

Report to the North Carolina General Assembly

Submitted to the 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, 2022

**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, Inspection and Compliance Activities
July 1, 2021 through June 30, 2022**

The Department of Environmental Quality reports annually to the Environmental Review Commission and Fiscal Research Division on the permitting, inspection and compliance activities of the Animal Feeding Operation program across the state, per G.S. 143-215.10M. Accounting for activities is required under G.S. 143-215.10F and S.L. 1997-443 (and its subsequent amendments) is also included in this report.

General Statute 143-215.10F requires an annual inspection of every permitted animal operation facility by the N.C. Division of Water Resources (DWR). As required by S.L. 1997-443, the Division of Soil and Water Conservation (DSWC) has been conducting compliance inspections at swine operations in Brunswick, Columbus, Jones and Pender counties. This is often referred to as the “Pilot Program.” Effective July 1, 2011, DSWC became a division of the Department of Agriculture and Consumer Services. Session Law 2011-145 eliminated the requirement for DSWC to perform annual operations reviews at each permitted animal operation and removed funding for the operations reviews. As a result, DWR conducts all routine animal operation inspections except for those facilities located in the above-mentioned pilot counties. DSWC continues to perform pilot program inspections under S.L. 2013-131 and S.L. 1997-443, and provides technical assistance and operation review inspections upon request.

The tables below indicate the number of inspections performed by DWR and DSWC, the number of violations identified during inspections, enforcement actions initiated, and permits issued from July 1, 2021 through June 30, 2022.

Overall, the two divisions conducted 2,393 compliance inspections and operation reviews during the 2021-2022 fiscal year throughout North Carolina by the staff from the seven regional offices (Table 1). Some facilities were inspected multiple times. Routine compliance inspections were conducted at more than 93 percent of all permitted animal operations during this reporting period. Regional office abbreviations are explained at the end of this document.

Table 1. Inspection activities of DWR and DSWC staff during the 2021-2022 fiscal year

INSPECTIONS		ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
DWR Total number of inspections completed		31	786	69	232	424	597	93	2232
Routine DWR annual compliance inspections		21	771	69	221	413	581	86	2162
Inspections conducted due to complaints		9	2	0	0	0	3	0	14
Follow-up of previous review or inspection		1	10	0	2	3	9	2	27
Emergency Notification		0	1	0	0	0	0	0	1
Lagoon Evaluations		0	0	0	8	8	3	5	24
Other inspections		0	2	0	1	0	1	0	4
DSWC Total number of compliance inspections completed*						41	118		159
Routine DSWC annual compliance inspections						41	118		159
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		1	0	0	1	0	0	0	2
Routine operation reviews		1	0	0	1	0	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		32	786	69	233	465	715	93	2393
Total number of Permitted Animal Facilities		16	726	62	201	502	659	79	2245
Average time for Compliance inspection (Minutes)		85	119	45	95	72	64	62	77
Average time for other inspections (Minutes)		-	74	-	110	66	39	60	70

*Pilot Project, S.L. 1997-443 and subsequent amendments.

The reported average time for compliance inspection only considers time spent onsite. Table 1 does not include time spent for inspection of required records that may be conducted prior to the site visit.

Table 2 presents the number of animal permits issued by the DWR under each regional office in FY 2021-22. This number includes new projects, as well as any modifications made to existing permits including renewals. Approximately 2,245 farms are covered under State and National Pollutant Discharge Elimination System (NPDES) general permits. All permits for animal operations must be renewed every five years. The renewal for the State general permits took place in 2019 and the next State General permits renewal will be

on October 1, 2024. Other facilities are covered by NPDES general permits or State individual permits. The current NPDES general permit expired June 30, 2022, and the renewal process is underway. S.L. 2021-78 required the development of Farm Digester General Permits, which were finalized June 30, 2022. Animal operations with a farm digester system or that wishes to install a farm digester system may seek coverage under the new Farm Digester General Permits beginning July 1, 2022. Renewal for these general permits will be on October 1, 2024.

Table 2. Permits issued by DWR for animal operations in each Regional Office during July 1, 2021 through June 30, 2022*

ANIMAL OPERATIONS PERMITS ISSUED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Swine	0	44	0	12	48	47	1	152
Cattle	0	0	6	0	0	0	1	7
Poultry	0	0	0	1	0	0	0	1
Horses	0	0	0	0	0	0	0	0
Manure Hauler	1	2	4	1	0	0	1	9
Totals	1	46	10	14	48	47	3	169

* Includes modifications, renewals, and new projects

Tables 3 and 5 provide a summary by regional office of numbers and types of deficiencies and violations found during DWR and DSWC inspections during the past fiscal year. Some violations were self-reported and are included in the table to provide a complete picture of the number of deficiency or violation letters issued.

Table 3. Regional office deficiencies and violations found during DWR and DSWC inspections during FY 2021-22.

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Deficiencies and Violations found during DWR and DSWC inspections*	20	64	1	8	41	29	23	186
Number of facilities receiving notice deficiency**	0	11	3	0	14	2	4	34
Number of facilities receiving notice violation**	2	25	13	3	17	6	4	70
Enforcement actions initiated for violations noted during this year***	3	10	2	0	2	4	0	21

*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. Deficiencies and violations also includes failure to pay annual fees.

***Some enforcement actions being developed by the regional staff are normally not shown as actions initiated during that year. These actions will be included in the next annual report.

There were 186 violations identified in FY 2021-2022 which counts for approximately 8 percent of the 2,393 inspections (Table 4). Inadequate freeboard, unpermitted discharges from the systems and evidence of 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. Breakdown of specific violations discovered during DWR and DSWC inspections during FY 2021-2022

DEFICIENCIES AND VIOLATIONS IDENTIFIED	Total number of inspections with identified problem	Percent of total problems identified	Percent of total inspections completed (2393)
Discharges from Animal Waste Management System	43	23.1%	1.8%
28 discharges that reached surface waters of the state which represents 1.2% of the total inspections completed.			
Inadequate Freeboard (Permitted Farms)	37	19.9%	1.5%
11 of inspections with freeboard noted at less than 1 foot of which represents 0.5% of total inspections completed.			
No Certified Operator in Charge	0	0.0%	0.0%
Evidence of over application	75	40.3%	3.1%
Does not meet setbacks	11	5.9%	0.5%
Inadequate land	3	1.6%	0.1%
Crop differs from that stated in Certified Animal Waste Management Plan	17	9.1%	0.7%
Totals*	186	100.0%	7.8%

Table 5. Deficiencies and violations discovered during DWR and DSWC inspections by regional office during FY 2021-2022

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Discharges from Animal Waste Management System	9	14	0	1	12	4	3	43
Of the 28 discharges identified, the number of discharges that reached surface waters of the state included all regional offices except for MRO and RRO.								
Inadequate Freeboard (Permitted Farms)	1	5	0	5	18	2	6	37
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot were 11.								
No Certified Operator in Charge	0	0	0	0	0	0	0	0
Evidence of over application	3	36	1	0	9	20	6	75
Does not meet setbacks	4	2	0	0	1	3	1	11
Inadequate land	1	1	0	1	0	0	0	3
Crop differs from that stated in Certified Animal Waste Management Plan	2	6	0	1	1	0	7	17
Totals	20	64	1	8	41	29	23	186

Table 6. Deficiencies and violations found during inspection by DWR and DSWC at each type of animal operation during FY 2021-2022

DEFICIENCIES AND VIOLATIONS IDENTIFIED	Swine	Cattle	Poultry	Other	State Totals
Discharges from Animal Waste Management System	31	12	0	0	43
Of the 28 discharges identified, the number of discharges that reached surface waters of the state were 17 for swine and 11 for cattle.					
Inadequate Freeboard (Permitted Farms)	29	8	0	0	37
Of the total inspections identified with inadequate freeboard, 11 of inspections with freeboard noted at less than 1 foot.					
No Certified Operator in Charge	0	0	0	0	0
Evidence of over application	65	8	1	1	75
Does not meet setbacks	7	3	0	1	11
Inadequate land	1	0	1	1	3
Crop differs from that stated in Certified Animal Waste Management Plan	7	9	1	0	17
Totals	140	40	3	3	186
Total Number of Animal Operations	2073	148	19	5	2245

Table 7. Civil penalty assessment for different types of violations during FY 2021-2022

Civil Penalty Assessments	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	TOTALS
Stipulated Penalties (SP)	1	8	0	0	0	1	0	10
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)	0	0	0	0	0	0	0	0
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)	2	2	2	0	2	3	0	11
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	3	10	2	0	2	4	0	21

Table 8. Summary of enforcement actions during FY 2021-2022.

Civil Penalty Case Summary	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	Totals
Penalties assessed (\$) includes enforcement costs	\$11,748	\$92,450	\$5,825	\$0	\$3,409	\$40,347	\$0	\$153,778
Penalties reduced via settlement (\$)	\$0	\$2,917	\$0	\$0	\$0	\$14,219	\$0	\$17,136
Penalties collected (\$)	\$6,614	\$44,585	\$1,128	\$0	\$3,409	\$0	\$0	\$55,736
Remissions (\$)	\$1,625	\$14,200	\$0	\$0	\$0	\$0	\$0	\$15,825
Remitted cases	2	7	0	0	0	0	0	9
OAH cases	0	1	0	0	0	1	0	2
AGO cases (collection)	0	0	0	0	0	0	0	0

Regional Office Abbreviations:

- ARO – Asheville Regional Office
- FRO – Fayetteville Regional Office
- MRO – Mooresville Regional Office
- RRO – Raleigh Regional Office
- WARO – Washington Regional Office
- WIRO – Wilmington Regional Office
- WSRO – Winston-Salem Regional Office