

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-326
SENATE BILL 848**

AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS AND TO PROVIDE THAT AN ANIMAL WASTE MANAGEMENT SYSTEM THAT SERVES A PUBLIC LIVESTOCK MARKET MAY BE PERMITTED EITHER AS AN ANIMAL OPERATION OR UNDER THE STATE'S GENERAL WATER QUALITY STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.10B reads as rewritten:

"§ 143-215.10B. Definitions.

As used in this Part:

- (1) 'Animal operation' means any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. ~~Public livestock markets or sales regulated under Articles 35 and 35A of Chapter 106 of the General Statutes shall not be considered animal operations for purposes of this Part.~~ A public livestock market regulated under Article 35 of Chapter 106 of the General Statutes is an animal operation for purposes of this Part.
- (2) 'Animal waste' means livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation.
- (3) 'Animal waste management system' means a combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste.
- (4) 'Division' means the Division of Water Quality of the Department.
- (5) 'Feedlot' means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of this Part.
- (6) 'Technical specialist' means an individual designated by the Soil and Water Conservation Commission, pursuant to rules adopted by that Commission, to certify animal waste management plans."

SECTION 2. G.S. 143-215.10C is amended by adding a new subsection to

read:

"(i) A person who obtains an individual permit under G.S. 143-215.1 for an animal waste management system that serves a public livestock market shall not be

required to obtain a permit under this Part and is not subject to the requirements of this Part."

SECTION 3. This act becomes effective 1 August 2001.
In the General Assembly read three times and ratified this the 31st day of July,
2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 7:58 a.m. this 1st day of August, 2001