

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1312**

Short Title: Extend Swine Moratoria/Animal Waste Amends-5. (Public)

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Sponsors: Representative Gibson.

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Referred to: Environment and Natural Resources.

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April 12, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION  
3 OF SWINE FARMS, TO IMPROVE ANIMAL WASTE MANAGEMENT  
4 SYSTEM PERMITTING, TO AUTHORIZE THE LEGISLATIVE RESEARCH  
5 COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL  
6 WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT  
7 OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP  
8 MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT  
9 SYSTEMS.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Subsection (a1) of Section 1.1 of S.L. 1997-458, as amended  
12 by Section 2 of S.L. 1998-188 and Section 2.1 of S.L. 1999-329, reads as rewritten:

13 "(a1) There is hereby established a moratorium on the construction or expansion of  
14 swine farms and on lagoons and animal waste management systems for swine farms.  
15 The purposes of this moratorium are to allow counties time to adopt zoning ordinances  
16 under G.S. 153A-340, as amended by Section 2.1 of this act; to allow time for the  
17 completion of the studies authorized by the 1995 General Assembly (1996 Second Extra  
18 Session); and to allow the 1999 General Assembly to receive and act on the findings  
19 and recommendations of those studies. Except as provided in subsection (b) of this  
20 section, the Environmental Management Commission shall not issue a permit for an  
21 animal waste management system for a new swine farm or the expansion of an existing  
22 swine farm for a period beginning on 1 March 1997 and ending on ~~1 July 2001.~~  
23 1 September 2003. The construction or expansion of a swine farm or animal waste  
24 management system for a swine farm is prohibited during the period of the moratorium  
25 regardless of the date on which a site evaluation for the swine farm is completed and  
26 regardless of whether the animal waste management system is permitted under G.S.  
27 143-215.1 or Part 1A of Article 21 of Chapter 143 of the General Statutes or deemed  
28 permitted under 15A North Carolina Administrative Code 2H.0217."

1           **SECTION 2.** Section 1.2 of S.L. 1997-458, as amended by Section 3 of S.L.  
2 1998-188 and Section 2.2 of S.L. 1999-329, reads as rewritten:

3           "Section 1.2. (a) As used in this section, 'swine farm' and 'lagoon' have the same  
4 meaning as in G.S. 106-802. As used in this section, 'animal waste management system'  
5 has the same meaning as in G.S. 143-215.10B. There is hereby established a  
6 moratorium for any new or expanding swine farm or lagoon for which a permit is  
7 required under Parts 1 or 1A of Article 21 of Chapter 143 of the General Statutes in any  
8 county in the State: (i) that has a population of less than 75,000 according to the most  
9 recent decennial federal census; (ii) in which there is more than one hundred fifty  
10 million dollars (\$150,000,000) of expenditures for travel and tourism based on the most  
11 recent figures of the Department of Commerce; and (iii) that is not in the coastal area as  
12 defined by G.S. 113A-103. Effective 1 January 1997, until ~~1 July 2001~~, 1 September  
13 2003, the Environmental Management Commission shall not issue a permit for an  
14 animal waste management system, as defined in G.S. 143-215.10B, or for a new or  
15 expanded swine farm or lagoon, as defined in G.S. 106-802. The exemptions set out in  
16 subsection (b) of Section 1.1 of this act do not apply to the moratorium established  
17 under this section.

18           (b) In order to protect travel and tourism, effective ~~1 July 2001~~, 1 September  
19 2003, no animal waste management system shall be permitted except under an  
20 individual permit issued under Part 1 of Article 21 of Chapter 143 of the General  
21 Statutes in any county in the State: (i) that has a population of less than 75,000  
22 according to the most recent decennial federal census; (ii) in which there is more than  
23 one hundred fifty million dollars (\$150,000,000) of expenditures for travel and tourism  
24 based on the most recent figures of the Department of Commerce; and (iii) that is not in  
25 the coastal area as defined by G.S. 113A-103."

26           **SECTION 3.** G.S. 143-215.10C(a) reads as rewritten:

27           "(a) No person shall construct or operate an animal waste management system for  
28 an animal operation without first obtaining an individual permit ~~under Part 1 of this~~  
29 ~~Article~~ or a general permit under this ~~Part~~ Article. The Commission shall develop a  
30 system of individual and general permits for animal operations based on species,  
31 number of animals, and other relevant factors. It is the intent of the General Assembly  
32 that most animal waste management systems be permitted under a general ~~permit issued~~  
33 ~~under this Part~~ permit. The Commission, in its discretion, may require that an animal  
34 waste management system be permitted under an individual permit issued under ~~Part 1~~  
35 ~~of this Article~~ if the Commission determines that an individual permit is necessary to  
36 protect water quality, public health, or the environment."

37           **SECTION 4.** G.S. 143-215.10C(c) reads as rewritten:

38           "(c) The Commission shall act on a permit application as quickly as possible and  
39 may conduct any inquiry or investigation it considers necessary before acting on an  
40 application. ~~If the Commission fails to act on an application for a permit, including a~~  
41 ~~renewal of a permit, within 90 days after the applicant submits all information required~~  
42 ~~by the Commission, the application is considered to be approved."~~

43           **SECTION 5.** Part 1A of Article 21 of Chapter 143 of the General Statutes is  
44 amended.

1           **SECTION 6.** The Legislative Research Commission may study ways to fund  
2 improvements in animal waste management systems. This study shall consider all of the  
3 following issues and any other issues the committee determines are relevant to its main  
4 charge:

- 5           (1) How to fund the implementation of innovative animal waste  
6 management systems and animal waste management systems that have  
7 fewer or less severe environmental impacts than the most widely used  
8 animal waste management systems.
- 9           (2) How to fund the closure of inactive animal waste lagoons that present  
10 a threat to public health or the environment.
- 11           (3) How to fund the remediation of groundwater contamination, including  
12 providing alternative water supplies if any drinking water wells are  
13 found to be contaminated.
- 14           (4) How to fund the remediation of other environmental damage directly  
15 related to animal waste management systems or animal operations.

16           **SECTION 7.** The Department of Commerce shall, in consultation with the  
17 Department of Agriculture and Consumer Services, the Department of Environment and  
18 Natural Resources, the Department of Transportation, and the North Carolina Utilities  
19 Commission, develop a plan to identify and develop markets for by-products of animal  
20 waste management systems. The Department of Commerce shall present the completed  
21 plan to the General Assembly and to the Environmental Review Commission no later  
22 than 1 May 2002.

23           **SECTION 8.** If any section or provision of this act is declared  
24 unconstitutional or invalid by the courts, the unconstitutional or invalid section or  
25 provision does not affect the validity of this act as a whole or any part of this act other  
26 than the part declared to be unconstitutional or invalid.

27           **SECTION 9.** This act is effective when it becomes law.