

2019 North Carolina State General Permit Renewal

Proposed Changes since 2014 State General Permits

General Changes:

- Update name of Department, Division Director, effective dates of General Permit.
- Added statutory and/or regulatory references to every permit condition.
- There are multiple conditions where the language changed from “the Director may/shall require...” to “Upon notification by the Division, the Permittee shall...”

Preamble: This has been expanded to provide more clarity on activities that may and may not be covered under the General Permit.

Condition I.1: Added clarification regarding application of waste to a ditch.

Condition I.3: The old I.3 is now broken into I.3, I.4, and I.5. New I.3 brings up language from lower paragraph into this condition. Adds reference to compliance with odor checklist.

Condition I.4: Updated “Amendments” to require submission to the Division within 30 days.. Corrected language to state “Major Changes” must be submitted and approved prior to implementation – this was previously stated in the definition of “Major Change” and is more appropriate as a permit condition. This is not a new requirement.

Condition I.5: Moved first sentence up to Condition I.3. Added that violations are “subject to enforcement action”. This does not represent a change in policy.

Condition I.6: Added change to operation type as Major Change – this is consistent with current definitions section. This does not represent a change in policy.

Condition I.7: Simplified language to clarify that New/Expanding Swine Operations are not eligible for this general permit. This does not represent a change in policy.

Condition I.9: Added trigger for any field with soil test P-index of 275-400 or higher to be required to run PLAT. Specific public comment is sought on the appropriate value to trigger the running of PLAT.

Condition I.12: Added setbacks from surface waters from Swine Farm Siting Act (for swine) and from regulations 15A NCAC 02T.

Condition II.4: Clarified that total land application of nutrients from all applied sources must be counted in meeting agronomic rate.

Condition II.7: Added sentence to state that excessive ponding and runoff are prohibited.

Condition II.10: Updated mortality management condition to reflect requirements under authority of State Veterinarian. Removed reference to “normal mortality”. Listed requirements for use of burial for disposal.

Condition II.12: Added specifics on embankment maintenance for clarity. This does not represent a change in policy.

Condition II.17: Added language from administrative code that requires OIC or Back-up OIC to do inspect land application area within 24-hours. Deleted reference to affirmative defense; this is being removed from all permits.

Condition II.18: Added reasons flow meters may be required and a 90-day compliance deadline.

Condition II.19: Added “cause or” to “might reasonably be expected to cause...” for wind conditions resulting in drift.

Condition II.20: New condition that may require Permittee to install/use different land application method or other practices to reduce drift.

Condition II.23: Updated official title to Flash Flood Watch and clarified it’s for those issued in advance of the pending hurricane/tropical system. Also updated to be clear that application must cease within twelve hours of the first watch/warning issuance. Increased time is in response to the National Weather Service issuing tropical watches/warnings further in advance than was previously possible. Added statement to clarify that the intent is for land application is to cease about 24-hours before the onset of storm event.

Condition II.24: New condition that may require Permittee to install rainbreakers on all irrigation equipment within 12 months of permit issuance. This condition mirrors the language in the NPDES permit.

Condition II.27: Requires structural repairs to be designed/certified by licensed Professional Engineer, federal employees with job approval authority, or technical specialist with Animal Waste Structural design designation.

Condition II.28: Sets deadline for removal of haybales stored on farm to within 24 months of cutting.

Condition III.2.b: Added that waste level markers must be surveyed and certified every 5 years.

Condition III.2.c: Added language for when automated waste level recorders may be required.

Condition III.4: Simplified language to reflect statutory soil sampling requirement.

Condition III.8: Change stocking records requirement from monthly to weekly. Added that records must be kept on form supplied by or approved by the Division.

Condition III.9.f: .Removed this requirement – this is something DWR needs to do, not Permittee.

Condition III.11: Groundwater monitoring requirements for facilities in 100-year floodplain.

Conditions III.12-14: New permit conditions for facilities that are required to conduct groundwater monitoring.

Condition III.15: Increased records retention from three (3) years to five (5) years. Requirement to be phased in over first two years. See new Attachment B.

Condition III.16: Added reference to statute regarding confidentiality of complaints against agricultural operations.

Conditions III.18: Added new requirement for Annual Report, see new Attachment A. The reports are to be kept on file at DEQ as a public record.

Condition III.19: Added specifics that must be included in any public notice of a discharge of animal waste to surface waters.

Condition III.20: Increased records retention for both press release and public notice to five years.

Condition III.21: Increased records retention to five years.

Conditions IV.1: Added “The Permittee is subject to inspections at any time, without announcement, by the Department.” This does not represent a change in policy.

Conditions V.2: Removed incorrect/confusing reference to new/expanding farms.

Conditions V.3: Updated version of NRCS Standard to most current.

Conditions V.12: Updated condition to reflect current session law and regulation regarding how long an operation can be depopulated and still restock under existing permit.

Definitions – 25-year/24-hour rainfall: Updated citation to current NOAA reference; NRCS adopted this reference in Oct 2017.

Definitions – Agronomic Rates: Updated definition to reflect the term as defined in 15A NCAC 02T. Added statement from General Statute that Nitrogen shall be rate limiting element unless otherwise specified.

Definitions – Amendment: Revised amendments for purpose of transparency – all CAWMP updates must be submitted to the Division, including amendments.

Definitions – Animal Waste: Updated to match language from General Statute and 15A NCAC 02T

Definitions – Discharge: Added definition of discharge.

Definitions – Expansion: Added definition of expansion.

Definitions – Facility: Added definition of facility.

Definitions – Land Application Area: Added definition of land application area.

Definitions – Major Change: Updated definition by moving the portion that is a permit requirement to Condition I.4. This does not represent a change in policy.

Definitions – Revision: Updated definition by moving the portion that is a permit requirement to Condition I.4. This does not represent a change in policy.

Definitions – State Waters: Updated to reflect the term as defined in General Statute.

Definitions – Surface Waters: Updated to reflect the term as defined in 15A NCAC 02T

Definitions – Waste: clarified to mean same as animal waste definition.

Definitions – Wetlands: Updated to reflect the term as defined in General Statutes and 15A NCAC 02T