

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1997**

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HOUSE BILL 238\*

Committee Substitute Favorable 3/11/97

Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted  
4/15/97

Short Title: Facilitate Animal Waste Mgt. Research.

(Public)

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Sponsors:

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Referred to:

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February 17, 1997

**A BILL TO BE ENTITLED**

**AN ACT TO ENCOURAGE OWNERS AND OPERATORS OF ANIMAL WASTE MANAGEMENT SYSTEMS TO PARTICIPATE IN CERTAIN RESEARCH STUDIES DIRECTED BY THE GENERAL ASSEMBLY BY LIMITING ENFORCEMENT ACTIONS FOR UNINTENTIONAL AND NONNEGLIGENT VIOLATIONS OF WATER QUALITY STANDARDS THAT ARE IDENTIFIED IN THE COURSE OF THOSE RESEARCH STUDIES AND TO CLARIFY THE REPORTING DATES FOR THOSE RESEARCH STUDIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.**

The General Assembly of North Carolina enacts:

Section 1. The Department of Environment, Health, and Natural Resources shall not take any enforcement action against any person for any unintentional and nonnegligent violation of a water quality standard or statute or rule for the protection of water quality that is identified in the course and during the period of any of the research studies directed by Sections 27.3 (odor control technology), 27.7 (groundwater impacts of lagoons), 27.9 (atmospheric deposition of nitrogen in the Neuse Estuary), 27.32(b) (sources of nitrogen through isotope markers and other topics), and 27.35 (alternative animal waste technologies) of Chapter 18 of the 1995 Session Laws (1996 Second Extra Session). This section shall not be construed to limit an enforcement action for any negligent or intentional act or for any violation that poses an immediate threat to public health or the environment. This section shall not be construed to relieve any person

1 from any duty otherwise imposed by law to take remedial or corrective action to correct  
2 the violation. The Department shall allow a reasonable time for the owner or operator  
3 to complete any necessary remedial or corrective action as provided in Section 2 of this  
4 act.

5           Section 2. The Principal Investigator or Researcher for each of the research  
6 studies listed in Section 1 of this act shall furnish the Department of Environment,  
7 Health, and Natural Resources with a list of all sites and facilities that are associated  
8 with the study on the basis of voluntary cooperation in the study by the owners or  
9 operators of the site or facility. The list shall include the name, address, and telephone  
10 number of the owner or operator of each site or facility and shall be updated as  
11 necessary to maintain current information. If the Department finds that there is a  
12 violation of a water quality standard or statute or rule for the protection of water quality  
13 at any site or facility that is associated with any of the research studies listed in Section  
14 1 of this act, the Department shall notify the owner or operator of the site or facility of  
15 the violation. The Department shall allow a reasonable time for the owner or operator  
16 to complete any necessary remedial or corrective action. In determining what  
17 constitutes a reasonable time in which to correct the violation, the Department shall  
18 consider the nature and extent of the violation, the cost and complexity of actions  
19 necessary to correct the violation, and the threat to public health and the environment  
20 resulting from the violation.

21           Section 3. An employee of a State agency or unit of local government who is  
22 on the premises of a site or facility that is associated with a research study listed in  
23 Section 1 of this act only in connection with the study is not "engaged in activities  
24 relating to the animal operation" under G.S. 143-215.10E.

25           Section 4. The Primary Investigator or Researcher for each of the research  
26 studies listed in Section 1 of this act shall report to the Environmental Review  
27 Commission on the progress of the research study and on any preliminary results of the  
28 research study on 1 January and 1 July of each year, beginning 1 July 1997, until the  
29 research study is concluded. The Primary Investigator shall make a final report,  
30 including final results and any recommendations, to the Environmental Review  
31 Commission at the conclusion of the research study.

32           Section 5. This act is effective when it becomes law.