

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 1033**

Short Title: Animal Waste Moratoria and Study.

(Public)

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Sponsors: Senator Albertson.

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Referred to: Agriculture/Environment/Natural Resources.

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April 5, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO EXTEND THE MORATORIA ON THE CONSTRUCTION OR  
3 EXPANSION OF SWINE FARMS, TO STUDY FUNDING OPTIONS TO  
4 IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO PLAN THE  
5 DEVELOPMENT OF MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE  
6 MANAGEMENT SYSTEMS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Subsection (a1) of S.L. 1997-458, as amended by Section 2 of  
9 S.L. 1998-188 and Section 2.1 of S.L. 1999-329, reads as rewritten:

10 "(a1) There is hereby established a moratorium on the construction or expansion of  
11 swine farms and on lagoons and animal waste management systems for swine farms.  
12 The purposes of this moratorium are to allow counties time to adopt zoning ordinances  
13 under G.S. 153A-340, as amended by Section 2.1 of this act; to allow time for the  
14 completion of the studies authorized by the 1995 General Assembly (1996 Second Extra  
15 Session); and to allow the 1999 General Assembly to receive and act on the findings  
16 and recommendations of those studies. Except as provided in subsection (b) of this  
17 section, the Environmental Management Commission shall not issue a permit for an  
18 animal waste management system for a new swine farm or the expansion of an existing  
19 swine farm for a period beginning on 1 March 1997 and ending on ~~1 July 2001~~  
20 September 2003. The construction or expansion of a swine farm or animal waste  
21 management system for a swine farm is prohibited during the period of the moratorium  
22 regardless of the date on which a site evaluation for the swine farm is completed and  
23 regardless of whether the animal waste management system is permitted under G.S.  
24 143-215.1 or Part 1A of Article 21 of Chapter 143 of the General Statutes or deemed  
25 permitted under 15A North Carolina Administrative Code 2H.0217."

26 **SECTION 2.** Section 1.2 of S.L. 1997-458, as amended by Section 3 of S.L.  
27 1998-188 and Section 2.2 of S.L. 1999-329, reads as rewritten:

1 "Section 1.2. (a) As used in this section, 'swine farm' and 'lagoon' have the same  
2 meaning as in G.S. 106-802. As used in this section, 'animal waste management system'  
3 has the same meaning as in G.S. 143-215.10B. There is hereby established a  
4 moratorium for any new or expanding swine farm or lagoon for which a permit is  
5 required under ~~Parts 1 or 1A of~~ Article 21 of Chapter 143 of the General Statutes in any  
6 county in the State: (i) that has a population of less than 75,000 according to the most  
7 recent decennial federal census; (ii) in which there is more than one hundred fifty  
8 million dollars (\$150,000,000) of expenditures for travel and tourism based on the most  
9 recent figures of the Department of Commerce; and (iii) that is not in the coastal area as  
10 defined by G.S. 113A-103. Effective 1 January 1997, until ~~1 July 2001, 1 September~~  
11 2003, the Environmental Management Commission shall not issue a permit for an  
12 animal waste management system, as defined in G.S. 143-215.10B, or for a new or  
13 expanded swine farm or lagoon, as defined in G.S. 106-802. The exemptions set out in  
14 subsection (b) of Section 1.1 of this act do not apply to the moratorium established  
15 under this section.

16 (b) In order to protect travel and tourism, effective ~~1 July 2001, 1 September~~  
17 2003, no animal waste management system shall be permitted except under an  
18 individual permit issued under ~~Part 1 of~~ Article 21 of Chapter 143 of the General  
19 Statutes in any county in the State: (i) that has a population of less than 75,000  
20 according to the most recent decennial federal census; (ii) in which there is more than  
21 one hundred fifty million dollars (\$150,000,000) of expenditures for travel and tourism  
22 based on the most recent figures of the Department of Commerce; and (iii) that is not in  
23 the coastal area as defined by G.S. 113A-103."

24 **SECTION 3.** The Legislative Research Commission may study ways to fund  
25 improvements in animal waste management systems. This study shall consider all of the  
26 following issues and any other issues the committee determines are relevant to its main  
27 charge:

- 28 (1) How to fund the implementation of innovative animal waste  
29 management systems and animal waste management systems that have  
30 fewer or less severe environmental impacts than the most widely used  
31 animal waste management systems.
- 32 (2) How to fund the closure of inactive animal waste lagoons that present  
33 a threat to public health or the environment.
- 34 (3) How to fund the remediation of groundwater contamination, including  
35 providing alternative water supplies if any drinking water wells are  
36 found to be contaminated.
- 37 (4) How to fund the remediation of other environmental damage directly  
38 related to animal waste management systems or animal operations.

39 **SECTION 4.** The Department of Commerce shall, in consultation with the  
40 Department of Agriculture and Consumer Services, the Department of Environment and  
41 Natural Resources, the Department of Transportation, and the North Carolina Utilities  
42 Commission, develop a plan to identify and develop markets for by-products of animal  
43 waste management systems. The Department of Commerce shall present the completed

1 plan to the General Assembly and to the Environmental Review Commission no later  
2 than 1 May 2002.

3           **SECTION 5.** This act is effective when it becomes law.