

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 810*
Senate Agriculture/Environment and Natural Resources Committee Substitute
Adopted 7/24/07

Short Title: Clarify/Extend Animal Waste Mgt. Provisions. (Public)

Sponsors:

Referred to:

March 15, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO: (1) CLARIFY THE TRAINING AND QUALIFICATION
3 REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT
4 TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO
5 THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN
6 ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE
7 MANAGEMENT SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL
8 REVIEW COMMISSION; (2) EXTEND THE PILOT PROGRAM FOR
9 INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS; AND (3)
10 CLARIFY THE APPLICABILITY OF THE WATER QUALITY ENFORCEMENT
11 PROVISIONS IN ARTICLE 21 OF CHAPTER 143 OF THE GENERAL
12 STATUTES.

13 The General Assembly of North Carolina enacts:

14 SECTION 1. G.S. 89C-25 reads as rewritten:

15 "§ 89C-25. Limitations on application of Chapter.

16 This Chapter shall not be construed to prevent or affect:

17 ...

- 18 (6) Practice by members of the armed ~~forces~~ or forces; employees of the
19 government of the United States while engaged in the practice of
20 engineering or land surveying solely for the government on
21 government-owned works and projects; or practice by those employees
22 of the Natural Resources Conservation ~~Service~~ having Service, county
23 employees, or employees of the Soil and Water Conservation Districts
24 who have federal engineering job approval authority that involves the
25 planning, designing, or implementation of best management practices
26 on agricultural lands.

27 ..."

1 **SECTION 2.** Section 15.4(a) of S.L. 1997-443, as amended by Section 3.1
2 of S.L. 1999-329, Section 5 of S.L. 2001-254, Section 1.1 of S.L. 2002-176, Section 6.1
3 of S.L. 2003-340, and Section 12.7(a) of S.L. 2005-276 reads as rewritten:

4 "(a) The Department of Environment and Natural Resources shall develop and
5 implement a pilot program to begin no later than 1 November 1997, and to terminate 1
6 September-~~2007~~, 2009, regarding the annual inspections of animal operations that are
7 subject to a permit under Article 21 of Chapter 143 of the General Statutes. The
8 Department shall select two counties located in a part of the State that has a high
9 concentration of swine farms to participate in this pilot program. In addition, Brunswick
10 County and Pender County shall be added to the program. Notwithstanding
11 G.S. 143-215.10F, the Division of Soil and Water Conservation of the Department of
12 Environment and Natural Resources shall conduct inspections of all animal operations
13 that are subject to a permit under Article 21 of Chapter 143 of the General Statutes in
14 these four counties at least once a year to determine whether any animal waste
15 management system is causing a violation of water quality standards and whether the
16 system is in compliance with its animal waste management plan or any other condition
17 of the permit. The personnel of the Division of Soil and Water Conservation who are to
18 conduct these inspections in each of these four counties shall be located in an office in
19 the county in which that person will be conducting inspections. As part of this pilot
20 program, the Department of Environment and Natural Resources shall establish
21 procedures whereby resources within the local Soil and Water Conservation Districts
22 serving the four counties are used for the quick response to complaints and reported
23 problems previously referred only to the Division of Water Quality of the Department
24 of Environment and Natural Resources."

25 **SECTION 3.** G.S. 143-215.6A is amended by adding a new subsection to
26 read:

27 "(a1) For purposes of this section, the term 'Part' includes Part 1A of this Article."

28 **SECTION 4.** G.S. 143-215.6B is amended by adding a new subsection to
29 read:

30 "(a1) For purposes of this section, the term 'Part' includes Part 1A of this Article."

31 **SECTION 5.** G.S. 143-215.6C reads as rewritten:

32 "**§ 143-215.6C. Enforcement procedures; injunctive relief.**

33 Whenever the Department has reasonable cause to believe that any person has
34 violated or is threatening to violate any of the provisions of this Part, any of the terms of
35 any permit issued pursuant to this Part, or a rule implementing this Part, the Department
36 may, either before or after the institution of any other action or proceeding authorized
37 by this Part, request the Attorney General to institute a civil action in the name of the
38 State upon the relation of the Department for injunctive relief to restrain the violation or
39 threatened violation and for such other and further relief in the premises as the court
40 shall deem proper. The Attorney General may institute such action in the superior court
41 of the county in which the violation occurred or may occur or, in his discretion, in the
42 superior court of the county in which the person responsible for the violation or
43 threatened violation resides or has his or its principal place of business. Upon a
44 determination by the court that the alleged violation of the provisions of this Part or the

1 regulations of the Commission has occurred or is threatened, the court shall grant the
2 relief necessary to prevent or abate the violation or threatened violation. Neither the
3 institution of the action nor any of the proceedings thereon shall relieve any party to
4 such proceedings from any penalty prescribed for violation of this Part. For purposes of
5 this section references to "this Part" include Part 1A of this Article and G.S. 143-355(k)
6 relating to water use information."

7 **SECTION 6.** This act is effective when it becomes law.