

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1234

Short Title: Extend Swine Moratoria/Inactive Lagoons.

(Public)

Sponsors: Representatives Hunter; and Hardaway.

Referred to: Environment and Natural Resources.

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION AND
2 EXPANSION OF SWINE FARMS AND TO PROVIDE FOR THE CLOSURE OF
3 INACTIVE LAGOONS.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. Subsection (a1) of Section 1.1 of S.L. 1997-458, as amended by
7 Section 2 of S.L. 1998-188, reads as rewritten:

8 "(a1) There is hereby established a moratorium on the construction or
9 expansion of swine farms and on lagoons and animal waste management systems for
10 swine farms. The purposes of this moratorium are to allow counties time to adopt zoning
11 ordinances under G.S. 153A-340, as amended by Section 2.1 of this act; to allow time for
12 the completion of the studies authorized by the 1995 General Assembly (1996 Second
13 Extra Session); and to allow the 1999 General Assembly to receive and act on the
14 findings and recommendations of those studies. Except as provided in subsection (b) of
15 this section, the Environmental Management Commission shall not issue a permit for an
16 animal waste management system for a new swine farm or the expansion of an existing
17 swine farm for a period beginning on 1 March 1997 and ending on 1 September ~~1999~~
18 2000. The construction or expansion of a swine farm or animal waste management
19 system for a swine farm is prohibited during the period of the moratorium regardless of
20 the date on which a site evaluation for the swine farm is completed and regardless of

1 whether the animal waste management system is permitted under G.S. 143-215.1 or Part
2 1A of Article 21 of Chapter 143 of the General Statutes or deemed permitted under 15A
3 North Carolina Administrative Code 2H.0217."

4 Section 2. Section 1.2 of S.L. 1997-458, as amended by Section 1.3 of S.L.
5 1998-188, reads as rewritten:

6 "Section 1.2. (a) As used in this section, 'swine farm' and 'lagoon' have the same
7 meaning as in G.S. 106-802. As used in this section, 'animal waste management system'
8 has the same meaning as in G.S. 143-215.10B. There is hereby established a moratorium
9 for any new or expanding swine farm or lagoon for which a permit is required under Parts
10 1 or 1A of Chapter 143 of the General Statutes in any county in the State: (i) that has a
11 population of less than 75,000 according to the most recent decennial federal census; (ii)
12 in which there is more than one hundred fifty million dollars (\$150,000,000) of
13 expenditures for travel and tourism based on the most recent figures of the Department of
14 Commerce; and (iii) that is not in the coastal area as defined by G.S. 113A-103.
15 Effective 1 January 1997, until 1 September ~~1999~~, 2000, the Environmental Management
16 Commission shall not issue a permit for an animal waste management system, as defined
17 in G.S. 143-215.10B, or for a new or expanded swine farm or lagoon, as defined in G.S.
18 106-802. The exemptions set out in subsection (b) of Section 1.1 of this act do not apply
19 to the moratorium established under this section.

20 (b) In order to protect travel and tourism, effective 1 September ~~1999~~, 2000, no
21 animal waste management system shall be permitted except under an individual permit
22 issued under Part 1 of Article 21 of Chapter 143 of the General Statutes in any county in
23 the State: (i) that has a population of less than 75,000 according to the most recent
24 decennial federal census; (ii) in which there is more than one hundred fifty million dollars
25 (\$150,000,000) of expenditures for travel and tourism based on the most recent figures of
26 the Department of Commerce; and (iii) that is not in the coastal area as defined by G.S.
27 113A-103."

28 Section 3. G.S. 143-215.10B is amended by adding two new subdivisions to
29 read:

30 "(4a) 'Inactive lagoon' means a lagoon into which animal waste has not been
31 discharged in compliance with this Part and Part 1 of this Article for a
32 period of one year or more.'"

33 "(5a) 'Lagoon' means a lagoon, as defined in G.S. 106-802, that is a
34 component of an animal waste management system that serves an
35 animal operation.'"

36 Section 4. G.S. 143-215.10C(e) is amended by adding a new subdivision to
37 read:

38 "(9) Provisions regarding a closure plan for lagoons that provide for closing
39 all lagoons covered by the plan so that the lagoons will pose no
40 significant threat to public health, the environment, or natural
41 resources.'"

42 Section 5. Part 1A of Article 21 of Chapter 143 of the General Statutes is
43 amended by adding a new section to read:

1 **"§ 143-215.10I. Inactive swine lagoons.**

2 (a) In order to protect public health, the environment, and the State's natural
3 resources, the Commission shall adopt standards governing the closure of lagoons.

4 (b) The Department shall develop and maintain an inventory of all inactive
5 lagoons. The Department shall rank each inactive lagoon on the inventory based on the
6 extent to which the lagoon constitutes a threat to public health, the environment, or the
7 State's natural resources."

8 Section 6. G.S. 143-215.10M(a) is amended by adding a new subdivision to
9 read:

10 "(9a) The inventory of inactive lagoons developed as provided in G.S. 143-
11 215.10I(b)."

12 Section 7. The Environmental Management Commission shall, no later than 1
13 January 2000, adopt temporary rules that strengthen the existing standards that govern the
14 closure of lagoons, as defined in G.S. 143-215.10B, as amended by Section 3 of this act.

15 Section 8. The initial inventory required under G.S. 143-215.10I, as enacted
16 by Section 5 of this act, shall be completed no later than 1 January 2000.

17 Section 9. Section 6 of this act becomes effective 1 January 2000. All other
18 sections of this act are effective when it becomes law.