

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH70456-SB-22 (03/28)

Short Title: Phase Out Lagoon and Sprayfield Systems. (Public)

Sponsors: Representatives Jones and Harrison (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO CONDITION ANY INCREASE IN THE CAPACITY OF SWINE SLAUGHTER HOUSES ON THE PHASEOUT OF TRADITIONAL LAGOON AND SPRAYFIELD ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE FARMS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Part 1A of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-215.10I. Performance standards for animal waste management systems that serve swine farms; lagoon and sprayfield systems prohibited.**

(a) As used in this section:

(1) 'Anaerobic lagoon' means a lagoon that treats waste by converting it into carbon dioxide, methane, ammonia, and other gaseous compounds; organic acids; and cell tissue through an anaerobic process.

(2) 'Anaerobic process' means a biological treatment process that occurs in the absence of dissolved oxygen.

(3) 'Lagoon' has the same meaning as in G.S. 106-802.

(4) 'Swine farm' has the same meaning as in G.S. 106-802.

(b) The Commission shall not issue or modify a permit to authorize the construction, operation, or expansion of an animal waste management system that serves a swine farm that employs an anaerobic lagoon as the primary method of treatment and land application of waste by means of a sprayfield as the primary method of waste disposal. The Commission may issue a permit for the construction, operation, or expansion of an animal waste management system that serves a swine farm under this

1 Article only if the Commission determines that the animal waste management system  
2 will meet or exceed all of the following performance standards:

- 3 (1) Eliminate the discharge of animal waste to surface water and  
4 groundwater through direct discharge, seepage, or runoff.
- 5 (2) Substantially eliminate atmospheric emission of ammonia.
- 6 (3) Substantially eliminate the emission of odor that is detectable beyond  
7 the boundaries of the parcel or tract of land on which the swine farm is  
8 located.
- 9 (4) Substantially eliminate the release of disease-transmitting vectors and  
10 airborne pathogens.
- 11 (5) Substantially eliminate nutrient and heavy metal contamination of soil  
12 and groundwater."

13 **SECTION 1.(b)** An animal waste management system that serves a swine  
14 farm for which a permit was issued prior to September 1, 2007, and that does not meet  
15 the requirements of G.S. 143-215.10I, as enacted by subsection (a) of this section, may  
16 continue to operate under, and shall operate in compliance with, that permit, including  
17 any renewal of the permit, until the later of September 1, 2012, or 10 years from the  
18 date on which the animal waste management was first permitted or deemed permitted.  
19 The owner or operator of an animal waste management system that employs a lagoon  
20 and sprayfield system that is phased out pursuant to this act shall close all of the  
21 components of the animal waste management system in compliance with all applicable  
22 federal and State laws, regulations, and rules.

23 **SECTION 2.** Until the permit for every animal waste management system  
24 that serves a swine farm in the State incorporates the performance standards set out in  
25 G.S. 143-215.10I, as enacted by Section 1 of this act, the Environmental Management  
26 Commission shall not:

- 27 (1) Issue a permit to authorize the construction of a wastewater treatment  
28 facility for a new swine slaughter facility.
- 29 (2) Issue a permit to authorize the discharge of wastewater or stormwater  
30 from a wastewater treatment facility that would serve a new swine  
31 slaughter facility.
- 32 (3) Issue a permit to construct an expansion of a wastewater treatment  
33 facility that serves a swine slaughter facility and for which a discharge  
34 permit was in effect on the effective date of this act.
- 35 (4) Renew or modify a discharge permit to authorize a discharge of  
36 wastewater or stormwater from a wastewater treatment facility that  
37 serves a swine slaughter facility above the levels authorized by a  
38 discharge permit in effect for the wastewater treatment facility on the  
39 effective date of this act.

40 **SECTION 3.** Section 1 of this act becomes effective September 1, 2007.  
41 Section 2 of this act is effective when the act becomes law and applies to permits under  
42 consideration by the Environmental Management Commission on or after that date.  
43 Section 3 of this act is effective when the act becomes law.