

House Bill 352

By: Representatives Williams of the 165<sup>th</sup>, Stephens of the 164<sup>th</sup>, Hill of the 180<sup>th</sup>, Carter of the 159<sup>th</sup>, and Day of the 163<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 15 of Title 12 of the Official Code of Georgia Annotated, relating to  
2 sewage holding tanks, so as to revise the "Sewage Holding Tank Act"; to regulate removal,  
3 transport, and disposal of sewage from septic tanks and sewage holding tanks; to provide for  
4 rules and regulations; to provide for enforcement; to provide penalties for violations; to  
5 provide for local ordinances; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 15 of Title 12 of the Official Code of Georgia Annotated, relating to sewage holding  
9 tanks, is amended by striking Article 1, the "Sewage Holding Tank Act," and inserting in lieu  
10 thereof the following:

11 **"ARTICLE 1**

12 ~~12-15-1.~~

13 ~~This article shall be known and may be cited as the 'Sewage Holding Tank Act.'~~

14 ~~12-15-2.~~

15 ~~The General Assembly finds that there is a need for sewage holding tanks to accommodate~~  
16 ~~the sewage from flush toilets which serve the needs of employees at construction sites~~  
17 ~~during the temporary period of construction and the needs of the public at special events;~~  
18 ~~and that such sewage holding tanks should be regulated to ensure that they are maintained~~  
19 ~~in a clean, sanitary, and functional condition for the protection of human health, safety, and~~  
20 ~~welfare. Where such sewage holding tanks are utilized, their construction, maintenance,~~  
21 ~~and operation shall meet the standards of this article and all health and safety regulations~~  
22 ~~applicable thereto.~~

1 ~~12-15-3.~~ 12-15-1.

2 As used in this article, the term:

3 (1) 'Construction period' means the period of time during which a valid construction  
4 permit is in effect for a construction site.

5 (2) 'Construction site' means the property designated in a valid construction permit issued  
6 by the local government having jurisdiction of construction.

7 (3) 'Department' means the Department of Natural Resources.

8 (3.1) 'Division' means the Environmental Protection Division of the department.

9 (3.2) 'Local governing authority' means the governing authority of a county or  
10 municipality.

11 (3.3) 'Originator' means the prime contractor named in the construction permit or the  
12 sponsor of a special event.

13 (4) 'Sewage' means human excreta, all water carried wastes, and liquid waste, including  
14 graywater or similar waste by-products.

15 (5) 'Sewage holding tank' means a portable receptacle used on a temporary basis for  
16 containing sewage from flush toilets not connected to a public sewer system or an  
17 approved on-site sewage management system.

18 (6) 'Sewage holding tank system' means a closed system including the plumbing fixtures  
19 and connections to the sewage holding tanks.

20 (7) 'Special event' means any activity attracting more than 50 persons which is  
21 sponsored, organized, promoted, managed, or financed by any person, group, partnership,  
22 organization, corporation, business, or government entity where individuals congregate  
23 to participate in or observe an activity in outdoor or portable enclosed or semienclosed  
24 structures for more than two consecutive hours.

25 (8) 'Transporter' means any person or firm which owns or operates one or more tank  
26 trucks which in this state receive or dispose of sewage from septic tanks or sewage  
27 holding tanks.

28 ~~12-15-4.~~ 12-15-2.

29 Sewage holding tanks may be utilized for construction trailers only at a construction site  
30 during the construction period, and at the site of any special event during the period of the  
31 special event and for 48 hours before and after the special event. Sewage holding tanks  
32 shall not be used as an approved method of sewage disposal in obtaining an occupancy  
33 permit or permanent power for any structure.

1 ~~12-15-5.~~ 12-15-3.

2 (a) Sewage holding tanks shall be maintained in a clean, sanitary, and functional condition  
3 and shall be constructed of impervious materials. Sewage holding tanks shall be watertight  
4 and capable of containing the sewage in a sanitary manner and shall be adequate in size to  
5 contain the sewage from the flush toilets being served by the tank and shall be serviced at  
6 least once per week while in use so that the tank will not be filled to more than one-half of  
7 its volume between regularly scheduled service. The prime contractor at a construction site  
8 or sponsor at a special event must monitor sewage holding tank capacity and ensure that  
9 the tank volume will not exceed one-half of the tank capacity at any time.

10 (b) Any defective or inadequate holding tank shall be repaired immediately or removed  
11 from service.

12 (c)(1) Removal of sewage from septic tanks or sewage holding tanks shall be  
13 accomplished in a clean and sanitary manner by means of a vacuum hose and shall be  
14 received into a leakproof tank truck, approved and ~~licensed for such service by the local~~  
15 ~~health department for transport~~ permitted for such service in accordance with this  
16 subsection. Any sewage spilled, leaked, discharged, or otherwise released or removed  
17 from a septic tank or sewage holding tank to any location other than a leakproof tank  
18 truck shall be deemed a violation of Article 2 of Chapter 5 of this title, the 'Georgia Water  
19 Quality Control Act,' and such violation shall be punishable under the provisions of said  
20 Article 2.

21 (2) Any transporter shall register with the division or the local governing authority or its  
22 designee of any county or municipality in this state in which the transporter receives or  
23 disposes of sewage, and registration with the division or any such local governing  
24 authority shall be valid for operation throughout the state. Such registration shall be made  
25 on a standard form prescribed by rule or regulation of the department.

26 (3) Any tank truck which in this state receives or disposes of sewage from a septic tank  
27 or sewage holding tank shall be inspected and permitted annually for purposes of  
28 compliance with the requirements of this subsection by the local governing authority or  
29 its designee of any county or municipality in this state in which the tank truck receives  
30 or disposes of sewage, and a single permit issued by any such local governing authority  
31 shall be valid for operation of such truck throughout the state. Such permit shall be on a  
32 standard form prescribed by rule or regulation of the department. The permit applicant  
33 shall be required to identify the facilities at which sewage carried by such truck will be  
34 disposed, and such facilities shall be identified on and be a condition of such permit. For  
35 any transporter, the amount of such annual permit fee shall be \$250.00 for the first truck  
36 and \$100.00 for each additional truck.

1 (d) The sewage from septic tanks or sewage holding tanks carried by tank trucks shall be  
 2 disposed only at a sewage treatment plant which is owned and operated by a city or county  
 3 government and which holds a valid permit from the division or at a treatment plant owned  
 4 and operated by the federal government, unless otherwise authorized pursuant to Code  
 5 Section 31-2-8. Such disposal shall occur only with the permission of the ~~city or county~~  
 6 government entity which owns the sewage treatment plant. Any disposal of sewage from  
 7 a tank truck at any location other than the place inside the property boundaries of a sewage  
 8 treatment plant designated by the plant's owner shall be deemed to be a violation of Article  
 9 2 of Chapter 5 of this title. Such violation shall be punishable under the provisions of said  
 10 Article 2.

11 ~~The sewage holding tank provider shall be responsible for maintaining a manifest~~  
 12 ~~system to ensure that all sewage pumped from a holding tank is disposed of in accordance~~  
 13 ~~with subsection (d) of this Code section. A responsible employee of the city or county~~  
 14 ~~sewage treatment plant which receives the sewage must sign a manifest for each load of~~  
 15 ~~sewage received, and the sewage holding tank provider must make the manifests available~~  
 16 ~~on each tank truck at any time for inspection by the division or any county board of health.~~  
 17 Any originator in this state, transporter, or disposal site operator in this state other than the  
 18 federal government of any load of sewage vacuumed or pumped from any septic tank or  
 19 sewage holding tank shall be each responsible for maintaining a manifest system for such  
 20 load of sewage, and the transporter shall certify on its manifest that such load of sewage  
 21 is disposed in accordance with subsection (d) of this Code section or in accordance with  
 22 the law of such other state or jurisdiction in which it is disposed. The forms for such  
 23 manifests shall be prescribed by rule or regulation of the department. Such manifests shall  
 24 be maintained at the principal places of business of the originator, transporter, and disposal  
 25 site operator other than the federal government for not less than three years from the date  
 26 of sewage removal, transport, or disposal; except that the transporter's manifests covering  
 27 not less than the immediately preceding 30 day period for a particular truck shall be kept  
 28 in the transporter's tank truck at all times when operating in this state. Such manifests shall  
 29 be made available at any time for inspection by the division or any local governing  
 30 authority or the designee thereof.

31 ~~12-15-6.~~

32 ~~The prime contractor named in the construction permit or the sponsor of a special event and~~  
 33 ~~the sewage holding tank service provider shall be responsible for ensuring that the~~  
 34 ~~appropriate provisions of this article are complied with.~~

1 12-15-4.

2 The department shall promulgate such rules and regulations as are reasonable and  
 3 necessary for purposes of enforcement of this article not later than December 31, 2005.

4 ~~12-15-7.~~ 12-15-5.

5 ~~The department and respective county boards of health~~ respective local governing  
 6 authorities and their duly authorized agents are authorized to enforce compliance with this  
 7 article and rules and regulations promulgated and adopted pursuant to this article.

8 ~~12-15-8.~~ 12-15-6.

9 ~~Any person violating the provisions of this article shall be deemed to be in violation of~~  
 10 ~~Article 2 of Chapter 5 of this title. Any such violation shall be punishable under the~~  
 11 ~~provisions of said Article 2.~~ Any person who violates any provision of this article, the rules  
 12 and regulations adopted pursuant to this article, or any permit condition or limitation  
 13 established pursuant to this article shall be liable for a civil penalty not to exceed \$2,500.00  
 14 per violation. For the purpose of enforcing the provisions of this article, notwithstanding  
 15 any provision in Code Section 36-35-6, any other provision of law, or any municipal  
 16 charter to the contrary, municipal courts shall have jurisdiction in cases of violations  
 17 committed within municipalities and shall be authorized to impose a civil penalty not to  
 18 exceed \$2,500.00 for each violation. Magistrate courts shall have jurisdiction in cases of  
 19 violations of this article committed within unincorporated areas of counties and shall be  
 20 authorized to impose a civil penalty not to exceed \$2,500.00 for each violation.

21 12-15-7.

22 This article shall be cumulative and shall not prohibit the enactment and enforcement of  
 23 local ordinances by the governing authority of a county or municipality on this subject  
 24 which are not in conflict with this article; provided, however, that such local governing  
 25 authority shall be required to provide timely written notice to the division of any  
 26 enforcement action taken pursuant to such an ordinance against a transporter registered  
 27 under this article who is alleged to be in violation of such local ordinance. The division  
 28 shall be notified of the initiation of any such local enforcement action and of the final  
 29 conclusions or ultimate outcome of any such action."

## 30 SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.