

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 913

Short Title: Poultry Waste Reporting. (Public)

Sponsors: Representatives Hurtado, R. Smith, Harrison, and Cooper-Suggs (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 11, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE WASTE MANAGEMENT PLAN SUBMISSION REQUIREMENTS
3 FOR DRY LITTER POULTRY FACILITIES.

4 Whereas, as poultry production in the United States has increased, the total number
5 of farms has declined; and

6 Whereas, ninety-seven percent (97%) of the 9 billion chickens produced for
7 consumption each year are raised in Concentrated Animal Feeding Operations (CAFOs); and

8 Whereas, among all CAFOs in the State, those with poultry are the largest source of
9 nutrients from waste. The waste produced, known as dry litter, is a mixture of manure, bedding,
10 and feathers that contains heavy metals and pathogens in addition to nutrients; and

11 Whereas, for disposal, the waste is applied onto adjacent fields or trucked a short
12 distance to be used as fertilizer. When mobilized in runoff or subsurface flow, the waste is a
13 threat to water quality; and

14 Whereas, because dry litter poultry operations do not discharge their waste directly to
15 surface waters, they are not regulated under the National Pollution Discharge Elimination System
16 (NPDES), and these operations are deemed permitted unless an illicit discharge is reported and
17 documented by staff; and

18 Whereas, while some states have created waste permitting and reporting
19 requirements, others including North Carolina have not; and

20 Whereas, in addition to nutrient pollution from runoff of land application sites, the
21 lack of regulatory oversight for dry poultry litter also threatens surrounding communities through
22 pathogen-laden surface waters and contaminated flood waters; and

23 Whereas, this pollution disproportionately impacts communities of color and
24 jeopardizes economic drivers in all communities; and

25 Whereas, G.S. 143-215.10C requires that any owner or operator of a dry litter poultry
26 facility that is not subject to federal regulation but that involves 30,000 or more birds shall
27 develop an animal waste management plan; and

28 Whereas, the North Carolina Department of Environmental Quality basin planning
29 division has requested access to any information regarding nutrient loading rates from dry litter
30 poultry operations; Now, therefore,

31 The General Assembly of North Carolina enacts:

32 **SECTION 1.** G.S. 143-215.10C(f) reads as rewritten:

33 "(f) Any owner or operator of a dry litter poultry facility that is not required to be
34 permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418



1 (November 20, 2008), but that involves 30,000 or more birds shall develop and annually submit
2 to the Department in a digital format an animal waste management plan that complies with the
3 testing and record-keeping requirements under subdivisions (6) through (8) of subsection (e) of
4 this section. Any operator of this type of animal waste management system shall retain records
5 required under this section and by the Department on-site for three years."

6 **SECTION 2.** The sum of twenty-five thousand dollars (\$25,000) in nonrecurring
7 funds for the 2021-2022 fiscal year is appropriated from the General Fund to the Department of
8 Environmental Quality to be allocated to the Division of Water Resources to develop educational
9 resources and provide technical assistance for owners and operators of dry litter poultry facilities
10 in complying with the reporting requirement set out in this act.

11 **SECTION 3.** Section 2 of this act becomes effective July 1, 2021. The remainder of
12 this act is effective when it becomes law.