

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 974  
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Committee Substitute Favorable 6/28/95  
House Committee Substitute #2 Favorable 6/29/95  
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House Committee Substitute #4 Favorable 7/19/95

Short Title: Applicator of Agriculture By-Products.

(Public)

Sponsors:

Referred to:

May 3, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION  
3 OF AGRICULTURAL BY-PRODUCTS FROM SWINE PRODUCTION TO BE  
4 CERTIFIED.

5 The General Assembly of North Carolina enacts:

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

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

9 **"§ 143-215.74C1. Title.**

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

11 **"§ 143-215.74C2. Purpose.**

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

16 **"§ 143-215.74C3. Definitions.**

17 As used in this Part:

- 18 (1) 'Agricultural by-products' means liquid residuals, resulting from the  
19 raising of swine (Sus scrofa), that are collected, treated, stored, or

1                   applied to the land through an agricultural by-product management  
2                   system.

3           (2)       'Application' means application through laying, spreading on,  
4                   irrigating, 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 management system  
9                   and 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  
17       or her supervision may apply agricultural by-products to the land. The operator or other  
18       person in control of the land used for the swine production is responsible for ensuring  
19       that the application is performed by an operator in charge.

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

24   **"§ 143-215.74C6. Qualifications for operators of agricultural by-products**  
25       **management systems; issuance of certificates.**

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

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

32       (c)       In addition to other penalties authorized by law, the Department of  
33       Environment, Health, and Natural Resources may assess a civil penalty of up to one  
34       thousand dollars (\$1,000) against a person who violates this Part and may revoke or  
35       suspend a certificate issued under this Part for a violation of 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  
38       shall develop the instructional program and provide the instruction in cooperation with  
39       the Department of Environment, Health, and Natural Resources."

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