture; and
- 28 (3) The generator of the secondary nutrients maintains a record of the
29 disposition of its secondary nutrients, available for inspection by the
30 Department, including application sites, date of application, and the
31 approximate volume of material applied at each site."

32 Sec. 2. G.S. 143-213 reads as rewritten:

33 **"§ 143-213. Definitions applicable to Part.**

34 Unless the context otherwise requires, the following terms as used in this Part are
35 defined as follows:

- 36 (1) The term 'air cleaning device' means any method, process or
37 equipment which removes, reduces, or renders less noxious air
38 contaminants discharged into the atmosphere.
- 39 (2) The term 'air contaminant' means particulate matter, dust, fumes, gas,
40 mist, smoke, or vapor or any combination thereof.
- 41 (3) The term 'air contamination' means the presence in the outdoor
42 atmosphere of one or more air contaminants which contribute to a
43 condition of air pollution.

- 1 (4) The term 'air contamination source' means any source at, from, or by
2 reason of which there is emitted into the atmosphere any air
3 contaminant.
- 4 (5) The term 'air pollution' shall mean the presence in the outdoor
5 atmosphere of one or more air contaminants in such quantities and
6 duration as is or tends to be injurious to human health or welfare, to
7 animal or plant life or to property or that interferes with the enjoyment
8 of life or property.
- 9 (6) to (8) Repealed by Session Laws 1987, c. 827, s. 153.
- 10 (9) Whenever reference is made in this Article to the 'discharge of waste,'
11 it shall be interpreted to include the discharge of waste into any unified
12 sewerage system or arrangement for sewage disposal, which system or
13 arrangement in turn discharges the waste into the waters of the State.
- 14 (10) The term 'disposal system' means a system for disposing of waste, and
15 including sewer systems and treatment works.
- 16 (11) Repealed by Session Laws 1987, c. 827, s. 153.
- 17 (12) The term 'emission' means a release into the outdoor atmosphere of air
18 contaminants.
- 19 (13) The term 'outlet' means the terminus of a sewer system, or the point of
20 emergence of any waste or the effluent therefrom, into the waters of
21 the State.
- 22 (14) Repealed by Session Laws 1987, c. 827, s. 153.
- 23 (15) The term 'sewer system' means pipelines or conduits, pumping
24 stations, and force mains, and all other construction, devices, and
25 appliances appurtenant thereto, used for conducting wastes to a point
26 of ultimate disposal.
- 27 (16) The term 'standard' or 'standards' means such measure or measures of
28 the quality of water and air as are established by the Commission
29 pursuant to G.S. 143-214.1 and G.S. 143-215.
- 30 (17) The term 'treatment works' means any plant, septic tank disposal field,
31 lagoon, pumping station, constructed drainage ditch or surface water
32 intercepting ditch, incinerator, area devoted to sanitary landfill, or
33 other works not specifically mentioned herein, installed for the
34 purpose of treating, equalizing, neutralizing, stabilizing or disposing of
35 waste.
- 36 (18) 'Waste' shall mean and include the following:
37 a. 'Sewage,' which shall mean water-carried human waste
38 discharged, transmitted, and collected from residences,
39 buildings, industrial establishments, or other places into a
40 unified sewerage system or an arrangement for sewage disposal
41 or a group of such sewerage arrangements or systems, together
42 with such ground, surface, storm, or other water as may be
43 present.

- 1 b. ‘Industrial waste’ shall mean any liquid, solid, gaseous, or other
2 waste substance or a combination ~~thereof~~thereof, except
3 secondary nutrients, resulting from any process of industry,
4 manufacture, trade or business, or from the development of any
5 natural resource.
- 6 **b1.** ‘Secondary nutrients’ means any solid or semisolid waste which
7 is derived from food processing or food manufacturing and
8 contains no sewage as defined in this subdivision.
- 9 c. ‘Other waste’ means sawdust, shavings, lime, refuse, ~~offal~~, oil,
10 tar chemicals, and all other substances, except secondary
11 nutrients, industrial waste and sewage, which may be
12 discharged into or placed in such proximity to the water that
13 drainage therefrom may reach the water.
- 14 d. ‘Toxic waste’ means that waste, or combinations of wastes,
15 including disease-causing agents, which after discharge and
16 upon exposure, ingestion, inhalation, or assimilation into any
17 organism, either directly from the environment or indirectly by
18 ingestion through food chains, will cause death, disease,
19 behavioral abnormalities, cancer, genetic mutations,
20 physiological malfunctions (including malfunctions in
21 reproduction) or physical deformities, in such organisms or
22 their offspring.
- 23 (19) The term ‘water pollution’ means the man-made or man-induced
24 alteration of the chemical, physical, biological, or radiological integrity
25 of the waters of the State, including, but specifically not limited to,
26 alterations resulting from the concentration or increase of natural
27 pollutants caused by man-related activities.
- 28 (20) Repealed by Session Laws 1987, c. 827, s. 153.
- 29 (21) The term ‘watershed’ means a natural area of drainage, including all
30 tributaries contributing to the supply of at least one major waterway
31 within the State, the specific limits of each separate watershed to be
32 designated by the Commission.
- 33 (22) The term ‘complex sources’ means any facility which is or may be an
34 air pollution source or which will induce or tend to induce
35 development or activities which will or may be air pollution sources,
36 and which shall include, but not be limited to, shopping centers; sports
37 complexes; drive-in theaters; parking lots and garages; residential,
38 commercial, industrial or institutional developments; amusement parks
39 and recreation areas; highways; and any other facilities which will
40 result in increased emissions from motor vehicles or stationary
41 sources.
- 42 (23) The term ‘effluent standards’ or ‘effluent limitations’ means any
43 restrictions established pursuant to this Article on quantities, rates,
44 characteristics and concentrations of chemical, physical, biological and

1 other constituents of wastes which are discharged from any
2 pretreatment facility or from any outlet or point source to the waters of
3 the State.

4 (24) The term 'point source' means any discernible, confined, and discrete
5 conveyance, including, but specifically not limited to, any pipe, ditch,
6 channel, tunnel, conduit, well, discrete fissure, container, rolling stock,
7 or concentrated animal-feeding operation from which wastes are or
8 may be discharged to the waters of the State.

9 (25) The term 'pretreatment facility' means any treatment works installed
10 for the purpose of treating, equalizing, neutralizing or stabilizing waste
11 from any source prior to discharge to any disposal system subject to
12 effluent standards or limitations.

13 (26) The term 'pretreatment standards' means effluent standards or
14 limitations applicable to waste discharged from a pretreatment facility.

15 (27) The term 'Federal Clean Air Act' refers to the Clean Air Act, 42
16 U.S.C. 7401 **et seq.**

17 (28) The term 'nonattainment area' refers to an area which is shown to
18 exceed any national ambient air quality standard for such pollutant.

19 (29) The term 'prevention of significant deterioration' refers to the statutory
20 and regulatory requirements arising from the Federal Clean Air Act
21 designed to prevent the significant deterioration of air quality in areas
22 with air quality better than required by the national ambient air quality
23 standards.

24 (30) The term 'waste treatment management practice' means any method,
25 measure or practice to control plant site runoff, spillage or leaks,
26 sludge or waste disposal and drainage from raw material storage which
27 are associated with, or ancillary to the industrial manufacturing or
28 treatment process of the class or category of point sources to which the
29 management practice is applied. Waste treatment management
30 practices may only be imposed, supplemental to effluent limitations,
31 for a class or category of point sources, for any specific pollutant
32 which has been designated as toxic or hazardous pursuant to sections
33 307(a)(1) or 311 of the Federal Water Pollution Control Act."

34 Sec. 3. This act is effective upon ratification and shall apply to applications
35 submitted to the Department on or after the date of adoption by the Agricultural
36 Extension Service of best management practice and nutrient guidelines.