

15A NCAC 02T .1303 PERMITTING BY REGULATION

(a) The following systems shall be deemed permitted pursuant to Rule .0113 of this Subchapter provided the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for the specific system by this Rule:

- (1) Systems that do not meet the criteria of an animal operation permitted under Rule .1304 or Rule .1305 of this Subchapter and all other systems not specifically mentioned in this Section if:
 - (A) the animal waste is land applied at no greater than agronomic rates to land owned by the waste generator or under the waste generator's authority;
 - (B) the storage and land application of animal waste is no closer than 100 feet from a well other than a monitoring well;
 - (C) animal waste is not applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application; and
 - (D) no animal waste is land applied during precipitation events.
- (2) Poultry operations that use a dry litter system with more than 30,000 birds and that do not meet the criteria specified in Rule .1305 of this Subchapter if:
 - (A) records are maintained for three years that 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;
 - (B) the waste is applied at no greater than agronomic rates;
 - (C) a vegetative buffer of at least 25 feet is maintained from a perennial stream or perennial waterbody for land application sites;
 - (D) land application of litter is no closer than 100 feet from a well other than a monitoring well;
 - (E) litter is stockpiled no closer than 100 feet from a perennial stream, perennial waterbody, or well other than a monitoring well;
 - (F) litter is not stockpiled uncovered for greater than 15 days;
 - (G) litter is not applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application;
 - (H) no litter is land applied during precipitation events; and
 - (I) if a manure hauler is used, records are maintained of the dates the litter was removed, the estimated amount of litter removed, and the name, address, and phone number of the manure hauler.
- (3) Land application sites under separate ownership from the waste generator, that receive animal waste from animal waste management systems that are deemed permitted, when all the following conditions are met:
 - (A) the waste is applied at no greater than agronomic rates;
 - (B) the storage and land application of animal waste is no closer than 100 feet from a well other than a monitoring well;
 - (C) a vegetative buffer of at least 25 feet is maintained from a perennial stream or perennial waterbody;
 - (D) animal waste is not applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application; and
 - (E) no animal waste is land applied during precipitation events.

(b) The Director may determine that a system should not be deemed permitted in accordance with this Rule and Rule .0113 of this Subchapter. This determination shall be made in accordance with Rule .0113(e) of this Subchapter.

*History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.*