

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 974

Short Title: Applicator of Agriculture Waste.

(Public)

Sponsors: Senators Albertson, Speed, Martin of Pitt, Hoyle, Dannelly, Gulley, Sherron, Rand, Cooper, Perdue, Warren, Odom, Jordan, Plexico, Ledbetter, and Blackmon.

Referred to: Agriculture/Environment/Natural Resources

May 3, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION
2 OF AGRICULTURE WASTE TO BE CERTIFIED AS A WATER POLLUTION
3 CONTROL SYSTEMS OPERATOR.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 90A-44 reads as rewritten:

7 "**§ 90A-44. Certified operators required.**

8 No person, firm, or corporation, municipal or private, owning or having control of a
9 water pollution control system for which a certified operator is required under rules
10 adopted by the Commission shall allow such system to be operated by any person who
11 does not hold a currently valid certificate in an appropriate grade and type issued by the
12 Commission. No person shall perform the duties of a water pollution control system
13 operator in responsible charge without being duly certified under the provisions of this
14 Article. On or after January 1, 1997, no person shall operate an animal waste
15 management system without being certified under the provisions of this Article. No
16 person shall perform the duties of a water pollution control system operator who has not
17 paid all fees required under this Article."

18 Sec. 2. G.S. 90A-43 reads as rewritten:

19 "**§ 90A-43. Promotion of training and other powers.**

1 The Commission and the Secretary of Environment, Health, and Natural Resources
2 are authorized to take all necessary and appropriate steps in order to effectively and fairly
3 achieve the purposes of this Article, including, but not limited to, the providing of
4 training for water pollution control system operators and cooperating with educational
5 institutions and private and public associations, persons, or corporations in the promotion
6 of training for water pollution control system personnel. The Commission and the
7 Secretary of Environment, Health, and Natural Resources shall cooperate with the
8 Agricultural Extension Service in providing training for water pollution control system
9 operators that perform the land application of agriculture waste."

10 Sec. 3. G.S. 90A-46 reads as rewritten:

11 **"§ 90A-46. Definitions.**

12 The following definitions shall apply throughout this Article:

13 (1) 'Animal waste management system' means a combination of structural
14 and nonstructural practices that will properly collect, treat, store, or
15 apply animal waste to the land such that no discharge of pollutants
16 occurs to surface waters of the State by means except as a result of a
17 storm event more severe than the 25 year, 24 four storm.

18 ~~(1a)~~ 'Commercial water pollution control system operating firm'
19 means a person who contracts to operate a water pollution
20 control system for any person who holds a permit for a water
21 pollution control system, other than an employee of the
22 permittee.

23 (2) 'Commission' means the Water Pollution Control System Operators
24 Certification Commission.

25 (3) 'Waste' has the same meaning as in G.S. 143-213.

26 (4) 'Operator' means a person who holds a currently valid certificate as a
27 water pollution control system operator issued by the Commission
28 under rules adopted pursuant to this Article.

29 (5) 'Operator in responsible charge' means the person designated by a
30 person owning or having control of a water pollution control system as
31 the operator of record of the water pollution control system and who has
32 primary responsibility for the operation of such system.

33 (6) 'Water pollution control system' means a system for the collection,
34 treatment, or disposal of waste for which a permit is required under
35 rules adopted by either the North Carolina Environmental Management
36 Commission or the Commission for Health Services."

37 Sec. 4. This act is effective upon ratification.