

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1304

Short Title: Agribusiness Plant Variances.

(Public)

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Sponsors: Representative Bowman.

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Referred to: Infrastructure.

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April 12, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE VARIANCES IN SOLID WASTE AND WASTE WATER  
3 DISPOSAL TO ENCOURAGE RECYCLING AND THE BENEFICIAL USE OF  
4 AGRIBUSINESS PROCESSING PLANT RESIDUES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 9 of Chapter 130A of the General Statutes is amended by  
7 adding a new Part to read:

8 **“PART 4. VARIANCES FOR AGRIBUSINESS PROCESSING PLANT**  
9 **RESIDUES.**

10 **“§ 130A-310.15. Definitions.**

11 As used in this Part:

- 12 (1) ‘Agribusiness’ means food chain crops grown on farms.  
13 (2) ‘Food chain crops’ means tobacco, crops grown for human  
14 consumption, and crops grown for feed for animals whose products are  
15 consumed by humans.  
16 (3) ‘Farm’ means the raising or harvesting of any agricultural,  
17 aquacultural, silvicultural or horticultural commodity through the  
18 cultivation of the soil, or the raising, shearing, feeding, caring for,  
19 training, or management of fish, trees, livestock, bees, poultry, fur-  
20 bearing animals, or wildlife.  
21 (4) ‘Food processing waste’ means waste resulting solely from the  
22 processing of crops and related food products. Food processing waste  
23 includes, but is not limited to:

- 1 a. Vegetative residues that are recognizable as part of a plant, fruit  
2 or vegetable, such as corn husks, cabbage leaves, grape and  
3 apple pomace, bean snips, and carrot, tomato, and potato skins;  
4 or  
5 b. Any solid, semi-solid or liquid food sludge or residue that is  
6 nonrecognizable but identifiable by analysis or is certified as  
7 solely a byproduct of plant, fruit, vegetable, aquaculture,  
8 seafood, meat, poultry or dairy processing, such as milk and  
9 cheese whey, brewery and winery waste, and byproducts from  
10 canned, frozen, or preserved fruit and vegetable processing  
11 operations.
- 12 (5) 'Food Processing' includes receiving, storage, and processing  
13 operations including the screening, separation, pretreatment and  
14 treatment of all product residue, peeling and wastewater streams prior  
15 to discharge to POTWs or the State's waters.
- 16 (6) 'POTW' means publicly owned treatment works.
- 17 (7) 'Agribusiness residues and byproducts' means the waste resulting  
18 solely from agribusiness processing that does not include any domestic  
19 sewerage.

20 **"§ 130A-310.16. Legislative findings.**

21 (a) The General Assembly finds:

- 22 (1) The residues from agribusiness processing plants are uniquely  
23 different than sewer sludges from municipal treatment plants and from  
24 any other industrial sources. Classification of agribusiness residues  
25 such as those from food processing activities as sewage sludges may  
26 prevent their use as food for animals, fertilizers and soil amendments,  
27 and other beneficial uses. These residues are bits and pieces of  
28 agricultural products that contain no domestic waste and are both safe  
29 and biodegradable.
- 30 (2) Agribusiness processing plant residues do not contain any domestic  
31 sewerage residues; therefore, the application of these agribusiness  
32 residues is not addressed by any existing statutes or regulations issued  
33 to govern the disposal of sewerage sludge.
- 34 (3) North Carolina confronts a crisis in solid waste management due to the  
35 shortage of landfill space, stricter federal regulations, and the potential  
36 threat of landfills to the groundwaters of this State.
- 37 (4) North Carolina confronts a crisis in POTW management including  
38 nutrient sensitive designations for our surface waters, stricter federal  
39 regulations to protect all drinking water sources, and the requirement  
40 that Pretreatment Programs be implemented requiring more waste  
41 reductions by all industries. For industries to comply with these more  
42 stringent regulations, the implementation of waste  
43 reduction/recovery/reuse technologies including the recovery of  
44 residues and byproducts must be increased.

- 1           (5) The interests of the State are inextricably connected to the proper  
2 voluntary management of waste by industry, local governments and  
3 our citizens. It is in the best interests of the State to develop State  
4 policy and programs that assist in efforts to recycle and make the  
5 maximum beneficial use of all our resources.

6 **"§ 130A-310.17. Declaration of policy.**

7 The policy of the State is to promote alternative byproduct and residue management  
8 methods that reduce or eliminate landfill disposal or costly treatment alternatives for  
9 assisting local governments.

10 **"§ 130A-310.18. Variances regarding wastewater pretreatment and treatment**  
11 **facilities.**

12 The Department of Human Resources and the Department of Natural Resources and  
13 Community Development shall develop variances from current rules and regulations,  
14 including the rules regarding permitting wastewater pretreatment and treatment  
15 facilities, based on the unique differences that exist in these agribusiness processing  
16 plant residues. The following variances shall be made regarding agribusiness residues:

- 17           (1) Agribusiness plant byproducts and residues may be applied to the soil  
18 or injected into the soil.  
19           (2) The applications may be made only if used as a fertilizer or soil  
20 conditioner, in normal farming operations, or in any land or forest  
21 management operation requiring the use of fertilizer or soil  
22 conditioners.  
23           (3) The applications must be made under the best agricultural,  
24 silvicultural, or maricultural management practices or controlled by the  
25 rules and regulations of North Carolina for feeds, fertilizers or soil.  
26           (4) Agribusiness residues may also be used as animal feed or feed  
27 supplements where approved by the Department of Agriculture.

28 **"§ 130A-310.19. Required management practices.**

29           (a) Nonrecognizable agribusiness processing residues may be applied to the  
30 surface of the soil or injected into the soil, provided the following conditions are  
31 satisfied:

- 32           (1) The site is developed, operated, and maintained in a safe, nuisance-free  
33 manner;  
34           (2) The residues are used in normal agricultural or horticultural operations  
35 and the land application is conducted according to the best agricultural  
36 management practices;  
37           (3) Written notice is provided to the Department prior to applying the  
38 residue to the surface of the soil. The notice must include the location  
39 of all proposed application sites; the quantity of byproducts or residues  
40 expected to be applied to the land; and the anticipated rate of  
41 application in tons per acre based on dry weight. Notice for land  
42 application facilities must be made by the landowner, his delegated  
43 representative through a power of attorney, the generator of the  
44 residue, or the applicator of the residue;

1           (4)   The residues must clearly benefit the soil or crop by providing a source  
2           of nutrients or by adjusting the pH level of the soil;

3           (5)   The loading rates must be appropriate for the nutrient needs of the  
4           crops to be grown; and

5           (6)   The residues must contain no domestic sewage, sewage sludge, or  
6           septage.

7           These agribusiness byproducts and residues may include, but are not limited to, food  
8           processing waste.

9           The actual loading rates for the site must be maintained by the farmer and  
10          applicator."

11           Sec. 2. This act shall become effective October 1, 1989.