

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH50114-LD-13B (02/10)

Short Title: No Sunset for SWCD Animal Waste Inspections.

(Public)

Sponsors: Representatives Hill, Iler, and Justice (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CONTINUE THE PILOT PROGRAM REGARDING INSPECTIONS OF
3 ANIMAL OPERATIONS THAT ARE SUBJECT TO A GENERAL PERMIT FOR AN
4 ANIMAL WASTE MANAGEMENT SYSTEM AS A PERMANENT PROGRAM BY
5 REMOVING THE SUNSET FOR THE PILOT PROGRAM AND TO CODIFY THE
6 PERMANENT PROGRAM.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Section 15.4(a) of S.L. 1997-443, as amended by Section 3.1 of
9 S.L. 1999-329, Section 5 of S.L. 2001-254, Section 1.1 of S.L. 2002-176, Section 6.1 of S.L.
10 2003-340, Section 12.7(a) of S.L. 2005-276, Section 2 of S.L. 2007-536, and Section 1 of S.L.
11 2009-84, reads as rewritten:

12 "**SECTION 1.** Section 15.4(a) of S.L. 1997-443, as amended by Section 3.1 of S.L.
13 1999-329, Section 5 of S.L. 2001-254, Section 1.1 of S.L. 2002-176, Section 6.1 of S.L.
14 2003-340, Section 12.7(a) of S.L. 2005-276, and Section 2 of S.L. 2007-536, reads as rewritten:

15 '(a) The Department of Environment and Natural Resources shall develop and
16 implement a ~~pilot~~ program to begin no later than 1 November 1997, ~~and to terminate 1~~
17 ~~September 2011~~, regarding the annual inspections of animal operations that are subject to a
18 permit under Article 21 of Chapter 143 of the General Statutes. The Department shall select
19 two counties located in a part of the State that has a high concentration of swine farms to
20 participate in this ~~pilot~~ program. In addition, Brunswick County and Pender County shall be
21 added to the program. Notwithstanding G.S. 143-215.10F, the Division of Soil and Water
22 Conservation of the Department of Environment and Natural Resources shall conduct
23 inspections of all animal operations that are subject to a permit under Article 21 of Chapter 143
24 of the General Statutes in these four counties at least once a year to determine whether any
25 animal waste management system is causing a violation of water quality standards and whether
26 the system is in compliance with its animal waste management plan or any other condition of
27 the permit. The personnel of the Division of Soil and Water Conservation who are to conduct
28 these inspections in each of these four counties shall be located in an office in the county in
29 which that person will be conducting inspections. As part of this ~~pilot~~ program, the Department
30 of Environment and Natural Resources shall establish procedures whereby resources within the
31 local Soil and Water Conservation Districts serving the four counties are used for the quick
32 response to complaints and reported problems previously referred only to the Division of Water
33 Quality of the Department of Environment and Natural Resources."

34 **SECTION 1.(b)** The pilot program developed and implemented under Section
35 15.4(a) of S.L. 1997-443, as amended by Section 3.1 of S.L. 1999-329, Section 5 of S.L.



1 2001-254, Section 1.1 of S.L. 2002-176, Section 6.1 of S.L. 2003-340, Section 12.7(a) of S.L.
2 2005-276, Section 2 of S.L. 2007-536, Section 1 of S.L. 2009-84, and subsection (a) of this
3 section shall become a permanent program, and the four counties selected by the Department of
4 Environment and Natural Resources to participate in that pilot program shall remain as
5 participants in this permanent program until the Department of Environment and Natural
6 Resources determines otherwise.

7 **SECTION 2.** G.S. 143-215.10F reads as rewritten:

8 "**§ 143-215.10F. ~~Inspections.~~Inspections by Soil and Water Conservation Districts;**
9 **inspections by the Division.**

10 (a) ~~The Division shall conduct inspections~~Inspections at least once a year of all animal
11 operations that are subject to a permit under G.S. 143-215.10C ~~at least once a year~~ shall be
12 conducted as provided in either subsection (b) or subsection (c) of this section. The purpose of
13 the inspection is to determine whether the system is causing a violation of water quality
14 standards and whether the system is in compliance with its animal waste management plan or
15 any other condition of the permit.

16 (b) The Department shall select at least four counties to participate in a program
17 whereby the inspections under subsection (a) of this section shall be conducted by the Division
18 of Soil and Water Conservation of the Department of Environment and Natural Resources. The
19 counties selected by the Department shall be located in a part of the State that has a high
20 concentration of swine farms. The personnel of the Division of Soil and Water Conservation
21 who are to conduct these inspections in each of these counties shall be located in an office in
22 the county in which that person will be conducting inspections. As part of this program, the
23 Department of Environment and Natural Resources shall establish procedures whereby
24 resources within the local Soil and Water Conservation Districts serving the counties are used
25 for the quick response to complaints and reported problems previously referred only to the
26 Division of Water Quality of the Department of Environment and Natural Resources.

27 (c) The Division shall conduct all the other inspections under subsection (a) of this
28 section that are not conducted by the Division of Soil and Water Conservation under subsection
29 (b) of this section.

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