

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 544
SENATE BILL 974

AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION
OF ANIMAL WASTE FROM SWINE PRODUCTION 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 Animal Waste.

"§ 143-215.74C. Definitions.

As used in this Part:

- (1) 'Animal waste' means liquid residuals, resulting from the raising of swine (Sus scrofa), that are collected, treated, stored, or applied to the land through an animal waste management system.
- (2) 'Animal waste management system' means a combination of structural and nonstructural practices that will properly collect, treat, store, or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the State by any means except as a result of a storm event more severe than the 25-year, 24-hour storm. For purposes of this Part, 'animal waste management system' means a system that is designed to manage and that actually serves more than 250 swine (Sus scrofa).
- (3) 'Application' means laying, spreading on, irrigating, or injecting animal waste onto land.
- (4) 'Owner' means the person who owns or controls the land used for agricultural purposes or the person's lessee or designee.
- (5) 'Operator in charge' means a person who holds a currently valid certificate to operate an animal waste management system and who has primary responsibility for the operation of the system.

"§ 143-215.74D. Purpose; animal waste management required; certified operators required.

(a) 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.

(b) Animal waste subject to this Part shall be managed so that the application of the waste does not cause a discharge of pollutants to the surface waters of the State, except as a result of a storm event more severe than a 25-year, 24-hour storm.

(c) Only an operator in charge or a person under the supervision of an operator in charge may apply animal waste to the land. The owner or other person in control of the land used for the swine production is responsible for ensuring that the application is performed by an operator in charge or person under the supervision of an operator in charge.

(d) This Part is not intended to supplant any permit otherwise required to be obtained from the Department for the discharge of an animal waste.

"§ 143-215.74E. Qualifications for operators of animal waste management systems; issuance of certificates.

(a) The Department, in cooperation with the Cooperative Extension Service, shall develop and administer a training and certification program for the operator in charge of an animal waste management system. Each applicant shall complete six hours of instruction on the operation of animal waste management systems. The Department shall issue a certificate as an operator in charge to a person who completes the instructional requirements established by this subsection, demonstrates competence in the operation of animal waste management systems by passing an appropriate examination, and pays a ten dollar (\$10.00) fee.

(b) The certificate shall be renewed annually, provided that the training and examination requirements established under subsection (a) of this section shall be completed at least once every five years. The annual renewal fee shall be ten dollars (\$10.00).

(c) In addition to other penalties authorized by law, the Department may assess a civil penalty of up to one thousand dollars (\$1,000) against a person who violates this Part and, in accordance with the procedure set forth in Chapter 150B of the General Statutes, may suspend or revoke a certificate or may issue a written reprimand to an operator in charge if it finds that the operator in charge has practiced fraud or deception; that reasonable care, judgment, or the application of his knowledge or ability was not used in the performance of his duties; or that the operator in charge is incompetent or unable to properly perform his duties.

(d) The Department shall adopt rules to implement this Part."

Sec. 2. G.S. 143-215.74E(d), as enacted by Section 1 of this act, is effective upon ratification. All other provisions of this act become effective 1 January 1997.

In the General Assembly read three times and ratified this the 29th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives