

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

5

SENATE BILL 974
Second Edition Engrossed 5/10/95
Committee Substitute Favorable 6/28/95
House Committee Substitute #2 Favorable 6/29/95
House Committee Substitute #3 Favorable 7/11/95

Short Title: Applicator of Agriculture By-Products.

(Public)

Sponsors:

Referred to:

May 3, 1995

A BILL TO BE ENTITLED
AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION
OF AGRICULTURAL BY-PRODUCTS TO BE CERTIFIED.

The General Assembly of North Carolina enacts:

Section 1. Article 21 of Chapter 143 of the General Statutes is amended by
adding a new Part to read:

"PART 9A. APPLICATION OF AGRICULTURAL BY-PRODUCTS.

"§ 143-215.74C1. Title.

This Part is the 'Application of Agricultural By-Products Act'.

"§ 143-215.74C2. Purpose.

The purpose of this Part is to reduce nonpoint source pollution in order to protect the
public health and to conserve and protect the quality of the State's water resources and to
encourage the development and improvement of the State's agricultural land for the
production of food and other agricultural products.

"§ 143-215.74C3. Definitions.

As used in this Part:

- 1 (1) 'Agricultural by-product' means animal residuals resulting from the
2 raising of animals.
- 3 (2) 'Application' means application through laying, spreading on, irrigating,
4 or injecting.
- 5 (3) 'Operator' means the person who owns or controls the land used for
6 agricultural purposes or the person's lessee or designee.
- 7 (4) 'Operator in charge' means a person who holds a currently valid
8 certificate to operate an agricultural by-products control systems and
9 who has primary responsibility for the operation of the system.

10 **"§ 143-215.74C4. Agricultural by-products management required.**

11 Agricultural by-products subject to this Part shall be managed so that the land
12 application of those by-products does not cause a discharge of pollutants to the surface
13 waters of the State, except as a result of a storm event more severe than a 25-year, 24-
14 hour storm.

15 **"§ 143-215.74C5. Certified operators required.**

16 (a) Beginning January 1, 1997, only an operator in charge or a person under his or
17 her supervision may apply liquid agricultural by-products resulting from animal
18 production to the land. The owner or other person in control of the land used for the
19 animal production is responsible for ensuring that the application is performed by an
20 operator in charge.

21 (b) This Part applies only to owners of land or other operators with agricultural by-
22 products management systems designed to manage more than 250 swine. This Part is not
23 intended to supplant any permit otherwise required to be obtained from the Department
24 for the discharge of an agricultural by-product.

25 **"§ 143-215.74C6. Qualifications for operators of agricultural by-products**
26 **management systems; issuance of certificates.**

27 (a) The Department of Environment, Health, and Natural Resources shall issue a
28 certificate as an operator in charge to a person who completes the instructional
29 requirements under subsection (d) and pays a ten dollar (\$10.00) fee. No examination or
30 other requirement may be imposed on the applicant as a condition of certification.

31 (b) The certificate shall be renewed annually. The annual renewal fee shall be ten
32 dollars (\$10.00).

33 (c) The Department of Environment, Health, and Natural Resources may impose a
34 civil penalty of up to one thousand dollars (\$1,000) for failure to obtain or renew the
35 certification required under this Part.

36 (d) Each applicant shall complete six hours of instruction on the operation of
37 agricultural by-products management systems. The Cooperative Extension Service shall
38 develop the instructional program and provide the instruction in cooperation with the
39 Department of Environment, Health, and Natural Resources."

40 Sec. 2. This act becomes effective October 1, 1995.