

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 733

Short Title: Small and Medium Animal Operations Permits. (Public)

Sponsors: Senators Albertson; Bingham, Brock, Dorsett, Garrou, Garwood, Hargett, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Purcell, Rand, Sloan, Smith, Thomas, Tillman, and Weinstein.

Referred to: Agriculture/Environment/Natural Resources.

April 3, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO STUDY THE USE OF GENERAL PERMITS FOR ANIMAL WASTE
3 MANAGEMENT SYSTEMS FOR SMALL AND MEDIUM DAIRY, POULTRY,
4 AND ANIMAL OPERATIONS AND RECOMMEND ANY ADDITIONAL
5 PERMIT REQUIREMENTS THAT ARE NEEDED TO PROTECT WATER
6 QUALITY.

7 Whereas, in 1995, the General Assembly made the following findings, as set
8 forth in G.S. 154-215.10A: "It is critical that the State balance growth with prudent
9 environmental safeguards. It is the intention of the State to promote a cooperative and
10 coordinated approach to animal waste management among the agencies of the State
11 with a primary emphasis on technical assistance to farmers. To this end, the General
12 Assembly intends to establish a permitting program for animal waste management
13 systems that will protect water quality and promote innovative systems and practices
14 while minimizing the regulatory burden"; and

15 Whereas, the North Carolina Environmental Management Commission has
16 required large dairy, poultry, and animal operations located in North Carolina to obtain
17 general NPDES permits; and

18 Whereas, the North Carolina Environmental Management Commission has
19 required dairy, poultry, and animal operations defined as "small" and "medium" by the
20 United States Environmental Protection Agency to obtain general nondischarge permits;
21 Now, therefore,

22 The General Assembly of North Carolina enacts:

23 **SECTION 1.** Dairy, poultry, and animal operations that are defined as small
24 or medium by the United States Environmental Protection Agency shall continue until
25 May 1, 2008, to operate under current general permits and certificates of coverage
26 issued prior to January 1, 2003, by the North Carolina Environmental Management
27 Commission in accordance with G.S. 143-215.10C.

1 **SECTION 2.** The Secretary of Environment and Natural Resources or the
2 Secretary's designee; the Commissioner of Agriculture or the Commissioner's designee;
3 and the Dean of the North Carolina State University School of Agriculture and Life
4 Sciences or the Dean's designee shall jointly study the success of the current use of
5 general permits for animal waste systems for small and medium dairy, poultry, and
6 animal operations, including the decrease of nitrogen and phosphorous to streams and
7 estuaries that resulted from the implementation of the general permits program. The
8 Secretary of Environment and Natural Resources or the Secretary's designee; the
9 Commissioner of Agriculture or the Commissioner's designee; and the Dean of the
10 North Carolina State University School of Agriculture and Life Sciences or the Dean's
11 designee shall recommend any additional permit requirements that would improve the
12 ability of small and medium dairy, poultry, and animal operations to protect water
13 quality, shall estimate the costs associated with implementing and complying with any
14 new general permit requirements, and shall establish specific environmental goals and
15 strategies that they used to establish new general permit requirements.

16 **SECTION 3.** The Department of Environment and Natural Resources shall
17 report annually beginning no later than August 1, 2004, to the Environmental Review
18 Commission on the progress of the study under this act and shall submit a final report
19 no later than August 1, 2007, to the Environmental Review Commission. The study
20 shall terminate with the submission of the final report.

21 **SECTION 4.** This act is effective when it becomes law.