

33-21-02-08. Septage disposal.

1. Septage must be disposed of at a department-permitted wastewater treatment facility, or it may be land-applied. All septic system servicers shall submit disposal site information to the department with their permit applications under subsection 2 of section 33-21-02-05.
2. Class I septic system servicers shall obtain the department's written preapproval for land application sites. Approval requests may be submitted with a permit application or during the term of the permit. Approval requests not included in the permit application shall include the information on the proposed land application site listed in subsection 3 of section 33-21-02-05. If the approval request contains all the required information, the land application sites may be given conditional approval within thirty days of submission. Full approval is contingent on a site assessment conducted by the department and will be granted automatically unless otherwise notified by the department. The department may not approve sites that may cause harm to the environment or threaten the public. Once given full approval by the department, land application sites shall retain approval for a period of not less than five years, unless additional future information indicates a change in the environmental status of the property. Examples for cause of termination of approval include excessive runoff, odor complaints, illegal disposal, etc.

Class II septic system servicers shall follow all general land application requirements as outlined in subsections 4 through 8.

3. A septic system servicer land applying septage from a rural single-family residence on property owned or leased by the owner or lessee of the rural single-family residence is exempt from obtaining the department's written approval for the land application site. General land application site requirements still apply and must be followed.
4. General land application site requirements shall be followed by all septic pumper classifications, including rural single-family exemptions, and are as follows:
 - a. Application of septage is not allowed on a designated one hundred-year floodplain as defined by federal emergency management agency flood maps nor below the ordinary high water mark.
 - b. Application of septage is not allowed on areas of a site ponded with water or septage.
 - c. Septage cannot be applied when soils are saturated.
 - d. Septage cannot be applied by spraying from public roads or across road right of ways.
 - e. All septage that is land-applied must be uniformly distributed over the area by use of a distribution device, such as a splash plate or spreader.
 - f. Measures must be taken to ensure that the ponding or septage and runoff does not occur.
 - g. Slope restrictions are as follows:
 - (1) Surface application, injection, or immediate incorporation of septage is allowed on slopes six percent and less.
 - (2) Injection of septage is required on slopes greater than six percent up to twelve percent.
 - (3) Land application of septage is not allowed on slopes greater than twelve percent.
 - h. Separation distances are as follows:
 - (1) Private drinking water wells must have two hundred feet of separation from land application of septage.

- (2) Public drinking water supply wells must have one thousand feet of separation from land application of septage.
- (3) Irrigation wells must have fifty feet of separation from land application of septage.
- (4) Residences must have one thousand feet of separation from land application of septage, unless permission is obtained by the owner and resident to reduce this distance.
- (5) Surface water features must have two hundred feet of separation distance from land application of septage.
- (6) Public contact sites, including roads, must have a separation distance of two hundred feet from surface-applied and incorporated septage. A separation distance of fifty feet is required for injection of septage.
- i. Public contact sites shall be posted with no trespassing signs for thirty days after application.
- j. Septage shall be applied at a rate of less than twenty thousand gallons per acre per day and less than one hundred pounds of nitrogen per acre per year. The department may waive these rates upon a site-by-site review basis.
- k. Land application sites shall be maintained free of litter.
- l. The discharge from the servicing units shall be controlled so that pooling or ponding of septage during land application does not occur.
- 5. Pathogen reduction measures shall be taken by all classes in accordance with one of the following alternatives:
 - a. Alternative 1. Septic system servicers shall pump domestic septage from a septic tank or holding tank and land apply it without treatment. Crop, grazing, and site restrictions apply.
 - (1) Crop restrictions:
 - (a) Food crops with harvested parts that touch the septage and soil mixture and are totally aboveground shall not be harvested for fourteen months after application of domestic septage.
 - (b) Food crops with harvested parts below the surface of the land shall not be harvested for thirty-eight months after application of domestic septage.

- (c) Animal feed, fiber, and those food crops that do not touch the soil surface shall not be harvested for thirty days after the application of the domestic septage.
 - (d) Turf grown on land where domestic septage is applied shall not be harvested for one year after application of the domestic septage when the harvested turf is placed on either a lawn or land with a high potential for public exposure, unless otherwise specified by the permitting authority.
- (2) Grazing restrictions. Animals shall not be allowed to graze on the land for thirty days after application of domestic septage.
- (3) Site restrictions. Public access to land with a low potential for public exposure shall be restricted for thirty days after application of domestic septage. Examples of restricted access include remoteness of site, posting with no trespassing signs, or simple fencing.
- b. Alternative 2. Septic system servicers shall pump domestic septage from a septic tank or holding tank that has had its pH raised to twelve or higher by the addition of alkaline material and, without addition of more alkaline material, the septage must remain at a pH level of twelve or higher for at least thirty minutes prior to being land-applied. Crop restrictions apply.
 - (1) Crop restrictions:
 - (a) Food crops with harvested parts that touch the septage and soil mixture and are totally aboveground shall not be harvested for fourteen months after application of domestic septage.
 - (b) Food crops with harvested parts below the surface of the land shall not be harvested for twenty months after application of domestic septage when the domestic septage remains on the land surface for four months or longer prior to incorporation into the soil.
 - (c) Food crops with harvested parts below the surface of the land shall not be harvested for thirty-eight months after application of domestic septage when the domestic septage remains on the land surface for less than four months prior to incorporation into the soil.
 - (d) Animal feed, fiber, and those food crops that do not touch the soil surface shall not be harvested for thirty days after application of the domestic septage.

- (e) Turf grown on land where domestic septage is applied shall not be harvested for one year after application of the domestic septage when the harvested turf is placed on either a lawn or land with a high potential for public exposure, unless otherwise specified by the permitting authority.
 - c. Other equivalent alternatives may be acceptable with prior department approval.
- 6. Vector attraction reduction measures shall be taken by all classes in accordance with one of the following alternatives:
 - a. Alternative 1. Septic system servicers shall inject domestic septage below the surface of the land, and no significant amount of the septage shall be present on the land surface within one hour after the septage is injected.
 - b. Alternative 2. Septic system servicers shall incorporate domestic septage applied to the land surface into the soil surface plow layer within forty-eight hours after application.
 - c. Alternative 3. Septic system servicers shall raise the pH of domestic septage to twelve or higher by addition of alkaline material and, without addition of more alkaline material, the septage must remain at a pH level of twelve or higher for thirty minutes prior to being land-applied.
 - d. Other equivalent alternatives may be acceptable with prior department approval.
- 7. Snow-covered ground application is acceptable if there are less than eight inches of snow and less than a six percent slope onsite and according to general land application requirements of subsection 4 of section 33-21-02-08.
- 8. Storage of septage greater than twenty-five thousand gallons requires department approval. All storage sites shall be designed and maintained to prevent a public nuisance and shall be in compliance with North Dakota Century Code chapter 61-28.

History: Effective January 1, 2014.

General Authority: NDCC 61-28-04, 61-28-04.1

Law Implemented: NDCC 61-28-04.1