Report to the North Carolina General Assembly's Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission

Animal Waste Management Annual Report

October 1, 2024

Division of Water Resources

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

Pursuant to G.S. 143-215.10M

Department of Environmental Quality

Annual Report on Animal Waste Management Permitting, Inspections and Compliance Activities
July 1, 2023 through June 30, 2024

Per the requirements of General Statute (G.S.) 143-215.10M, the Department of Environmental Quality submits this annual report to the Environmental Review Commission and the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, Fiscal Research Division. This report cover the statewide permitting, inspection and compliance activities of Animal Feeding Operation facilities for the period from July 1, 2023 to June 30, 2024. This report also addresses the requirements of General Statute (G.S.) 143-215.10F and Session Law (S.L.) 1997-443 (and subsequent amendments).

G. S. 143-215.10F requires the N.C. Division of Water Resources (DWR) to inspect every permitted animal operation facility annually. As a result of S.L. 1997-443, the Division of Soil and Water Conservation (DSWC) began conducting operations reviews and routine compliance inspections[1] at animal operation facilities in Brunswick, Columbus, Jones and Pender counties under a pilot program. S.L. 2011-145 eliminated the requirement for DSWC to perform annual operations reviews. DSWC continues to perform routine compliance inspections in the four pilot counties under S.L. 2013-131 and S.L. 1997-443 and operations reviews and technical assistance and upon request. DWR conducts compliance inspections at all other animal operation facilities located outside of the pilot counties.

The tables in this report summarize the number and type of inspections performed by DWR and DSWC, the number of violations identified during inspections, the number of enforcement actions initiated, and the number of permits issued from July 1, 2023 through June 30, 2024 (reporting period).

Statewide, DWR and DSWC conducted 2,146 compliance inspections and operation reviews at animal operation facilities during this reporting period. DWR conducts inspections on a calendar year basis, and therefore this summary - done by fiscal year - may not represent all inspections performed in a calendar year. In addition, some facilities were inspected multiple times. Routine compliance inspections were conducted at more than 87 percent of all permitted animal operation facilities during this reporting period.

[1] *Operations reviews* and *compliance inspections* are both conducted for the purpose of determining whether the animal operation system is causing a violation of water quality standards and whether the system is in compliance with its animal waste management plan or any other condition of the permit. *Operations reviews* are conducted by the Division of Soil and Water Conservation exclusively.

Acronyms/Abbreivations

DWR	North Carolina Department of Environmental Quality Division of Water Resources
DSWC	North Carolina Department of Agriculture Division of Soil and Water Conservation
FY	Fiscal Year
NPDES	National Pollutant Discharge Elimination System
OAH	North Carolina Office of Administrative Hearings
AGO	North Carolina Attorney's General Office
ARO	Asheville Regional Office Region
FRO	Fayetteville Regional Office Region
MRO	Mooresville Regional Office Region
RRO	Raleigh Regional Office Region
WARO	Washington Regional Office Region
WIRO	Wilmington Regional Office Region
WSRO	Winston-Salem Regional Office Region

For a full list of counties covered by each regional office please visit NC DEQ's website.

Table 1. DWR and DSWC Inspection Activities July 1, 2023 through June 30, 2024

	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
DWR Total number of inspections completed	**31**	**692**	**47**	**196**	**409**	**493**	**80**	**1948**
Routine DWR annual compliance inspections	22	662	39	181	390	481	75	**1850**
Inspections conducted due to complaints	6	1	1	0	1	5	0	**14**
Follow-up of previous review or inspection	3	22	3	0	2	1	2	**33**
Emergency Notification	0	0	0	0	0	2	0	**2**
Lagoon Evaluations	0	5	2	13	14	3	3	**40**
Other inspections	0	2	2	2	2	1	0	**9**
DSWC Total number of compliance inspections completed*					**56**	**140**		**196**
Routine DSWC annual compliance inspections					56	140		**196**
Inspections conducted due to complaints					0	0		**0**
Follow-up of previous review or inspection					0	0		**0**
Emergency Notification					0	0		**0**
Response to DWR referral					0	0		**0**
Other inspections					0	0		**0**
DSWC Total number of operation reviews completed	**0**	**0**	**1**	**0**	**1**	**0**	**0**	**2**
Routine operation reviews	0	0	1	0	1	0	0	**2**
Technical Assistance	0	0	0	0	0	0	0	**0**
Follow-up of previous review or inspection	0	0	0	0	0	0	0	**0**
Emergency Notification	0	0	0	0	0	0	0	**0**
Other inspections	0	0	0	0	0	0	0	**0**
Totals	**31**	**692**	**48**	**196**	**466**	**633**	**80**	**2146**
Total number of Permitted Animal Facilities	15	721	56	190	495	655	70	**2202**
Average time on-site during Compliance inspections (Minutes) **	**73**	**111**	**132**	**146**	**78**	**81**	**54**	**96**
Average time for other inspections (Minutes)	**N/A**	**31**	**141**	**118**	**28**	**33**	**30**	**64**

*Pilot Project per S.L. 1997-443

**This reported average excludes other relevant work conducted for the compliance inspection. Desktop work (i.e. records review, database updates, etc.) and travel to site are not included in the reported numbers.

Table 2 presents the number of animal permits issued by DWR in FY 2023-24 arranged by regional office. This number includes new projects, as well as any modifications made to existing permits including renewal of Individual Permits. Approximately 2,202 farms are covered under State and National Pollutant Discharge Elimination System (NPDES) permits. All permits for animal operations must be renewed every five years. The renewal for the NPDES general permit took place in 2022.

Table 2. DWR-issued Animal Operations Permit* type by region
July 1, 2023 through June 30, 2024

ANIMAL OPERATIONS PERMITS TYPE	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Swine	0	31	0	7	21	37	3	**99**
Cattle	1	1	5	0	0	0	5	**12**
Poultry	0	0	0	0	0	0	0	**0**
Horses	0	0	0	1	0	0	0	**1**
Manure Hauler	0	0	0	0	0	0	0	**0**
Totals	**1**	**32**	**5**	**8**	**21**	**37**	**8**	**112**

* Includes modifications, renewals, and new projects

Tables 3 and 5 provide a summary of the numbers and types of deficiencies and violations recorded during DWR and DSWC inspections, number of notices sent, and the number of enforcement actions initiated during the reporting period. Some violations were self-reported.

Table 3. Deficiencies and violations recorded during DWR and DSWC inspections by region July 1, 2023 through June 30, 2024

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Deficiencies and Violations recorded by DWR and DSWC*	9	28	19	4	17	29	15	**121**
Number of facilities receiving notice deficiency**	0	12	0	0	6	21	2	**41**
Number of facilities receiving notice violation**	0	7	8	1	11	2	6	**35**
Enforcement actions initiated ***	2	2	1	0	3	0	1	**9**

*Violation totals include violations noted during both operation reviews and compliance inspections and may include multiple violations at a single facility.
**Some violation letters were sent due to violations that were self-reported, and not discovered during an inspection.
***Some violations result in enforcement actions being developed during this reporting period but not initiated until after this reporting period. These enforcement actions will be included in the next annual report.

There were 121 violations recorded in FY 2023-2024 which accounts for approximately 5.6 percent of the total 2,146 inspections completed (Table 4). Inadequate freeboard, unpermitted discharges and over application were the most common violations and deficiencies (Tables 4 – 6). Cattle and swine facilities had the highest number of violations and deficiencies among the types of animal operations (Table 6).

Table 4. Deficiencies and Violation Types documented during DWR and DSWC inspections July 1, 2023 through June 30, 2024

DEFICIENCIES AND VIOLATIONS IDENTIFIED	Inspection with identified problem	Violation type percentage of total identified	Percent of total inspections (n=2,146)
Total Discharges from Animal Waste Management System	29	24.0%	1.4%
Number of identified discharges that reached surface waters (subset of total)	(20)	(16.5%)	(0.9%)
Total Inadequate Freeboard (Permitted Farms)	46	38.0%	2.1%
Number of identified freeboard violations with freeboard observed at less than 1 foot (subset of total)	(7)	(5.8%)	(0.3%)
No Certified Operator in Charge	0	0.0%	0.0%
Overapplication	30	24.8%	1.4%
Setback	2	1.7%	0.1%
Inadequate land	2	1.7%	0.1%
Certified Animal Waste Management Plan Non-compliance: Crop difference	12	9.9%	0.6%
Totals	121	100.0%	5.6%

Table 5. Deficiencies and Violation Types documented during DWR and DSWC inspection by region July 1, 2023 through June 30, 2024

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Total Discharges from Animal Waste Management System	6	4	8	0	2	6	3	**29**
Number of identified discharges that reached surface waters (subset of total)	(4)	(3)	(8)	(0)	(0)	(2)	(3)	**(20)**
Total Inadequate Freeboard (Permitted Farms)	3	13	3	2	5	10	10	**46**
Number of identified freeboard violations with freeboard observed at less than 1 foot (subset of total)	(0)	(3)	(0)	(0)	(2)	(2)	(0)	**(7)**
No Certified Operator in Charge	0	0	0	0	0	0	0	**0**
Overapplication	0	10	5	0	7	8	0	**30**
Setback	0	0	2	0	0	0	0	**2**
Inadequate land	0	0	1	1	0	0	0	**2**
Certified Animal Waste Management Plan Non-compliance: Crop difference	0	1	0	1	3	5	2	**12**
Totals	**9**	**28**	**19**	**4**	**17**	**29**	**15**	**121**

Table 6. Deficiencies and Violation Types documented during DWR and DSWC inspection by facility type. July 1, 2023 through June 30, 2024

DEFICIENCIES AND VIOLATIONS IDENTIFIED	Swine	Cattle	Poultry	Other	State Totals
Total Discharges from Animal Waste Management System	13	14	2	0	**29**
Number of identified discharges that reached surface waters (subset of total)	(4)	(14)	(2)	(0)	**(20)**
Total Inadequate Freeboard (Permitted Farms)	32	13	1	0	**46**
Number of identified freeboard violations with freeboard observed at less than 1 foot (subset of total)	(7)	(0)	(0)	(0)	**(7)**
No Certified Operator in Charge	0	0	0	0	**0**
Overapplication	25	4	1	0	**30**
Setback	0	1	1	0	**2**
Inadequate land	1	0	1	0	**2**
Certified Animal Waste Management Plan Non-compliance: Crop difference	9	3	0	0	**12**
Totals	**80**	**35**	**6**	**0**	**121**
Total Number of Animal Operations	**2047**	**132**	**18**	**5**	**2202**

Table 7. Civil penalty assessment by type and region July 1, 2023 through June 30, 2024

Civil Penalty Assessments	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	TOTALS
Stipulated Penalties (SP)	0	0	0	0	0	0	0	0
Limit/Monitoring Violation (LM)	0	0	0	0	0	0	0	0
Limit Violations (LV)	0	0	0	0	0	0	0	0
Monitoring Violations (MV)	0	0	0	0	0	0	0	0
Fish Kills (FK)	0	0	0	0	0	0	0	0
Operator Violations (OV)	0	0	0	0	0	0	0	0
Renewal Violations (RV)	0	0	0	0	0	0	0	0
Construction Violations (CV)	0	0	0	0	0	0	0	0
Discharge Violations (DV)	1	0	1	0	1	0	0	3
Operating Without Permits (OP)	0	0	0	0	0	0	0	0
Late Annual Reports (LA)	0	0	0	0	0	0	0	0
Late Monthly Reports (LR)	0	0	0	0	0	0	0	0
Permit Conditions Violations (PC)	1	2	0	0	2	0	1	6
Stream Standard Violations (SS)	0	0	0	0	0	0	0	0
Other Water Quality Violations (WQ)	0	0	0	0	0	0	0	0
Groundwater Standard Violations (GW)	0	0	0	0	0	0	0	0
Total Civil Penalty Assessments	**2**	**2**	**1**	**0**	**3**	**0**	**1**	**9**

Table 8. Summary of enforcement actions July 1, 2023 through June 30, 2024

Civil Penalty Case Summary	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	Totals
Amount of assessed Penalties (includes enforcement costs)	$13,703.44	$4,065.84	$7,355.89	$0.00	$19,435.01	$0.00	$4,813.73	$49,373.91
Amount Penalties reduced via settlement	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$1,100.00	$1,100.00
Penalties Amont collected	$2,191.00	$4,065.84	$7,355.89	$0.00	$2,815.13	$0.00	$4,813.73	$21,241.59
Amount of Penalties Remitted	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Number of Remittance cases	0	0	0	0	0	0	0	0
OAH cases	0	0	0	0	0	0	1	1
AGO cases (collections)	1	5	1	0	0	0	0	7