CHAPTER ___ SEPTAGE COLLECTION, TRANSPORTATION AND DISPOSAL

SECTION 1. AUTHORITY

Pursuant to NCGS Chapter 153A, Caldwell County hereby establishes this Ordinance.

SECTION 2. DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

County means Caldwell County.

Domestic Septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar treatment works receiving only domestic sewage. The term "domestic septage" does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap a restaurant.

Health Department means the Caldwell County Health Department.

Industrial or Commercial Septage means material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water-carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage.

NCGS means the North Carolina General Statutes.

Owner/Operator means the individual who owns, or is responsible for, management and/or day-to-day operations of the septage management firm.

Septage means a solid waste which is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin and is removed from septic tanks; septage as defined in NCGS; and washings from the interior of septage handling containers, including pumper trucks.

Septage Management Firm means a person involved in the activity of pumping, transporting, storing, treating, or disposing of septage. The term does not include public or community sanitary sewer systems that treat or dispose of septage. The

Owner/Operator shall be responsible for ensuring the firm's compliance with all statutory and regulatory requirements.

SECTION 3. SEPTAGE LAND APPLICATION AND SEPTAGE DETENTION SYSTEMS

(a) All Septage Management Firms discharging Septage within the boundaries of the County shall discharge into one of the designated dumping stations determined by the County. Industrial or commercial septage is not allowed to be dumped into County dumping stations.

(b) The use of a Septage detention system is prohibited.

(c) All Septage sourced from the County may be discharged into designated County dumping stations.

SECTION 4. PENALTIES AND REMEDIES

(a) Criminal Penalties. Any person violating this Ordinance, or any Section thereof, shall be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each occurrence of a violation shall be treated as a separate occurrence.

(b) Civil Remedies. In accordance with the County fee schedule, adopted by the County Board of Commissioners.

(c) Equitable Remedies. The County may seek to enforce this Ordinance through any appropriate equitable action. The public health director may bring a civil proceeding to enforce this Ordinance or abate a public health nuisance.

(d) Any violation of this Ordinance will be reported to agencies governing septage management.