

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 974

Short Title: Improve Animal Waste Management.

(Public)

Sponsors: Representatives Wright; Hill, McComas, Wainwright, and Watson.

Referred to: Environment, if favorable, Appropriations.

April 16, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE PHASING OUT OF ANAEROBIC LAGOONS AS
2 THE PRIMARY MEANS OF TREATING OR DISPOSING OF ANIMAL WASTE,
3 TO AUTHORIZE THE USE OF CLEAN WATER MANAGEMENT TRUST
4 FUNDS FOR COST SHARE FUNDS TO ASSIST THE CONVERSION TO OTHER
5 ANIMAL WASTE MANAGEMENT TECHNOLOGIES, AND TO MAKE OTHER
6 CHANGES TO THE ANIMAL WASTE MANAGEMENT LAW TO BETTER
7 PROTECT WATER QUALITY.

8
9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 143-215.10C(b) reads as rewritten:

11 "(b) An animal waste management system shall be designed, constructed, and
12 operated so that the animal operation served by the animal waste management system
13 does not cause pollution in the waters of the State except as may result because of rainfall
14 from a storm event more severe than the 25-year, 24-hour storm. After September 1,
15 1997, no permits for new or expanded animal waste management systems shall be issued
16 for anaerobic lagoons used as primary animal waste treatment or disposal method. No
17 permits for new or expanded animal waste management systems shall be issued for
18 systems that use anaerobic lagoons as the primary method of waste treatment or disposal.
19 No existing animal waste management system shall use an anaerobic lagoon as the
20 primary method of waste treatment or disposal on or after October 1, 1999. This deadline

1 for existing animal waste management systems may be extended one year for any
2 permittee who has applied for cost share funds under G.S. 143-215.74 to convert to an
3 animal waste management system that employs a different technology."

4 Section 2. G.S. 143-215.10C(e) reads as rewritten:

5 "(e) Animal waste management plans shall include all of the following
6 components:

7 (1) A checklist of potential odor sources and a choice of site-specific, cost-
8 effective remedial best management practices to minimize those
9 sources.

10 (2) A checklist of potential insect sources and a choice of site-specific, cost-
11 effective best management practices to minimize insect problems.

12 (3) Provisions that set forth acceptable methods of disposing of mortalities.

13 (4) Provisions regarding best management practices for riparian buffers or
14 equivalent controls, particularly along perennial streams.

15 (5) Provisions regarding the use of emergency spillways and site-specific
16 emergency management plans that set forth operating procedures to
17 follow during emergencies in order to minimize the risk of
18 environmental damage.

19 (6) Provisions regarding periodic testing of waste products used as nutrient
20 sources as close to the time of application as practical and at least within
21 60 days of the date of application and periodic testing, at least annually,
22 of soils at crop sites where the waste products are applied. ~~Nitrogen~~
23 Both nitrogen and phosphorus shall be the rate-determining element
24 elements. ~~Zinc and copper~~ Zinc, copper, and phosphorous levels in the
25 soils shall be monitored, and alternative crop sites shall be used when
26 these ~~metals~~ materials approach excess levels.

27 (7) Provisions regarding waste utilization plans that assure a balance
28 between nitrogen and phosphorus application rates and nitrogen and
29 phosphorus crop requirements, that assure that lime is applied to
30 maintain pH in the optimum range for crop production, and that include
31 corrective action, including revisions to the waste utilization plan based
32 on data of crop yields and crops analysis, that will be taken if this
33 balance is not achieved as determined by testing conducted pursuant to
34 subdivision (6) of this subsection.

35 (8) Provisions regarding the completion and maintenance of records on
36 forms developed by the Department, which records shall include
37 information addressed in subdivisions (6) and (7) of this subsection,
38 including the dates and rates that waste products are applied to soils at
39 crop sites, and shall be made available upon request by the Department.

40 (9) Provisions regarding incorporating into bare soil within 48 hours of the
41 time of application waste products used as nutrient sources.

42 (10) Provisions regarding the mandatory placement of groundwater
43 monitoring wells for lagoons and sprayfields sufficient to measure the

1 migration of nitrogen, phosphorous, zinc, copper, and any other
2 materials specified under Commission rules."

3 Section 3. G.S. 143-215.10C(g) reads as rewritten:

4 "(g) The Commission shall encourage the development of alternative and
5 innovative animal waste management technologies. The Commission shall provide
6 sufficient flexibility in the regulatory process to allow for the timely evaluation of
7 alternative and innovative animal waste management technologies and shall encourage
8 operators of animal waste management systems to participate in the evaluation of these
9 technologies. The Commission shall provide sufficient flexibility in the regulatory
10 process to allow for the prompt implementation of alternative and innovative animal
11 waste management technologies that are demonstrated to provide improved protection to
12 public health and the environment. Neither the owner nor the operator of an alternative
13 and innovative animal waste management technology shall be required to pay any fee for
14 the evaluation of the technology."

15 Section 4. G.S. 143-215.74(b) reads as rewritten:

16 "(b) The program shall be subject to the following requirements and limitations:

- 17 (1) The purpose of the program shall be to reduce the input of agricultural
18 nonpoint source pollution into the water courses of the State.
- 19 (2) The program shall initially include the present 16 nutrient sensitive
20 watershed counties and 17 additional counties.
- 21 (3) Subject to subdivision (7) of this subsection, priority designations for
22 inclusions in the program shall be under the authority of the Soil and
23 Water Conservation Commission and the Commission. The Soil and
24 Water Conservation Commission shall retain the authority to allocate
25 the cost share funds.
- 26 (4) Areas shall be included in the program as the funds are appropriated and
27 the technical assistance becomes available from the local Soil and Water
28 Conservation District.
- 29 (5) Funding may be provided to assist practices including conservation
30 tillage, diversions, filter strips, field borders, critical area plantings,
31 sediment control structures, sod-based rotations, grassed waterways,
32 strip-cropping, terraces, cropland conversion to permanent vegetation,
33 grade control structures, water control structures, closure of lagoons,
34 ~~emergency spillways, secondary containment structures, riparian buffers~~
35 ~~or equivalent controls, odor control best management practices, insect~~
36 ~~control best management practices, and animal waste management~~
37 ~~systems systems, other than those systems that use anaerobic lagoons as~~
38 the primary method of waste treatment or disposal, and application.
39 Funding for animal waste management shall be allocated for practices in
40 river basins such that the funds will have the greatest impact in
41 improving water quality. No funding shall be provided for animal waste
42 management systems that use anaerobic lagoons as the primary method
43 of waste treatment or disposal.

1 (6) State funding shall be limited to seventy-five percent (75%) of the
2 average cost for each practice with the assisted farmer providing
3 twenty-five percent (25%) of the cost (which may include in-kind
4 support) with a maximum of seventy-five thousand dollars (\$75,000)
5 per year to each applicant.

6 (7) Priority designation for inclusion in the program for State funding shall
7 be given to projects that improve water quality. To be eligible for cost
8 share funds under this subdivision, a project shall be evaluated before
9 funding is awarded and after the project is completed to determine the
10 impact on water quality."

11 Section 5. G.S. 113-145.3(c) is amended by adding a new subdivision to read:

12 "(10) To provide funds for the Agriculture Cost Share Program for Nonpoint
13 Source Pollution Control under Part 9 of Article 21 of Chapter 143 of
14 the General Statutes only for phasing out anaerobic lagoons used as the
15 primary method of waste treatment or disposal."

16 Section 6. G.S. 113-145.4(b) reads as rewritten:

17 "(b) Grant Matching Requirement. – The Board of Trustees shall establish
18 matching requirements for grants awarded under this Article. The Board of Trustees may
19 require a match of up to twenty percent (20%) of the amount of the grant awarded. This
20 requirement may be satisfied by the donation of land to a public or private nonprofit
21 conservation organization as approved by the Board of Trustees. The Board of Trustees
22 may also waive the requirement to match a grant pursuant to guidelines adopted by the
23 Board of Trustees. The Board of Trustees shall not require a match for grants awarded
24 for the Agriculture Cost Share Program for Nonpoint Source Pollution Control pursuant
25 to G.S. 113-145.3(c)(10)."

26 Section 7. The Environmental Management Commission shall adopt any rules
27 needed to implement this act.

28 Section 8. Section 1 of this act becomes effective September 1, 1997, and
29 applies to new and expanding animal waste management plans for which a site evaluation
30 is conducted on or after that date and to all existing systems. Section 2 of this act is
31 effective when it becomes law and applies to animal waste management plans submitted
32 on or after that date for approval by a technical specialist. The remainder of this act
33 becomes effective July 1, 1997.