

North Carolina State General Permit Renewal

Proposed Changes to the DRAFT 2019 Swine State General Permit

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...”.

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: Eliminates the use of “Amendments” which currently are implemented without submission to the Division. Corrected language to state “Major Changes” must be submitted and approved prior to implementation – this is consistent with definition of “Major Change”.

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 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.8: Added trigger for any field with soil test P-index of 400 or higher to be required to run PLAT.

Condition II.7: Changed requirement to incorporate sludge applied to conventionally tilled soils to one day from two. Added sentence to state that excessive ponding and runoff are prohibited.

Condition II.10: Updated mortality management condition. Added daily mortality management records requirement to include number of animals by species/type and disposal method. Removed reference to “normal mortality”. Listed requirements for use of burial for disposal.

Condition II.12: Added that soil pH must be maintained to keep protective vegetative cover – a soil sampling requirement.

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 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 based on the first watch/warning issuance.

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

Condition II.26: Changes calibration from once every two years to annual.

Condition II.27: Requires structural repairs to be designed/certified by licensed Professional Engineer.

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

Condition III.1: Added that permittee inspections must be done as outlined in the current OIC Training Manual.

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 (current forms are weekly). Added that records must be kept on form supplied by or approved by the Division.

Condition III.9.f: Samples from discharge sources must be done in 48 hours instead of 72 hours. Also states sampling methods to be used.

Condition III.11: New condition to outline when groundwater monitoring is required.

Condition III.12: Increased records retention from three (3) years to five (5) years.

Condition III.13: Added reference to statute regarding confidentiality of complaints against agricultural operations.

Conditions III.15: Added new requirement for Annual Certification Report, see new Attachment A. The reports are to be kept on file at DEQ as a public record.

Condition III.16: Added specifics that must be included in any public notice of a discharge of animal waste to surface waters.

Condition III.17: Increased records retention for both press release and public notice to five years.

Condition III.18: Increased records retention to five years.

Conditions IV.1: Added "The Permittee is subject to inspections at any time, without announcement, by the Department."

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: New condition stating requirement to comply with odor rule for existing facilities. This is not a new requirement.

Conditions V.14: 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: Added statement from general statute that Nitrogen shall be rate limiting element unless otherwise specified.

Definitions – Amendment: Eliminated amendments for purpose of transparency – all CAWMP updates must be submitted to the Division as a Revision or Major Change.

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 – Land Application: Added phrase “at no greater than agronomic rates for utilization of nutrients by crops.”