

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE DRS55146-LB-268 (03/16)

Short Title: Energy Crops for Biofuels Feedstocks. (Public)

Sponsors: Senators Goolsby, Rouzer, and Jackson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT
3 AND NATURAL RESOURCES TO ESTABLISH AGRONOMIC RATES FOR ENERGY
4 CROPS FOR UTILIZATION BY BIOFUELS FACILITIES.

5 Whereas, in 2007, as directed by the General Assembly, the North Carolina's
6 Strategic Plan for Biofuels Leadership established a goal that by 2017, ten percent (10%) of
7 liquid fuels sold in North Carolina will come from biofuels grown and produced within the
8 State;

9 Whereas, the identification and development of reliable and cost-effective
10 feedstocks to service biofuels facilities is imperative to the development of the biofuels
11 industry in North Carolina;

12 Whereas, North Carolina is one of the leading pork producing states in the nation
13 and the swine industry is a significant component of North Carolina's agricultural sector;

14 Whereas, the lands utilized for swine waste application in North Carolina represent
15 a potential opportunity for the planting and growing of energy crops;

16 Whereas, appropriate levels of animal waste application and proper agronomic rates
17 of crops must be established to ensure environmental compliance and to protect water quality;

18 Whereas, In 1995 the General Assembly through the passage of Session Law
19 1995-626 (Senate Bill 1217) established an Interagency Committee to provide uniform
20 interpretations to technical specialists regarding the requirements of the animal waste
21 management rules; Now, therefore,
22 The General Assembly of North Carolina enacts:

23 **SECTION 1.(a)** The Department of Environment and Natural Resources, in
24 consultation with the Interagency Committee established by Section 18(b) of Chapter 626 of
25 the Session Laws of 1995 shall establish agronomic rates to ensure proper application levels of
26 animal waste for the following energy crops: miscanthus, switchgrass, fiber sorghum, sweet
27 sorghum, and giant reed.

28 **SECTION 1.(b)** In developing the agronomic rates, the Department may consider
29 nutrient data from research trials, peer-reviewed publications, current studies, and any other
30 information deemed appropriate by the Interagency Committee. The agronomic rates shall
31 ensure that land application of swine waste at the proposed rate will not cause or contribute to a
32 violation of groundwater standards. The Department may seek the assistance and expertise of
33 any other entity and with other state agencies with respect to their areas of responsibility



1 regarding agronomic rates. All agencies of the State of North Carolina shall cooperate with the
2 Department and, upon request, shall assist the Department in fulfilling its responsibilities.

3 **SECTION 1.(c)** The Department shall publish the agronomic rates for the energy
4 crops and any accompanying guidance for the use of technical specialists no later than May 6,
5 2011.

6 **SECTION 1.(d)** No later than June 1, 2011, the Department shall submit a report
7 of its actions under subsection (c) of this section to the Environmental Review Commission,
8 Commissioner of the Department of Agriculture and Consumer Services and to the chairs of the
9 Joint Regulatory Reform Committee, the House Agriculture Committee, the House
10 Environment Committee, and the Senate Agriculture/Environment/Natural Resources
11 Committee.

12 **SECTION 2.** This act is effective when it becomes law.