

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1345

Short Title: Animal Waste Permits/Inspections.

(Public)

Sponsors: Senators Perdue, Albertson, Kerr, Odom, Cooper, Martin of Guilford, Hoyle, Conder, and Ballance.

Referred to: Agriculture/Environment/Natural Resources.

May 27, 1996

A BILL TO BE ENTITLED

AN ACT TO AMEND ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES TO ESTABLISH PERMITS AND AN INSPECTION SCHEDULE FOR SPECIFIED ANIMAL OPERATIONS AND TO REQUIRE ENHANCED COMMUNICATION INCLUDING A PLAN TO DEVELOP SITE SPECIFIC MANAGEMENT STRATEGIES.

The General Assembly of North Carolina enacts:

Section 1. Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-215.1B. Applications and permits for animal operations.

(a) All applications for new permits and for renewals of existing permits for animal operations involving 250 or more swine, 100 confined cattle, or confined poultry operations, shall be in writing, and the Commission may prescribe the form of the applications. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the Commission,

1 the application is considered to be approved. Permits and renewals issued in approving
2 facilities pursuant to this section shall be effective until the date specified therein or until
3 rescinded unless modified or revoked by the Commission.

4 (b) Animal operations involving 250 or more swine, 100 confined cattle, or
5 confined poultry operations shall have an operations review on an annual basis as part of
6 their Nutrient Management Plan by technical specialists of any of the following agencies:
7 (i) North Carolina Soil and Water Conservation Districts or federal Natural Resources
8 Conservation Service; (ii) Cooperative Extension Service; or (iii) North Carolina
9 Department of Agriculture. During the operations review, if a technical specialist
10 observes any of the following major violations, the technical specialist shall immediately
11 notify the Division of Environmental Management for immediate action:

12 (1) Use of a straight pipe discharging animal waste directly into a water
13 body;

14 (2) Any major deterioration or leaks in a lagoon system;

15 (3) Overspraying animal waste where runoff is visibly entering a blue-line
16 stream as identified on a U.S.G.S. map; or

17 (4) Any discharge that visibly bypasses a lagoon system.

18 If a technical specialist observes any other violation that does not pose an immediate
19 threat to the environment, the animal operation shall be given oral advice on corrective
20 action needed, including technical assistance if requested. The animal operation shall be
21 reinspected no later than 30 days following the original operations review to verify that
22 the animal operation is in compliance with all permit requirements. If, upon reinspection,
23 the operation has not made a good faith effort to comply with permit requirements, the
24 technical specialist shall issue a written report of corrective actions required to the
25 operator, with a copy filed in the District Soil and Water Conservation Office. The
26 animal operation shall be reinspected no later than 30 days after the written report has
27 been issued and, the technical specialist shall verify that the animal operation is in
28 compliance with all permit requirements. If the animal operation is not in compliance,
29 the technical specialist shall report the noncompliance, including recommended
30 corrective action to the Division of Environmental Management within five days."

31 Sec. 2. G.S. 143-215.2(a) reads as rewritten:

32 "(a) Issuance. – The Commission is hereby empowered, after the effective date of
33 classifications, standards and limitations adopted pursuant to G.S. 143-214.1 or G.S. 143-
34 215, or a water supply watershed management requirement adopted pursuant to G.S. 143-
35 214.5, to issue (and from time to time to modify or revoke) a special order, or other
36 appropriate instrument, to any person whom it finds responsible for causing or
37 contributing to any pollution of the waters of the State within the area for which
38 standards have been established. Such an order or instrument may direct such person to
39 take, or refrain from taking such action, or to achieve such results, within a period of time
40 specified by such special order, as the Commission deems necessary and feasible in order
41 to alleviate or eliminate such pollution. ~~Provided, however, that the provisions of this section~~
42 ~~shall not apply to any agricultural operation, such as the use or preparation of any land for the~~

1 ~~purposes of planting, growing, or harvesting plants, crops, trees or other agricultural products, or~~
2 ~~raising livestock or poultry."~~

3 Sec. 3. The Division of Soil and Water of the Department of Environment,
4 Health and Natural Resources, the Cooperative Extension Service of North Carolina State
5 University, and the North Carolina Department of Agriculture shall prepare a coordinated
6 and comprehensive plan that includes how existing resources at the local level can be
7 utilized for nonpoint source pollution prevention and control in the Neuse River Basin.
8 The plan shall include mechanisms to be utilized that enhance communication, and
9 provide information, technical assistance, environmental education, and enforcement
10 strategies. The plan shall also include the following:

- 11 (1) Identify the needs of agricultural crop and livestock operations and the
12 services provided by the various groups.
- 13 (2) Designate the Division of Soil and Water of the Department of
14 Environment, Health, and Natural Resources as the lead agency with a
15 defined line of authority for agricultural and other land use activities
16 affected by the nonpoint source pollution prevention/control plan.
- 17 (3) Develop a strategic plan for interaction and communication with
18 farmers and livestock operations concerning best management practices,
19 nutrient management plans, and site specific nutrient reduction efforts.

20 The Commissioner of Agriculture, the Secretary of the Department of Environment,
21 Health, and Natural Resources, and the Director of the Cooperative Extension Service
22 shall report their comprehensive plan to the Senate Select Committee on River Water
23 Quality and Fish Kills and the Environmental Review Commission by September 30,
24 1996.

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