SECTION .0200 - WASTE NOT DISCHARGED TO SURFACE WATERS

T15A-C2-S2H.0201 PURPOSE

The rules in this Section set forth the requirements and procedures for application and issuance of permits for the following systems which do not discharge to surface waters of the state:

1. sewer systems;
2. disposal systems;
3. treatment works; and
4. residual and residue disposal/utilization systems;
5. animal waste management systems;
6. treatment of petroleum contaminated soils; and
7. stormwater management systems pursuant to 15A NCAC 2H .1000.

HISTORY NOTE

Statutory Authority G.S. 143-215.3(a)(1); 143-215.1; Eff. February 1, 1976; Amended Eff. September 1, 1995; February 1, 1993; November 1, 1987.

T15A-C2-S2H.0202 SCOPE

The rules in this Section apply to all persons proposing to construct, alter, extend, or operate any sewer system, treatment works, disposal system, petroleum contaminated soil treatment system, animal waste management system, stormwater management system or residual disposal/utilization system which does not discharge to surface waters of the state, including systems which discharge waste onto or below land surface. However, these Rules do not apply to sanitary sewage systems or solid waste management facilities which are permitted under the authority of the Commission for Health Services. The provisions for stormwater management systems can be found in 15A NCAC 2H .1000.

HISTORY NOTE

Statutory Authority G.S. 130A-335; 143-215.1; 143-215.3(a)(1); Eff. February 1, 1976; Amended Eff. September 1, 1995; February 1, 1993; November 1, 1987.

T15A-C2-S2H.0203 DEFINITION OF TERMS

The terms used in this Section shall be as defined in G.S. 143-213 except for G.S. 143-213(15) and (18)a. and as follows:

1. "Agronomist" means an individual who is a Certified Professional Agronomist by ARCPACS (American Registry of Certified Professionals in Agronomy, Crops and Soil) or an individual with a demonstrated knowledge in agronomy.

2. "Animal waste" means livestock a poultry excreta or a mixture of excreta with feed, bedding, litter or other materials.

3. "Animal waste management system" means a combination of structural and non-structural practices which 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.

(4) "Approved animal waste management plan" means a plan to properly collect, store, treat and apply animal waste to the land in an environmentally safe manner and approved according to the procedures established in 15A NCAC 2H .0217(a)(1)(H).

(5) "Bedrock" means any consolidated or coherent and relatively hard, naturally-formed mass of mineral matter which cannot be readily excavated without the use of explosives or power equipment.

(6) "Building" means any structure a part of a structure built for the separate shelter a enclosure of persons, animals, chattels, or property of any kind and which has enclosing walls for at least 50 percent of its perimeter. Each unit separated from other units by a four hour fire wall shall be considered as a separate building.

(7) "Building drain" means that part of the lowest piping of a drainage system which receives waste from inside the building and conveys it to the building sewer which begins 10 feet outside the building wall.

(8) "Building sewer" means that part of the horizontal piping of a drainage system which receives the discharge from a single building drain and conveys it directly to a public sewer, private sewer, a on-site sewage disposal system. Pipelines or conduits, pumping stations and appliances appurtenant thereto will not be considered to be building sewers if they traverse adjoining property under separate ownership or travel along any highway right of way.

(9) "Chorizon" means the unconsolidated material underlying the soil solum, which may or may not be the same as the parent material from which the solum is formed but is below the zones of major biological activity and exhibits characteristics more similar to rock than to soil.

(10) "Director" means the Director of the Division of Environmental Management, Department of Environment, Health, and Natural Resources or his delegate.

(11) "Dedicated site" means a site:

(a) to which residuals are applied at rates or frequencies greater than agronomically justifiable, or where the primary use of the land is for residual disposal and crop or ground cover production is of secondary importance,

(b) any residual disposal site designated by the Director, or

(c) where the primary use of the land is for the repetitive treatment of soils containing petroleum products or petroleum contaminated residues and crop or ground cover production is of secondary importance.

(12) "Deemed permitted" means that a facility is considered as having a needed permit and being compliant with the permitting requirements of G.S. 143-215.1(a) even though it has not received an individual permit for its construction or operation.

(13) "Division" or "(DEM)" means the Division of Environmental Management, Department of Environment, Health, and Natural Resources.

(14) "Existing animal waste management system" means any animal waste management system which:

(a) was completed and was being operated on the effective date of this Rule,

(b) serves a feedlot stocked with animals after the effective date of this Rule and has been deemed permitted pursuant to 15A NCAC 2H .0217(a)(1), or
(c) serves a feedlot that has been abandoned or unused for a period of less than four years.

(15) "Expanded animal waste management system" means animal waste treatment and storage facilities which require an increase over the existing animal waste design treatment and storage capacity due to an increase in animal population at the feedlot.

(16) "Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. The confinement period must be for at least 45 days out of a 12 month period and not necessarily consecutive days. Pastures shall not be considered feedlots under this Rule.

(17) "General Permit" means a permit issued under G.S. 143-215.1(b)(3) and (4).

(18) "Groundwaters" means those waters in the saturated zone of the earth as defined in 15A NCAC 2L.

(19) "Industrial wastewater" means all wastewater other than sewage and includes:

(a) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

(b) wastewater resulting from processes of trade or business, including wastewater from laundromats and vehicle/equipment washes, but not wastewater from restaurants;

(c) stormwater will not be considered to be an industrial wastewater unless it is contaminated with an industrial wastewater;

(d) any combination of sewage and industrial wastewater;

(e) municipal wastewater will be considered to be industrial wastewater unless it can be demonstrated to the satisfaction of the Division that the wastewater contains no industrial wastewater;

(f) Petroleum contaminated groundwater extracted as part of an approved groundwater remediation system.

(20) "Infiltration Systems" means a subsurface ground absorption system expressly designed for the introduction of previously treated petroleum contaminated water into the subsurface environment.

(21) "New animal waste management system" means animal waste management systems which are constructed and operated at a site where no feedlot existed previously or where a system serving a feedlot has been abandoned or unused for a period of four years or more and is then put back into service.

(22) "Process to Further Reduce Pathogens" or "PFRP" means a residuals stabilization process that reduces pathogens to below detection levels. The procedures that may be utilized to meet this requirement are contained in 40 CFR 257, Appendix II which is hereby incorporated by reference including any subsequent amendments and editions. Copies of this publication are available from the Government Institutes, Inc., 4 Research Place, Suite 200, Rockville, MD 20850-1714 for a cost of thirty-six dollars ($36.00) each plus four dollars ($4.00) shipping and handling. Copies are also available for review at the Division of Environmental Management, Archdale Building, 512 N. Salisbury Street, P.O. Box 29535, Raleigh, North Carolina 27626-0535.

(23) "Process to Significantly Reduce Pathogens" or "PSRP" means a residuals stabilization process that provides the minimal acceptable level of pathogen and vector attraction reduction prior to land application. The procedures that may be utilized to meet this requirement are contained in 40 CFR 257, Appendix II which is hereby incorporated by reference including any subsequent amendments and editions. Copies of this publication are available from the Government Institutes, Inc., 4 Research Place, Suite 200, Rockville,
MD 20850-1714 for a cost of thirty-six dollars ($36.00) each plus four dollars ($4.00) shipping and handling. Copies are also available for review at the Division of Environmental Management, Archdale Building, 512 N. Salisbury Street, P.O. Box 29535, Raleigh, North Carolina 27626-0535.

(24) "Petroleum contaminated soil" or "Soil containing petroleum products" shall mean any soil that has been exposed to petroleum products because of any emission, spillage, leakage, pumping, pouring, emptying, or dumping of petroleum products onto or beneath the land surface and that exhibits characteristics or concentrations of typical petroleum product constituents in sufficient quantities as to be detectable by compatible laboratory analytical procedures.

(25) "Petroleum product" means all petroleum products as defined by G.S. 143-215.94A(7) and includes motor gasoline, aviation gasoline, gasohol, jet fuels, kerosene, diesel fuel, fuel oils (#1-#6), and motor oils (new and used).

(26) "Pollutant" means waste as defined in G.S. 143-213(18).

(27) "Private sewer" means any part of a sewer system which collects wastewater from more than one building, is privately owned and is not directly controlled by a public authority.

(28) "Professional engineer" means a person who is presently registered and licensed as a professional engineer by the North Carolina State Board of Registration For Professional Engineers and Land Surveyors.

(29) "Public or community sewage system" means a single system of sewage collection, treatment, or disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county, a municipality, or a public utility.

(30) "Public sewer" means a sewer located in a dedicated public street, roadway, or dedicated public right-of-way or easement which is owned or operated by any municipality, county, water or sewer district, or any other political subdivision of the state authorized to construct or operate a sewer system.

(31) "Rapid infiltration system" means rotary distributor systems or other similar systems that dispose of tertiary treated waste at high surface area loading rates of greater than 1.5 gpd/ft².

(32) "Residuals" means any solid or semisolid waste, other than residues from agricultural products and processing generated from a wastewater treatment facility, water supply treatment facility or air pollution control facility permitted under the authority of the Environmental Management Commission.

(33) "Residues from agricultural products and processing" means solids, semi-solids or liquid residues from food and beverage processing and handling; silviculture; agriculture; and aquaculture operations permitted under the authority of the Environmental Management Commission that are non-toxic, non-hazardous and contain no domestic wastewater.

(34) "Sewage" means the liquid and solid human waste, and liquid waste generated by domestic water-using fixtures and appliances, from any residence, place of business, or place of public assembly. Sewage does not include wastewater that is totally or partially industrial wastewater, or any other wastewater not considered to be domestic waste.

(35) "Sewer system" means pipelines or conduits, pumping stations, specialized mode of conveyance and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal.

(36) "Soil remediation at conventional rates" means the utilization of soils containing petroleum products by land application methods, at an evenly distributed thickness not to exceed six inches.
(37) "Soil remediation at minimum rates" means the treatment of soils containing petroleum products by land application methods, at an evenly distributed application thickness not to exceed an average of one inch.

(38) "Soil scientist" means an individual who is a Certified Professional in Soils through the NCRCPS (N.C. Registry of Certified Professionals in Soils) or a Certified Professional Soil Scientist or Soil Specialist by ARCPACS (American Registry of Certified Professionals in Agronomy, Crops and Soils) or a Registered Professional Soil Scientist by NSCSS (the National Society of Consulting Soil Scientist) or can provide documentation that he/she meets the minimum education and experience requirements for certification or registration by one or more of the organizations named in this Subparagraph or upon approval by the Director, an individual with a demonstrated knowledge of Soil Science.

(39) "Staff" means the staff of the Division of Environmental Management, Department of Environment, Health, and Natural Resources.

(40) "Stormwater" is defined in G.S. 143, Article 21.

(41) "Subsurface ground absorption sewage disposal system" means a waste disposal method which distributes waste beneath the ground surface and relies primarily on the soil for leaching and removal of dissolved and suspended organic or mineral wastes. Included are systems for public or community sewage systems and systems which are designed for the disposal of industrial wastes. Land application systems utilizing subsurface residual injection are not included.

(42) "Surface waters" means all waters of the state as defined in G.S. 143-212 except underground waters.

(43) "Toxicity test" means a test for toxicity conducted using the procedures contained in 40 CFR 261, Appendix II which is hereby incorporated by reference including any subsequent amendments and editions. Copies of this publication are available from the Government Institutes, Inc., 4 Research Place, Suite 200, Rockville, MD 20850-1714 for a cost of thirty-six dollars ($36.00) each plus four dollars ($4.00) shipping and handling. Copies are also available for review at the Division of Environmental Management, Archdale Building, 512 N. Salisbury Street, P.O. Box 29535, Raleigh, North Carolina 27626-0535.

(44) "Treatment works or disposal system which does not discharge to surface waters" means any treatment works, facility or disposal system which is designed to:

(a) operate as closed system with no discharge to waters of the state, or

(b) dispose/utilize of wastes, including residuals, residues, contaminated soils and animal waste, to the surface of the land, or

(c) dispose of wastes through a subsurface absorption system.

(45) "Waste oil" means any used nonhazardous petroleum product other than crankcase oil. Crankcase oil mixed with other used nonhazardous petroleum products will be considered as waste oil.

HISTORY NOTE

Statutory Authority G.S. 130A-335; 143-213; 143-215.3(a)(1); Eff. February 1, 1976; Amended Eff. September 1, 1995; February 1, 1993; August 1, 1988; November 1, 1987.

T15A-C2-S2H.0204 ACTIVITIES WHICH REQUIRE A PERMIT

No person shall do any of the things or carry out any of the activities contained in N.C.G.S. 143-215.1(a)(1) thru (11) until or unless the person shall have applied for and received a permit from the Director (or if appropriate an approved local sewer system program) and shall have complied with the conditions prescribed in the permit.
T15A-C2-S2H.0217 PERMITTING BY REGULATION

(a) The following nondischarge facilities are deemed to be permitted pursuant to G.S. 143-215.1(d) and it shall not be necessary for the Division to issue individual permits for construction or operation of the following facilities:

(1) Animal waste management systems for which waste does not reach the surface waters by runoff, drift, direct application or direct discharge during operation or land application and which meet the following criteria:

(A) Systems which are designed for, and actually serve, less than the following number of animals and all other systems not specifically mentioned in this Rule:

- 100 head of cattle
- 75 horses
- 250 swine
- 1,000 sheep
- 30,000 birds with a liquid waste system

Although these systems are not required to obtain an approved animal waste management plan, animal waste treatment and storage facilities such as, but not limited to, lagoons, ponds, and drystacks which are designed and constructed to serve new, upgraded or expanded facilities under these size criteria are encouraged to meet the same minimum standards and specifications as required for an approved animal waste management plan. Systems that are determined to have an adverse impact on water quality may be required to obtain an approved animal waste management plan or to apply for and receive an individual nondischarge permit from DEM.

(B) Poultry operations which use a dry litter system if records are maintained for one year which include the dates the litter was removed, the estimated amount of litter removed and the location of the sites where the litter was land applied by the poultry operation, the waste is applied at no greater than agronomic rates and if litter is stockpiled not closed than 100 feet from perennial waters as indicated on the most recent published version of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps and other waters as determined by the local soil and water conservation district. If a third party applicators is used, records must be maintained of the name, address and phone number of the third party applicator.

(C) Land application sites under separate ownership from the waste generator, receiving animal waste from feedlots which is applied by either the generator or a third party applicator, when all the following conditions are met:

(i) the waste is applied at no greater than agronomic rates;

(ii) a vegetative buffer (separation) of at least 25 feet is maintained from perennial waters as indicated on the most recent published version of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps and other waters as determined by the local soil and water conservation district, if a wet waste application system is used.

(D) Existing animal waste management systems serving equal to or greater than the number of animals as listed in Part (a) (1)(A) of this Rule until December 31, 1997. In addition, a registration form for the system must be submitted to DEM on forms supplied or approved by DEM pursuant to Paragraph (c) of this Rule. Systems that are determined to have an adverse impact on water quality may be required to
obtain an approved animal waste management plan or to apply for and receive an individual nondischarge permit from DEM.

(E) Existing animal waste management systems serving equal to or greater than the number of animal as listed in Part (a)(1)(A) of this Rule, which have an approved animal waste management plan by December 31, 1997. Systems that do not have an approved animal waste management plan or are determined to have an adverse impact on water quality may be required to apply for and receive an individual nondischarge permit from DEM.

(F) New and expanded animal waste management systems serving equal to or greater than the number of animals listed in Part (a)(1)(A) of this Rule which are placed in operation during the period from the effective date of this Rule through December 31, 1993 and which submitted a registration form for the system to DEM on forms supplied or approved by DEM. Systems that are determined to have an adverse impact on water quality may be required to obtain an approved animal waste management plan or to apply for and receive an individual nondischarge permit from DEM.

(G) New and expanded animal waste management systems serving equal to or greater than the number of animals listed in Part (a)(1)(A) of this Rule, which have an approved animal waste management plan after December 31, 1993.

(H) For the purpose of this Rule, the procedures for the development of an approved animal waste management plan shall be as follows:

(i) The animal waste management practices or combination of practices which are selected to comprise a plan for a specific feedlot must meet the minimum standards and specifications of the U.S. Department of Agriculture - Soil Conservation Service contained in the Field Office Technical Guide or the standard of practices adopted by the Soil and Water commission or standards for any combination of practices which provide water quality protection and are approved by one of these two agencies.

(ii) Plans must be certified by any technical specialist designated pursuant to rules adopted by the Soil and Water Conservation Commission and the certificate submitted to the DEM central office on forms approved or supplied by DEM. The technical specialist must certify that the best management practices which comprise the plan meet the applicable minimum standards and specifications. Should the Soil and Water Conservation Commission fail to adopt rules to implement the provisions of this Rule within 12 months of its effective date, all animal waste management systems that would have been required to obtain an approved animal waste management plan must apply for and receive an individual nondischarge permit from the Division of Environmental Management.

(iii) The land application buffers must meet the conditions established in Subpart (a)(1)(C)(ii) of this Rule.

(iv) The waste shall not be applied at greater than agronomic rates.

(v) For new or expanded animal waste management systems requiring a plan, plan approval must include an on-site inspection to confirm that animal waste storage and treatment structures such as but not limited to lagoons and ponds have been designed and constructed to meet the appropriate minimum standards and specifications.

(vi) New and expanded animal waste storage and treatment facilities such as but not limited to lagoons and ponds shall be located at least 100 feet from perennial waters as indicated on the most recent published version of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps and other waters as determined by the local soil and water conservation district. This buffer requirement shall also apply to areas where an established vegetative cover will not be maintained because of the concentration of animals, with the exception of stream crossings. Animal waste storage/treatment facilities and animal concentration areas will be exempt from the minimum buffer requirements if it can be documented that no practicable
alternative exists and that equivalent controls are used as approved by the Soil and Water Conservation Commission.

(vii) For new facilities, an animal waste management plan must be approved before animals are initially stocked. For an expanded facility, an animal waste management plan must be approved before the additional animals are stocked. New and expanded systems may be constructed in phases as long as each phase meets the minimum criteria established in Subpart (a)(1)(H)(i) of this Rule.

(viii) For existing animal waste management systems, the animal waste management plan shall include only operational and maintenance standards and specifications in effect on the date of plan approval. Meeting minimum design and construction standards and specifications for existing animal waste storage and treatment structures, such as but not limited to lagoons and ponds, shall not be required for plan approval.

(ix) An approved plan for an existing animal waste management system may be amended at any time without submitting a new certification to DEM if the revision meets minimum standards and specifications and is approved by any technical specialist designated pursuant to Subpart (a)(1)(H)(ii) of this Rule.

(x) For animal waste management systems which use third party applicators, the plan must require a current record to be maintained for a period of one year which includes the name, address and phone number of the third party applicator, the date of removal of the animal waste and the amount of waste removed.

(xi) An approved plan is not required to be approved again when revisions are made to the minimum standards and specifications, but such revision, as applicable, will be encouraged to be incorporated into the plan.

(xii) For each change in ownership of the feedlot, the new owner must notify DEM in writing within 60 days of transfer of ownership that the approved plan has been read and is understood and that all provisions of the plan will be implemented.

(xiii) A copy of the approved plan, the signed certification form and any approved revisions to the plan shall be maintained by the operator.

(2) Treatment works and disposal systems for solid waste disposal sites and composting facilities for solid waste, residuals or residues approved in accordance with the rules of the Commission for Health Services if the Commission for Health Services has received the written concurrence of the Director. The term solid waste is used as defined in G.S. 130A-290 and includes hazardous waste.

(3) Any building sewer documented by the local building inspector to be in compliance with the N.C. State Plumbing Code.

(4) Sites permitted under the authority of the Commission for Health Services for the disposal/utilization of residuals/septage.

(5) Individual land application sites receiving compost or other stabilized residuals that are demonstrated as being nonhazardous and nontoxic, meet EPA's criteria for PFRP or Class A residuals as defined in 40 CFR 503, are registered by the North Carolina Department of Agriculture as a commercial fertilizer/soil amendment, are utilized at agronomic rates and are sold and used exclusively in bag form. No distinction will be made as to whether the material is bagged in North Carolina or shipped into the state already bagged.

(6) Storage sites for petroleum contaminated soils that are utilized for less than 45 days, storage is on 10 mil or thicker plastic, provisions are made for containing potential leachate and runoff and approval of the activity has been receiving from the appropriate DEM Regional Supervisor or his designee.
(7) Land application sites for petroleum contaminated soils with volumes of soil from each source of less than or equal to 50 cubic yards and approval of the activity has been received from the appropriate DEM Regional Supervisor or his designee.

(8) Swimming Pool filter backwash and pool drainage that is discharged to the land surface.

(9) Drilling muds, cuttings and well water from the development of wells.

(10) Composting facilities for dead animals, if the facilities are constructed and operated in accordance with guidelines approved by the North Carolina Department of Agriculture, are constructed on an impervious, weight-bearing foundation, operated under a roof and are approved by the State Veterinarian.

(11) Operations that involve routine maintenance or the rehabilitation of existing sewer lines. In situations where existing sewer lines are undergoing routine maintenance, the existing sewer lines are being rehabilitated by constructing or installing replacement sewers, or the existing sewer lines are being refurbished by the installation of some type of sealant or sleeve inside the existing sewer line, a specific nondischarge permit is not required. These operations will be deemed to be permitted as long as all construction and installation conforms to the design criteria of the Division pursuant to Rule .0219 of this Section, as long as new sources of wastewater flow are not being connected to the rehabilitated sewers, and as long as all replacements or newly constructed sewers are located in the same proximity (same general horizontal and vertical alignment) as the existing sewers. If any of the criteria in this Paragraph are not being adhered to, a site specific permit must be requested by the applicant. Additionally, once the maintenance or rehabilitation activities are completed, a North Carolina Professional Engineer's certification (form provided by the Division) must be submitted to the appropriate Regional Supervisor for the completed work.

(b) The Director however may on a case by case basis determine that a facility should not be deemed to be permitted in accordance with this Rule and be required to obtain individual nondischarge permits. This determination will be made based on existing or projected environmental impacts.

(c) All existing, new or expanding animal waste management systems serving equal to or greater than the number of animals as listed in Part (a)(1)(A) of this Rule must submit a registration form for the system to DEM. Failure to register on or before December 31, 1993, shall result in an appropriate enforcement action being initiated or the facility being required to apply for and receive an individual nondischarge permit. Penalties assessed may be based on any one or a combination of the factors as established in G.S. 143B-282.1(b) and commensurate with actual or potential environmental damage.

(d) Failure to obtain approval of a management plan as required by the dates specified in Paragraph (a)(1) of this Rule or failure to follow an approved animal waste management plan shall result in appropriate enforcement actions being initiated or the facility being required to apply for and receive an individual nondischarge permit. Penalties assessed may be based on any one or a combination of the factors as established in G.S. 143B-282.1(b) and commensurate with actual or potential environmental damage.

(e) The Secretary of Environment, Health, and Natural Resources is delegated the authority to assess fines and penalties for the willful discharge of animal waste from animal or poultry feeding operations pursuant to N.C. General Statutes 143-215(e).

(f) Nothing in this Rule shall be deemed to allow the violation of any assigned surface water, groundwater, or air quality standards, and in addition any such violation shall be considered a violation of a condition of a permit. Further, nothing in this Rule shall be deemed to apply to or permit activities for which a state/NPDES permit is otherwise required. The term NPDES means National Pollutant Discharge Elimination System.

History Note: Statutory Authority G.S. 130A-300; 143-215.1(a) (1); 143-215.3(a), (d); Eff. February 1, 1976; Amended Eff. February 1, 1993; December 1, 1984.
T15A-C2-S2H.0226 INNOVATIVE ANIMAL WASTE OPERATION PERMITS FOR SWINE OPERATIONS

(a) In accordance with the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, Sec. 1.1(b)(7), the Director may issue permits for a new or expanding swine waste operation if the operation utilizes an innovative animal waste management system that does not employ an anaerobic lagoon. For the purpose of implementing the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, an individual permit may be issued for a new or expanding swine farm under G.S. 143-215.10C if the animal waste management system meets the criteria as set forth in Paragraph (b) of this Rule.

(b) An animal waste management system may be considered for an exception under Sec. 1.1(b)(7) of the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458 if:

(1) The system is installed on state or federally owned property, does not employ an anaerobic lagoon, and is a research or demonstration project; or

(2) The system is substantially different from systems, other than pilot scale, currently in use in North Carolina on swine operations with 250 or more swine; and

(3) It appears that the system will provide the Department a viable alternative to the continued use of the existing form of anaerobic wastewater lagoons prevalent in North Carolina as the treatment system for swine waste, or it appears that the system will substantially advance the Department’s knowledge with regard to significant improvements that can be made to animal waste management on swine farms; and

(4) The system does not employ an anaerobic lagoon.

(c) The following definitions apply to this Section:

(1) "Anaerobic Lagoon" shall mean the lagoon is designed for the treatment of waste by converting it into Carbon dioxide, Methane, other gaseous end products, organic acids, and cell tissue.

(2) "Lagoon" shall be as defined in G.S. 106-802(1).

(3) "Anaerobic process" means a biological treatment process that occurs in the absence of oxygen.

(d) Other processes, such as anoxic zones and anaerobic zones for nutrient removal or anaerobic digesters for the further treatment of residual solids, that do not include an anaerobic lagoon, would not prevent consideration for an exception under this Rule, provided the applicant can document beneficial aspects of the treatment with respect to ammonia volatilization, water quality, and odor reduction. The burden of proof shall be on the applicant to demonstrate this requirement.

(e) The Director may require the use of aeration or other treatment in holding basins or other storage devices if there is a potential for anaerobic processes developing and generating odors on a regular basis which are detectable beyond the property of the operation.

(f) The Director may consider whether the proposed location is consistent with water quality concerns in the watershed.
(g) This Rule shall be in effect as long as the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, Sec. 1.1 is in effect.

History Note: Authority G.S. 143-215.1; 143-215.10C; Clean Water Responsibility And Environmentally Sound Policy Act, S.L. 1997 c. 458;