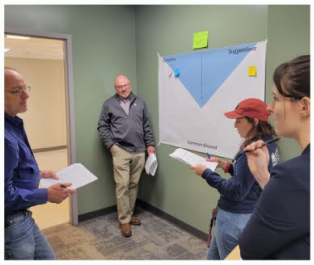
NORTH CAROLINA
Environmental Quality

PERMIT RENEWAL 2023 FEEDBACK REPORT



Presented by:

fountainworks
FACILITATION • MANAGEMENT CONSULTING

Table of Contents
NC DEQ Stakeholder Input – Animal Feeding Operation Permit Process
April – May 2023

Overview of Stakeholder Input Process

The N.C. Department of Environmental Quality engaged Fountainworks to serve as a neutral facilitator for three stakeholder input sessions regarding upcoming permit renewals for both the Animal Feeding Operations General Permits and Farm Digester General Permits, which will take effect on Oct. 1, 2024. The first two sessions, held in Duplin and Wake Counties, were full-day sessions with invited technical stakeholders. Stakeholders included Farmers, Industry representatives, Environmental Advocacy representatives, community groups, and Federal/State/Local agency representatives. The third session, held in Sampson County, was open to any member of the public.

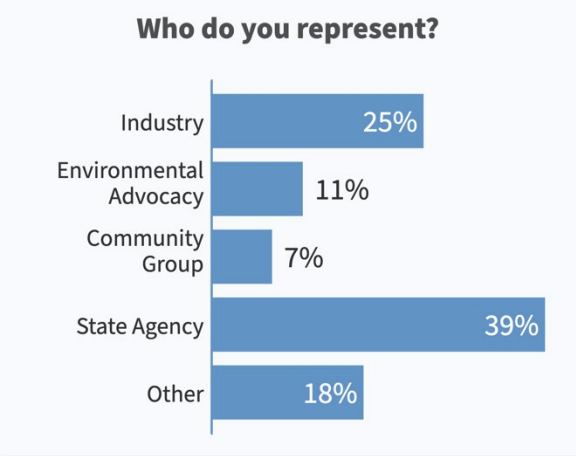
The three stakeholder workgroup meetings were the first step in the public engagement process for seeking input on the new General Permits. In addition to the facilitated sessions, there is a 60-day public stakeholder comment period through June 5, 2023, where the public can provide comments to NCDEQ by email, phone (919-707-3705) or in writing (NC Division of Water Resources, Animal Feeding Operations, 1636 Mail Service Center, Raleigh, NC 27699-1636). A more detailed calendar of the timeline was shared with participants and is included in the appendix.

NC DEQ will consider input gathered from these stakeholder meetings in the development of the draft permits. Once draft permits are developed (tentatively scheduled for August 2023), NCDEQ will open a 90-day public comment period, with four public hearings planned in late 2023. This schedule allows DEQ to gather and consider public input as staff meets regulatory deadlines and finalizes the new permits.

This report includes all of the input received at the three stakeholder input sessions.

Duplin County/Kenansville – Technical Stakeholder Meeting

28 technical stakeholders (plus 12 DEQ staff or Fountainworks consultants) attended the meeting in Duplin County. Fountainworks staff facilitated the session, with assistance of NC DEQ staff. The session started with an overview of the calendar for the permit renewal process.



Participants were asked to respond to two electronic polling questions:

1- Who do you represent? (responses shown in chart to the right)
2- If you could make one change to the permit, what would that be? (responses listed below)
   - Listen to all stakeholders
   - Remove 3 requirements that are stayed by the courts
   - More monitoring requirements
   - Decrease spraying, lagoon permitting
   - No idea at this time.
   - No comment.
   - Swine farms required to use ESTs.
   - Do away with digester influential/effluent sampling
   - Take out gauge certification.
   - Make the permit simpler
   - Swine farms required to use ESTs.
   - No annual report
   - Remove the annual reporting requirement

After introductions, NC DEQ staff provided a brief overview of the contents of each permit section. The stakeholders were asked to provide feedback on each section, noting what they would like to keep, add, modify, or delete about the permit section. After discussing each permit section, participants were asked which parts of the permit warranted additional discussion. The participants then circulated to a station with each of the topics they had requested be discussed. At the stations, participants were asked to identify concerns, suggestions, or areas of common ground regarding the topics.

The following notes are a transcription of the comments the participants made.

Permit Section 1: Performance Standards

Keep

- #2, #9
- Everything except #9
- #9- if kept in permit and not removed add: if request for modification is received by agency and there is no response after 90 days, the modification is automatically granted
- #9 keep
- Keep PLAT
- 12.e 1000 ft
- Distances

Modify

- 1.8 Modify 100-year floodplain to 500-year floodplain
- 1.12a Switch 100 ft to 500 ft
- 1.12b Switch 100 ft to 500 ft
- 1.12e Switch 200 ft. to 1,000 ft.
- 1.8 Change 100-year floodplain to 500 year floodplain
- #1 a-f: remove conditions when discharge is allowed
- #4- or change definition of "major change" to allow irrigation design change to be an amendment if a tech spec/engineer stamp
- #4- "the facility may not make the changes until approved by the Division…"
    - There should be a limit on how long DEQ has to respond
- #8 – spray fields in the 100-year floodplain are high risk and should not be covered under the GP – this should require an individual permit that accounts for increased risk of pollution
- Take #9 out because it's stayed by the court
- #10-11: what does it mean that a new treatment process "will not interfere with the operation of the existing treatment system" ?
- 13. Existing swine dry lots may not operate in wetlands
- #16 Digester GP: require documentation that biogas is being used for on-site generation or contracted to sell off-site. Otherwise, the methane is just polluting and wasting potential income.
- Addition of new land applications should not require application of new setbacks on existing or recurring land application areas.
- Changes in irrigation system should not be a major change or require revision

- Reevaluate 24hr/25yr flood event definition to account for reality of climate. Take recent rain events into consideration
- DWR have BMPs? – applicable NRCS CPSs

Add

- 1.4 Any changes to CAWMP should be completed online and publicly available
- 1.5 Violations should result in a requirement to switch to an individual permit.
- If request for modification is received by agency and there is no response after 90 days the modification is automatically granted
- These facilities ARE discharging. Calling them non-discharge facilities is inaccurate.
- CAWMP should be submitted electronically in advance and available to the public.
- Entire permit: remove discretionary terms

Delete

- #1 – (a-f) remove conditions when discharge is allowed
- Remove #9 for the following reasons:
    - In the courts
    - Timeline for implementation unreasonable
    - Remove "date" and replace with "end of permitting cycle"
    - Remove timeline for extension due to delayed or no response from agency
    - Forms referenced do not exist
    - S+W does not have the staff or resources in addition to slow, outdated software that is not functional
    - P index off basis
- Remove PLAT as still pending in court (section 9)
- #9-PLAT-out. DEQ doesn't have statutory authority to include this.
- 13 – existing swine – dry lots may not operate in wetlands

Permit Section 2: Operation and Maintenance Requirements

Keep

- Everything

Modify

- #1 – remove "and fields" due to being addressed in #2 & redundant
- Change II.2 to not allow water to be applied on bare ground from 30 days to 10 days
- II.3 add numeric standards
- II.4 add phosphorus as a nutrient of concern
- II.5 clearly define pending
- II.6 Remove "that do not undergo further processing"

- II.8 remove allowance to recycle condensate
- II.8 require testing to confirm absence of pesticides, toxic chemicals, petroleum, etc.
- Clarify #8: what "animal wastes of the type generated on this facility" means. Mortality/carcasses should not be placed in digesters covered by the GP.
- II.10 change may require to shall require groundwater monitoring
    - 10 (b)(ii) define setbacks to prevent impacts to wells
        - Require public notice of burial to be filed electronically within 5 days
- II.13 require monitoring of sludge fields for bacteria, nutrients, metals
- #17 – remove "and shall increase date, time, land app area used & name of inspector for each inspection" due to redundance as already collected in IR2 form
- #23
- #24 – remove "within 12 months" or replace with "and kept with farm records"
- #27 – remove "c" before "certification is necessary"
- General #29 -> digester #30

Add

- II 10bii – require prior notice of burial to be filed electronically within 5 days
- II 13 require monitoring of sludge fields for bacteria, nutrients, metals

Delete

- Remove 2b
- II 8 (digester) remove allowance to recycle condensate
- Remove #11 - in courts
- Remove "note section: under #15
- Remove #18 - in courts

Permit Section 3: Monitoring and Reporting

Keep

- 2b
- III 11. All lagoons should require groundwater monitoring
- III 11. General switch 100 to 500 floodplain
- #23 – keep influent/effluent monitoring

Modify

- III 2(a) p.2 waste level gauge shall be monitored, recorded, "and randomly verified"
- III 2(c) paragraph 2" The Director may…is not required *when* (instead of if)
- III 2 (b) every 5 years or more often if, upon inspection, waste-level gauges appear to be inaccurate

- #2 more frequent monitoring and recording of facilities that have had a freeboard violation within the last 5 years
- III 3 (a) Precipitation events: daily records…and maintained online for public access
- #3a precipitation records submitted to DEQ, not just retained on-site
- #4 more frequent soil fertility analysis (once per year)
- III 4 Change every 3 years to every year
- III 6. require public electronic funding
    - 7. electronic filing
    - 9. Specify what information the state is required to include in public notice. Include warning to public, name of facility, location, water body, results of testing
    - 10. Remove case-by-case, always notify
- #9f add monitoring/analysis of received waters
- III 9: Require immediate public notification of spills from DEQ (like an Amber Alert)
- III 11 (biogas): No exemption for groundwater monitoring; all must monitor
    - All lagoons should require groundwater monitoring
    - General switch 100-to-500-year floodplain
- Take out 11 and 18 as they are under appeal
- #15 maintain all records and transmit to DEQ
- Digester permit: remove 23 part requiring influent sampling
- Any inspection and written records should be submitted online for public access

<u>Add</u>

- No notes

<u>Delete</u>

- Remove 2B
- Remove #11; court stayed this condition
- Remove #11 – in courts
- Remove “note section” under #15
- Remove #18 – in courts
- Remove #18; court stayed condition
- Remove #23; it is not necessary, sampling before load application is sufficient
- Digester permit #23: no usable data is being collected, this is just unnecessary busywork.
- 100yr floodplain groundwater wells monitoring; arbitrary selection of farms, don’t have direct authority from statute

Permit Section 4: Inspection and Entry

Keep

- OK with everything
- #23 keep influent/effluent monitoring

Modify

- III V(2)(c) reevaluate use of the 25-year rain event in light of recent rain/storm events
- #11 – 100-year floodplain groundwater monitoring wells. Remove arbitrary selection of farms, don't have direct authority from statute
- Digester permit - #23 – no usable data is being collected. This is just unnecessary busy work.
- Section IV: Records if filed electronically would expedite process, increase efficiency and productivity while taking the burden off DEQ staff
- Invest in electronic programs for operations to increase transparency
- Alerts and notifications shall be bilingual

Add

- inspections will not be announced/permittees will not be notified ahead of time for inspection

Delete

- Remove #11 – court stayed this condition
- Remove #17 – court stayed condition
- Remove #23 – it is not necessary. Sampling before land application is sufficient.

Permit Section 5: General Conditions

Keep

- OK

Modify

- #12b eliminate exemption for swine barns and land application sites in 100-year floodplain
- NOTHING should be constructed in the 100-year floodplain

Add

- No notes

Delete

- No notes

Permit Section 6: Penalties

No comments recorded.

Permit Section 7: Definitions

Keep

- Changing irrigation system – should not be considered a "major change"

Modify

- Extra "." under amendment
- Excessive ponding - remove second sentence; redundant, already says you can't have it. Confusing because it is due to crop failure?
- Changing irrigation system should not be considered a major change
- Use the most current definition. This is the 2006 100-year floodplain
- Definitions amendment: more clearly define what "minor change" means

Add

- Add phosphorus to agronomic rate discussion
- Define ponding more clearly to make it more enforceable. Require DEQ staff to confirm complaints of ponding or other violations within 24-48 hours
- Define drain tile, discreet conveyance

Delete

- No notes

What does and does not constitute a major change?

Concerns

- Remove installation of new irrigation systems from definitions
- Should not have to wait for DEQ approval before being able to use new irrigation if it has been certified by tech spec or engineer
- Installation of new irrigation–work done by certified technical–should be good to go
- Define major change
    - Should not include a change in irrigation system; CID seal should suffice, as an example
- Response time from DWR on what is currently considered major change
- New irrigation system should not be a major change
    - Also, define similar types of changes

Suggestions

- Change of application type is NOT a major change as long as rate and acreage stays the same
- More detail, less vague (similar types of changes should be defined)
- Section I #10; define “treatment units”
- New irrigation system without increasing acreage should not be considered a major change
- If a tech specialist or engineer signs off, should be submission only–not a major change
- With an “I” designation
- In general, mirroring EPA designation makes sense. But more specificity would be good. And making sure that activities that include new construction or changes to operation that could increase environmental impacts.
- Allow certification from PE or Tech specialist to be acceptable to start using equipment
- Since response time from DWQ can be slow, allow PEs to certify major changes to permit

Common Ground

- Remove ambiguous language throughout permit
- Clearly define “major change”
- Clarification of length of time for response (specify # days or weeks)

Permit conditions stayed in court

Concerns

- 12-month period to test PLAT after receiving high level
- 400 being an arbitrary number with varying soil types
- Annual cert reporting
- Groundwater monitoring on every farm triggers for groundwater monitoring expensive install
- Annual report is a burden of paperwork
- Annual report: if you want a report annually, have the inspector fill out the form you want
- Monitoring wells: 100-year floodplain is an arbitrary choice; why?
    - No authority to require
- PLAT: DEQ does not have statutory authority to require

    - Nitrogen is the nutrient of concern in state law
- Why groundwater wells required in 100-year floodplain?
- Nothing under litigation should be included in a permit
- Monitor 100-year floodplain is needed

Suggestions

- Allow more time to report
- cut PLAT
- Take out: PLAT, annual report, groundwater monitoring wells in the 100-year flood plain
- Leave out of report: PLAT, annual reports, monitoring wells
- More transparency
- Technology improved
- Based on specific soil type
- Justification to require groundwater wells monitoring
- Redundancy in annual reports
- Remove redundant annual report
- Determine a better way for groundwater wells to be required
- If any section of the permit is under litigation at time of permit is finalized it must be left out
- If PLAT condition remains, then grower should be allowed till end of permit cycle to complete; local SWCS staff may not be able to meet a 12-month deadline

Common Ground

- No notes

Response times from DWR

Concerns

- Updates to paperwork taking way too long–if approved by engineer or CTS, grower should not have to wait for response from DWR
- Community wants to report waste spills, landfill fire, illegal dumping, and dead livestock. How will they get disseminated?
- Investigate delays/issues with mail service center and DWR rep.
- Paying permit fees online–cannot pay multiple fees with debit/credit
- Understand restrictions and challenges farmers face when purchasing expensive equipment

- Community complaints are not always responded to timely

Suggestions

- Have a follow-up email for anyone who submits by email or online
- DEQ should set up an automated system to acknowledge receipt of complaints and some follow up afterwards
- Online portal needs to easy to find and access
- Electronic status update for requests and receiving complaints
- Respond to requests within 60 days
- Final action not later than 90 days per 15A NCAC 2T.0108
- Specify timelines that DWR have to respond
- Organize a system of response so emails/requests/concerns get addressed and followed up on
- For expensive purchases, allow to proceed with engineer DEQ provisional approval for time sensitivity
- Integrate field inspector to provide provisional permits for system changes sealed by NC PE pending "official" approval

Common Ground

- Timely and personal response
- Bad. Need to be better and faster

Transparency (availability of records, automation, public notice)

Concerns

- Due diligence is 48 hours
- DEQ website before operator response shouldn't happen
    - Don't publish before operator has a chance to assess the situation
- Liability regarding public records
    - Why would the public use the records?
- Regarding notice, websites might require a subscription and newspapers are not great
- Fairness: can you look up other industry hazards? For example, carbon footprint
- All records belonging to farmers shouldn't be public
- Government should be transparent, not people
- Producer confidentiality
- Confidentiality around private property

- Public notice about spills: ensure facts are right
- 24 hours later may not protect the public if there's danger
- Private property rights to the extent that you're not impacting the neighbors
- People directly impacted by water quality need information. DEQ should provide that information (automated?)
- Regarding waste management, transparency is not enough for citizens
- Cumbersome Laserfiche
- More records are a burden to produce
- Capacity of farmers: submission shouldn't be only online (availability of internet)
- From a facility perspective, the record doesn't change
- Additional step to post is a burden with limited broadband
- Online submission inspection has integrity
- Annual inspection is enough
- DEQ can go to the facility any time to investigate
- More information but no data regarding permitting; why more permitting?

<u>Suggestions</u>

- State should publicly disclose spills of any size to the public with details
- Need a public record of spills
- Who to contact for dumping animal carcasses so DEQ can investigate
- Online waste management records, easier response to complaints
- Local cooperative extension provide training about online submission
- Regarding notice, churches as communication liaisons
    - Also: radio, bilingual on radio and in print
    - Text, email alerts, local news/radio stations, social media: multiple methods
    - Sign up for texts
- If public, require NCID or registration in order to request the records
- Online data should be anonymized
- Voluntary submission of records

<u>Common Ground</u>

- Other contributions and urban areas
- Not just hogs; everyone in basin should submit nutrient loading
- Dry poultry; everyone is accountable

Digester-specific (influent and effluent monitoring)

Concerns

- There's no way to pull a "standard" sample. Different forms may sample at different locations.
- Under Section III paragraph 23 needs to be removed from digester permit. These samples do not provide any useful data.
- Why to test for copper, zinc, and phosphorus?
    - These are already sampled in a soil sample.
- Waste samples should be tested for Nitrogen only because it is based on a Nitrogen plan
- Section 3, paragraph 5 both swine and digester permits
- G.S. 143-215.106 (e)(6) does not require copper, zinc, phosphorus for water samples, only soil
- Testing for nitrogen only is cheaper than testing for many
- How to standardize sampling? Protocol needs to be standardized in order to be useful.
- Sampling influent does not do anything for protecting water quality. Waste is sampled before irrigation.
- Current sampling protocol does not provide useful information; it's unable to prove anything

Suggestions

- Monitoring:
    - More specific
    - At least quarterly
    - More community monitoring
- Study influent and effluent concentration
- Venting is a problem; need to make sure methane isn't being produced just to get emitted. Needs to have a purpose on or off site

Common Ground

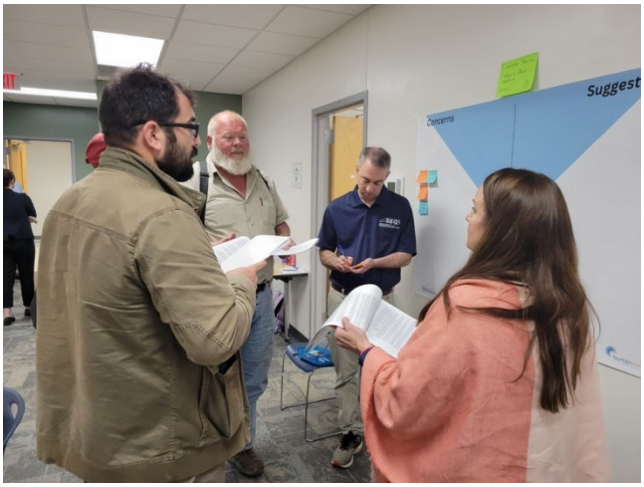
- No notes

Additional Comments

- Check spelling in IV 12 b
- II 27 editorial note: extra letter "c" in middle of paragraph


Concerns
Suggestions


Suggestions
Common Ground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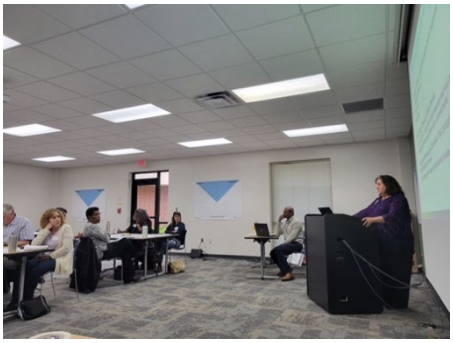
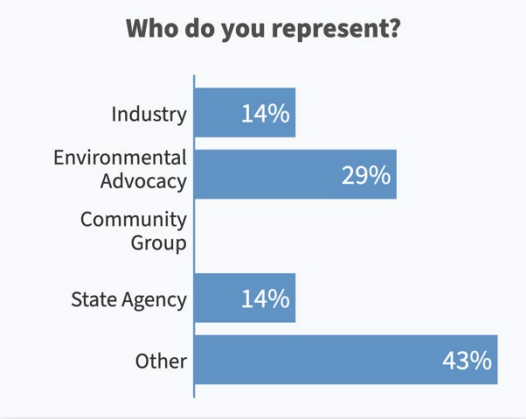


Wake County/Morrisville– Technical Stakeholder Meeting

27 technical stakeholders (plus 12 DEQ staff or Fountainworks consultants) attended the meeting in Wake County. Fountainworks staff facilitated the session, with assistance of NC DEQ staff. The session started with an overview of the calendar for the permit renewal process.



Participants were asked to respond to two electronic polling questions:

1- Who do you represent? (responses shown in chart to the right)
2- If you could make one change to the permit, what would that be? (responses listed below)

- I do not want the permits to be any more stringent than they are now. I prefer that they be less stringent.
- Remove the three contested conditions
- Addition of cumulative impacts analysis, results of which could trigger individual permitting or more stringent monitoring and reporting requirements.
- Require more transparency with the public through online access to information about how much waste is applied to sprayfields, what crops are in the sprayfields, how many animals are confined at the operation, and the results of required soil and waste sampling.
- All permitees required to use automated monitoring, flow and shut off devices that improve monitoring and reporting to best determine the impact the communities that face a disproportionate impact of multiple nearby facilities and acting to reduce cumulative impacts i.e. incorporate cumulative impact safeguards throughout.
- Groundwater monitoring III .12
- Incorporate provisions for individual permits for facilities that may contribute to cumulative impacts in communities of color low income communities
- PLAT out
- Add more monitoring of surface waters and groundwater
- None
- Nutrient rate calculations by crop.
- Don't be so unrealistic - farming happens in the real world, not in a laboratory.
- Provision notifying applicants that individual permits and/or additional monitoring or operation requirements may be imposed by DEQ following an assessment of

cumulative impacts and when necessary to prevent discrimination and comply with Title VI of the Civil Rights Act of 1964.

After introductions, NC DEQ staff provided a brief overview of the contents of each permit section. The stakeholders were asked to provide feedback on each section, noting what they would like to keep, add, modify, or delete about the permit section. After discussing each permit section, participants were asked which parts of the permit warranted additional discussion. The participants then circulated to a station with each of the topics they had requested be discussed. At the stations, participants were asked to identify concerns, suggestions, or areas of common ground regarding the topics.

The following notes are a transcription of the comments the participants made.

Permit Section 1: Performance Standards

Keep

- Generally keep existing conditions in place except I.9
- PLAT
- Keep all requirements to apply for individual permits

Modify

- Preamble – due to rapidly changing weather patterns and climate conditions, reduce the term of a general permit to 2 years
- Preamble: Within 500 ft of a drinking water well -> individual permit
- Swine digester:
    - I.4 Change in irrigation should not be a major change. Should be same as any CAWMP amendments by "I" designation or PE
    - I.9 Remove requirement for PLAT
    - I.14 Change "shall meet" to "shall endeavor to meet"
    - I.15 Electronic submission of certification
- I.1 Update 25-year 24-hour storm design criteria to reflect the most up-to-date floodplain mapping information
- I.1: Biogas. Since new construction, important to apply current 25-year, 24-hour rainfall rather than the standard applicable at the time of construction of the underlying lagoon to spray field system
- Condition 1.1: secondary lagoons should be constructed to withstand stronger storms

- Performance standards condition 1.3: require annual updates to CAWMP
- Digester permits - I.4 CAWMP updates should be required based on influent and effluent monitoring
- I.4 Irrigation should not be a major change; can have a sign-off by an engineer or "I" tech spec.
- I.4 Recommend that a facility using a farm digester system be required to update its CAWMP quarterly based on digester influent and effluent sampling. We urge DEQ to phase out lagoons near the 100-year floodplain. All facilities that land-apply animal waste should be required to assess the Phosphorus loss and mitigate it accordingly. This is especially important in watersheds that are sensitive to nutrient enrichment. We urge DEQ to strengthen those setbacks to protect groundwater resources; although a 100 ft setback is the national minimum, that minimum fails to take into account state-specific conditions that require facility setbacks to protect the Integrity of well water. We recommend 500 ft set back
- I.5 Change "may result" to "shall result"
- I.8 Individual permit for existing facilities in 100-year floodplain
- If I.9 (PLAT) is retained, the timeline to comply is too short
- I.9 Extend soil analysis to all facilities
- I.9 All facilities that land-apply animal waste should be required to assess the risk of phosphorus loss and mitigate it accordingly, especially in watersheds that are sensitive to nutrient enrichment
- I.9 Add a maximum number of extension requests; "one or more" is unlimited
- I.12 Strengthen setbacks to protect groundwater resources. The 100-ft EPA national minimum does not take into account North Carolina-specific conditions needed to protect the Integrity of well water. Recommend 500 ft setbacks and clarification of conditions in which the division may increase setbacks based on evaluation of existing impacts to groundwater
- I.12 Increase setbacks from drinking water wells, especially as needed to prevent disparate impacts and comply with Title VI
- I.12(a) Increase distance to 500 ft from wells
    - (e): Increase this distance to 500 ft
- Condition 1.12: include all buffers
- Section 12 a-e: Accommodate commercial spreader widths for swine and dairy
- I.14 Change "shall" to "shall endeavor to meet" NRCS standards
- I .15 should *email* certification, not mail
- All operations should run PLAT analysis, and fields with high or very high ratings

- Individual permit may be required where necessary, following DEQ evaluation of cumulative impacts on surrounding communities to comply with non-discrimination obligations under Title VI of the Civil Rights Act of 1964 (page 1, add H to list)
- CAWMP: Should be changed to include application of P at agronomic rates
- Downstream flooding: pipeline: Suggest that 25-year 24-hour rainfall is more in line with reality of climate change
- Phase out lagoons within the 100-year floodplain using current flood maps
- Increase 100-foot setback for animal waste application to 500 ft from any well (except a monitoring well)
- Digester - Require monitoring wells for all operations regardless of original construction date when new digesters are installed
- Phosphorus loss assessment required for all facilities that land-apply waste with addition of mitigation requirements
- individual permits should be required if operation under the terms of this general permit would cause discriminate impacts on vulnerable North Carolina residents. To comply with federal civil rights laws, DEQ must analyze the effect of the general permit and other facilities in the community and prevent harmful air and water pollution that disproportionately impacts on the basis of race, color, or national origin.
- Swine Waste Management - We recommend updating the 25-year 24-hour storm criteria to reflect the best available science and to adjust restrictions on construction in the floodplain to reflect the most up-to-date floodplain mapping information
- A record of permit violations -> individual permit

<u>Add</u>

- Digester: require CAWMP to be updated quarterly and response to results from influent and effluent sampling (section 1.4)
- 1.5: Addition of strike policy where violators accumulate strikes based on severity of violation. After a determined number of strikes, the permit holder is suspended
- Keep setback requirements at a minimum; they should be increased so that waste cannot be applied within 500 ft of a dwelling, stream, river, ditch, canal etc. (section 1.12)
- I.12 c-d: In order to genuinely address cumulative impacts and environmental degradation allowed by past decisions, DEQ should set a generation-length plan to phase out “grandfathered in” setbacks
- #13 through 15 too static
- Include land- related changes that might impact (e.g. clear cuts on flooding)
- Timeline for DEQ to respond to major changes

- This reflects any climate change-related impacts that require design or engineering changes
- Require individual permits for facilities that are found to be discriminatorily impacting communities
- Require use of additional pollution control technology
- Add a requirement that methane be used; no flaring and venting except under emergency circumstances
- Lagoon, digester, or spray field in a floodplain should mean an individual permit is required
- Near impaired waterway -> individual permit
- DEQ determines that impacts would disproportionately harm BIPOC Community -> individual permits

Delete

- I.9 PLAT: remove; no authority
- Condition I.9 - PLAT- in litigation
- PLAT: No authority

Permit Section 2: Operation and Maintenance Requirements

Keep

- Option to have operator on site in place of a rainbreaker - II.24
- Generally keep existing conditions
- All limitations on the timing, location, and amount of spraying should be kept
- Keep 48 hour tillage requirements in II.7 or reduce the number of hours to 24

Modify

- II.4 Clarify that all nutrient sources includes but is not limited to effluent as well as sludge and commercial fertilizer
- 4: Include guidance from 1217 on increases in application rates
- 2.4 - Permit should be clear that “all nutrient sources” includes but is not limited to effluent, sludge, and commercial fertilizer
- II.4 All nutrient sources should be defined to include effluent, sludge, and commercial fertilizer, in addition to others
- 2.5 -DEQ must remove the vague term “excessive” for clarity and to avoid creating a loophole
- II.5 Swine digester permit should specify that only waste from the facility shall be placed in digester; remove “excessive” since that is arbitrary and not defined

- II.5 and 22 should be combined to clarify soil moisture level safe for application and how to determine it
- 6: Clarification update with produce safety FSMA rules
- 7: Increase to 3 to 5 days and clarification of when days start with discussion of what is realistic for farmers
- 2.7 - An even shorter time limit than 1 day for waste incorporation is necessary to further reduce the adverse impacts on air and water quality and to limit exposure to intense odors
- II.7 Require incorporation of sludge within 24 hours after land application
- II.7 The time frame of 2 days should be shortened and assessed for air and water impacts in that time
- II.8 Specify that no animal mortality should be added to digester in general permit
- 8. Animal waste should be specified as feces and urine, not “of the type generated on facility” (no dead animals)
- 10 Clarify statute number associated with mortality disposal options
- II.10 Change “may require” to “shall require;” also define setbacks
- II.10 Require groundwater monitoring near burial sites and for facilities to submit plans for catastrophic mortality events
- II.10; III.12-14 Prohibit burial of mass mortalities in 100-year floodplain and require groundwater monitoring when burial selected as means of mass mortality management
- 17: More time than 48 hours for dairy
- II.18 Direction notice should be provided and technology used to ensure compliance following consideration of cumulative impacts where necessary to comply with Title VI of the Civil Rights Act
- II.24 All permitees should install devices to halt spraying during precipitation. This ensures compliance with the prohibition against spraying in these circumstances. This supports agency enforcement resources which can't keep pace with personnel needs to ensure compliance based on “commitment”
- Remove II.24(b) and require installation, operation, and maintenance of equipment designed to stop irrigation during precipitation
- II.28 Require removal of harvested crops from lands applicable site within 12 months of cutting
- II-28 Typo at end of line 4
- #28: Support effort to clarify crop removal requirements; however, 24 months is too long to prevent a return of nutrients to the soil
- II.28 Clarify where crops can be stored, how they are stored; shortened 24 months limit of harvested hay

- II.29 Include freeboard requirements for secondary lagoons
- II.29 Clarify that nothing in this provision overrides the prohibition against land application within a specified period after certain storm watches and warnings. DEQ should be the decision maker on questions of whether lowering a lagoon below the stop pump level is permissible
- #29: Nothing in this provision should override prohibiting land application within a specified period after storm watches or warnings. DEQ should be the decision maker for lowering below stop pump levels during or prior to excessive rainfall
- II.29 Modify the language to match II.30 of the digester permit
- II.29 Remove reference to NRCS 359 to allow 8-in allowance since the standard no longer allows this exception
- II.30 In storage-only lagoon, should be able to store sludge to any elevation, and should not be required to maintain four feet of liquid depth above sludgeII.23 Less time post-storm watch or warning before required cessation of land application (recommend 4 hours)
- II-30 (b) In a storage-only secondary lagoon you should be able to have as much sludge as you need to keep
- Swine Digester:
    - II.14 “Shall be kept reasonably free”
    - II.8 There will not necessarily be a biogas dryer; strike this; condensate may be returned to digester or any other permitted storage structure
    - II.28 Typo at end of line 4; extra C
- II Consider incorporating technology into sprayers to detect when sprayers are operating, particularly for facilities that have been in violation

<u>Add</u>

- III-8 “May be returned to digester”
    - Add “ or other waste storage”
- #9:Iinclude appendix on what cleaning agents are specifically approved
- #10: Identify local wells within a mile because many are shallow; monitor and sample those wells to demonstrate safety of the water supply
- 2.10: We urge DEQ to require groundwater monitoring near burial sites and for facilities to submit plans for catastrophic mortality events. At a minimum, DEQ should prohibit burial in the 100-year floodplain under all circumstances
- II.12 Prohibit burial in the 100-year floodplain under all circumstances at the very least
- II.13 Include a provision to inspect dikes and liners for damage. Post-sludge removal is the best inspection and maintenance point.

- II.18 We encourage DEQ to require the use of flow meters in all circumstances regardless of a facility's compliance history.
- 24: Install devices to halt spraying during precipitation (#23 also)
- There should be some mechanism from DEQ for citizen reporting of illegal spraying with no official notification to operator
- Add ruminants composting as a way of animal mortality disposal

Delete

- II.5 Remove "excessive"
- Digester II-8: Won't necessarily have a biogas dryer, so strike
- III.11 There should be no exemption allowed to the groundwater monitoring requirements
- III-18 Remove annual reports. Make the annual inspection form the annual report
- III-23 Influent sampling unnecessary
- III Groundwater monitoring wells in the 100 Year floodplain; remove

Permit Section 3: Monitoring and Reporting

Keep

- Generally keep existing conditions as is except III.11 and III.18

Modify

- III.1 Operators should be required to document their inspection of structures using digital photographs that are incorporated into records of permit compliance
- III.11 Remove option for permittee to request exemptions from monitoring. Monitoring should be required
- III.2(d) Require new waste level gauges that could sound an alarm when a lagoon falls below a certain level or is reducing at a rate to suggest waste loss
- III.2 (c); III b; III. 10: Director notice should be required and technology used to ensure compliance following analysis of cumulative impacts where necessary to comply with Title VI
- III.2(b) Water level gauge should be certified every year, not every 5 years
- III.2.c.ii and III.3.a.ii: Modify to "as quickly as possible and no more than 14 days"
- III.3.1: all permittees should be required to notify DWR in writing when devices covered by conditions II.18, II.24, III.2, and IV.3 have been installed
- 3. Records showing rainfall from rain gauge and records from land application that indicate spreading on the same day should constitute a violation (or at least a detailed accounting with time, day)

- III.3: Require sampling and testing annually instead of “at least once every 3 years”
- 3A: If there's a weather station, can use that for rainfall instead of a rain gauge
- 3B: automated rain gauges for all operations; notify DWR in writing when installed
- 4: Sampling and testing annually
- III.4: Groundwater monitoring should remain in place. Groundwater monitoring should be required when operator employs burial as a mortality management method; has a lagoon within the 500 year floodplain; installs a farm digester system; employs a lagoon whose bottom elevation is not two feet minimum above the seasonally high water table
- III.4-5 report and test for all heavy metals annually
- III.5 Analysis of waste should precede land application; not allowed 2 months or 60 days afterward
- III.5 Remove ambiguity of “as practiced” and require a waste sample to be tested within 2 weeks prior to land application
- III.9 Require surface water monitoring less than 48 hours after discharge
- 9: Conduct surface water sampling no later than 48 hours after discharge
- III.9: Sampling and notification should occur within 48 hours
- III.11 Groundwater monitoring should be required for all permittees, and should include monitoring sites within the spray fields
- III.13 Recommend sampling for TKN and nitrite nitrogen so that sample results enable calculation of total nitrogen levels
- III.14-18 Groundwater monitoring should be required when using a farm digester system, when lagoon is in the 500 year floodplain, when the lagoon bottom is less than 2 ft from the high water table, and when burial is used as a catastrophic mortality management practice
- 15. More online record keeping; convert paper to digital
- 17a. 12-hour notification when discharge happens other than facility wastewater over 1,000 gallons of manure
- 17e POA: Change 2 days to 5 days during emergencies, allowed to increase as needed
- 17: Issue press release within 24 hours of discharge of over 1,000 gallons reaching surface water
- III.17: Notification should be required within 12 hours
- III.18 Electronic submission of the annual report is required
- III.19: Press release should include impacted waterways, pollutants of concern, and should be posted on county website
- 19: DEQ, require facilities to contact DWR within 12 hours of discharge of 5,000 gallons or more

- III.22 (digester): Clarifying need to survey sludge in digester; include design features for sludge removal from digester
    - Record and report gas volumes released for the digester when for non-beneficial use
- III.23: Maintain this requirement and specify sampling protocol. Specify that this data be used to inform CAWMP
- Monthly air quality monitoring for ammonia emissions
- Monthly sampling of waste that is to be land-applied for nitrogen, Kjeldahl nitrogen, ammonium nitrogen, phosphorus, zinc, copper, fecal coliform bacteria
- Monthly sampling and analysis of surface water, specifically tributaries previously impacted by operations and in the flow path of each site or lagoon for the following parameters: total nitrogen, phosphorus, suspended solids, DOD, fecal coliform, E. coli
- Quarterly soil sampling from land application fields at 2 and 10 analyzed for phosphorus mineral and heavy metals, total organic carbon, nitrogen, pH
- Facilities with farm digester systems should have elevated monitoring requirements including: monthly groundwater monitoring with monitoring wells installed upgradient and downgradient of the digester and secondary lagoons; monthly sampling and reporting of the influent and effluent of the digester

<u>Add</u>

- 3.2 Monitoring should be required whenever facility construction and operation decisions heighten risk to groundwater resources. In addition, monitoring should be required when necessary in light of the cumulative impacts of permitted facilities in the community, to evaluate a permittee's potential contribution to discriminatory impacts
- 3.2.c We ask that DEQ require all facilities to have automatic waste level gauges, so as to prevent the problems that arise with manual self-monitoring and self-reporting
- 10: Digester installation should require monitoring of ammonia emissions
- 11: Groundwater monitoring when burial for mortality and none within 100-year floodplain; operation has a lagoon in the 500 year floodplain; when installing a digester; when the Lagoon is in the bottom elevation below 2 ft of the seasonal high water table
- 13: Add requirements to evaluate total nitrogen and nitrate. Monitor for bacteria resistant to medically important antibiotics. Also, expand to potassium, sodium concentrations
- 18: Require more information in annual reporting including number of mortalities; make data easier to review, store, or make public by requiring electronic submission
- III: Detailed description of harmful water and air pollutants with report publicly available and what side effects they cause
- Include surface water monitoring in streams running through and downstream of facility

- Require operators to monitor for ammonia emissions, and provide a protocol for doing so
- Reports should be available online for public viewing
- Require automated rain gauges for all operations

Delete

- 2B is already regulated
- #11 and #12 groundwater monitoring
- In litigation:
    - III.11-14 Groundwater
    - III.18 Annual reporting
- #18 annual report and inspection report is already online

Permit Section 4: Inspection and Entry

Keep

- Keep as is
- Keep inspection and entry requirements, but specify that "reasonable times" means any daytime hours

Modify

- IV. 1 Clarify that inspections by authorized representatives of NDA and CS must be allowed in pilot project counties (Pender, Jones, Brunswick, and Columbus)
- 1A: Modify so private residences are not included in records notes, and records required must be on request
- Change "his/her" to "their" here and throughout the permit

Add

- 1B: DEQ should already have access to records - submit digitally

Delete

- No notes

Permit Section 5: General Conditions

Keep

- II.3 In cattle permits; keep other conditions as is

Modify

- #1A does not include the private residence

- 5.3 DEQ must maintain and augment the improvements in the listing criteria for reopening a closed facility and DEQ must add provisions requiring integrators to back post-closure bonds
- #6 time frame that the current COC is transferable to a new owner

Add

- V.3 permittees should be required to post bonds in case of facility abandonment or closure that does not meet state requirements
- Add bonding requirements
- Set a timeline on grandfathered provisions throughout the permit

Delete

- No notes

Permit Section 6: Penalties

Keep

- No notes

Modify

- VI.1 change “may” to “shall” to specify that failure to abide by permit conditions will result in appropriate enforcement
- I.4 Irrigation changes should be a plan amendment versus a major change; can have sign-off by PE or “I” tech spec

Add

- 6.1 The agency should develop and implement the violation points system required under state statute
- VI.II For swine and swine digester permits, propose or implement violation point system required under 65. 143 -215 6E

Delete

- No notes

Permit Section 7: Definitions

Keep

- No notes

Modify

- Change or clarify land application to ensure compliance with II.7, which seems to distinguish incorporation and land application
- "Waste" and "animal waste" needs to specifically exclude dead animals
- 25-year 24-hour rainfall definition should be forward-looking to the end of the permit period - i.e., the CAWMP should use EPA's prediction of 25-year 24-hour events for 2029 if the permit will apply through 2029
- Discharge should include any leakage of waste to groundwater with a direct hydrological connection to surface waters to bring it into accord with recent Supreme Court rulings
- 25 year 24-hour storm events should be defined according to the latest climate science

Add

- VII Clarify the term other materials under animal waste definition; be clear that it is not mortalities
- VII Either define mortality or change the synonymous use of dead animals or mortality, for example in II.10
- Add a definition for "nutrient sources" to be not limited to effluent, sludge, and commercial fertilizers
- Add a definition of "excessive" in II.5

Delete

- "Major changes"
- Define "similar type changes"

Community Input and Cumulative Impact Analysis

Concerns

- *Cumulative Impacts: Included? Y/N*
    - Cumulative impact is not appropriate to include in the permits
    - Cumulative impacts should not be included in the permits: covered in other places not generally in the permits
    - Cumulative impacts should be included: hog farm and diesel fuel and coal ash and oppressed area; all these conditions need to be considered to protect the community
    - DEQ has a legal obligation to do it
    - Cumulative impacts is not a novel idea
    - It should be reasonably adoptable
    - Conditional follow-up requests should be written out and transparent: if DEQ finds X then facility should do Y

- *Implementation Process*
    - How do you implement cumulative impacts?
    - What does the facility do after doing a cumulative assessment? What is the expected follow-up action?
    - How do you define and quantify cumulative impacts?
    - How do you make a measurable metric and standard for cumulative impacts?

- *Communication and Education*
    - Consider newspapers: rural areas don't have sufficient access to the internet and newspapers may not be financially reasonable

<u>Suggestions</u>

- *Monitoring*
- *General Conditions*
    - Where in permits does “cumulative impacts” fit?
    - GP should preview potential outcome of the analysis of cumulative impacts in response to identification of discriminating impact based on race, color, national origin
    - Cumulative impacts analysis should proceed COC issuance
    - Serial offenders should be prioritized to do the cumulative impact assessment
    - Focus on building Community relationships
    - Supportive teamwork in the community with different perspectives helps
    - Need to share information and education for community and businesses
    - Improve awareness
    - Look into different methods considering location time and social media
    - More meetings and education efforts will help build community understanding and relationships

- *Public Input Methods*
    - Community input 90-day comment period is adequate
    - Improve electronic submission and document accessibility
    - Use something other than Laserfiche because searchability is difficult
    - Provide more language interpretation services

- *Electronic Accessibility*
    - Improve visibility of speakers and community members/attendees

- Online opportunities for hearings and meetings are good, please keep online opportunities
- If records are in the wrong folder, not sure whom to contact

Common Ground

- Phase out grandfathering with updates
- Need better monitoring from an automation standpoint
- Special considerations for CAMA regulations for coastal facilities

Digester

Concerns

- Lack of standardized sampling protocol for influent and effluent from digesters (III.23)
- Leakage and problems with emissions
- Production of biogas would increase waste to reach subsidies through production
- Flaring, especially during variable production
- Emissions from biogas in addition to methane (for example hydrogen sulfide, etc)
- Concerned that digester system will discourage consideration for techniques that will support better waste management
- Unclear how DWR will respond if the “farm digester system” definition in 2023 Farm Act is adopted
- Where do the emissions go and whom do they impact?
- Concerns about technology and practice in digesters, and concentrated pollutants created
- More pipelines in communities
- People don't know what digesters do
- Process does not prevent the system of lagoon and spray field; it just changes the way it happens
- Application of a general permit for digesters (they should be individual)
- Entrench lagoon and spray field system; keeps the waste storage idea
- DEQ’s intervention with violators and response time
- Methane released by creating natural gas
- Communities that digesters impact and collection points

Suggestions

- III.22 Clarify that annual sludge survey requirements applies in covered lagoons (farm digester systems)
- Should require groundwater monitoring III.14–18
- Ensure digesters are designed or constructed on the basis of current science regarding 25-year 24-hour storms, not the science at the time of the lagoon's initial construction
- Transition to best or new technology throughout all systems
- Transition to digesters for farms in good standing (additional requirements)
- Public outreach program about the science and testing of digester and digestate
- Improvement over lagoons and existing infrastructure
- Waste plan should address concentrated produce
- DEQ-sponsored digester education and outreach
- Community outreach and community buy-in is important to consider in pipeline installation and digester implementation
- Waste management plan addressing PLAT and keeping it in
- How is digester sludge to be managed?
- Research should be available to the community about prototypes and technology being introduced
- Clearly define what goes into a digester, accountability to problems that occur. and the violators
- Clarify that digesters do not produce biogas; they capture biogas. They do not produce additional nutrients because there is no increase in animals or manure

Common Ground

- Having more education around digesters
- Some support use of digesters

Definitions and Specificity: Discharge, Animal Waste, Major Changes

Concerns

- The cattle/dairy permit has a lot of language in it that pertains to hogs and *not* dairy; change language
- Clarify / specify parts of biogas/digester system that are under the purview of the permit
- II.10 Mention specific statutes and regulations regulating mortality disposal

Suggestions

- In section II.5 "excessive" is not defined; recommend the word be removed or defined based on best scientific knowledge
- #4 of the cattle permits: clarify timeline for DEQ to respond to a major change
- Irrigation system changes should not require permit modification
- Discharge references "waters of the state;" helpful to clarify that
- Does "waters of the state" include groundwater?
- Installation of new irrigation system is a major change and requires new recertification with request that COC be amended; but if it's not part of COC a suggestion is to make it a revision or amendment
- IV Inspections and Entry 1.a: Either leave out "or where records must be kept under the conditions of this QP" or add "this does not include private residence"
- Animal waste: specify urine and feces, not dead animals
- Clarify "land application" to distinguish application surface and incorporation into soil regarding II.7
- Better define "major changes" and "similar type change"
- Specific definition for "animal waste" meaning urine and feces
- "Waters of the state" should not include groundwater
- Change in irrigation should not be a major change
- Definition of discharge is OK as is
- Definitions should stay as they are

Common Ground

- Need extension for reapplying for extension when over time limit
- Clarify "Department" includes NCDA and CS in IV.1
- Change to definition and specificity to maximize time efficiency of DEQ staff
- Define "timely" and "at a reasonable time"
- "As soon as possible" needs an upper bound, i.e. "not to exceed …"

Availability and Automation of Records

Concerns

- Transparency of Records
- Availability of electronic records
- Older generation internet access and computer literacy
- NMP software not user- friendly
- Laserfiche access and link collapse on websites

- Website dysfunction and broken links
- Redundancy in uploading and reporting forms, documents, or records
- Laserfiche is a very bad format and very hard to use
- Do not require people to submit the copy of the permit every time
- Why send in information DEQ already has, like a copy of an existing permit?
- Continue to allow paper reporting; not everyone can do electronic reporting

Suggestions

- Allow for an option to check a box saying that nothing has changed
- Streamline access to online reporting
- Improve accessibility of NM software
- Applications for general permit or permit modification should show existing facilities, but not be required to provide copies of previous designs

Common Ground

- Multiple options should be available like mail-in and online, or using electronic record keeping vs. paper
- Synergy between government DEQ and DIT for technology improvements and accessibility
- Concerns about availability of internet access
- Applicants shouldn't have to resubmit an identical record to one on file at DEQ already
- It would be helpful for DEQ to develop an app to enable submission of relevant data, e.g. the data that must be documented in permit
- Save resources, like time and paper
- Automated monitoring and record-keeping supports compliance and therefore reduced use of enforcement resources

Permit Conditions Stayed in Court (PLAT, Annual Report, Groundwater)

Concerns

- PLAT is cost prohibitive
- PLAT has no value
- If PLAT stays in the permit, the 12 months is too short
- Annual report is redundant
- Lack of qualified technicians for PLAT

- Eliminating PLAT would put the burden and cost of all stages on the community government and environment

Suggestions

- No annual report needed; records are already adequate
- WUP based on N + P
- Permit application at agronomic value
- Emphasis on PLAT
- PLAT should stay
- Do not include PLAT, groundwater, and annual report provisions that are in litigation
- Groundwater monitoring for p
- There is already a permit condition that allows the director to individually require groundwater monitoring as needed if there is a problem, so mandatory monitoring on every farm in the floodplain (or all farms) is not needed
- All facilities should monitor groundwater in service of cumulative impacts
- Use soil P as an indicator to whom should shift to P-based as step before retiring (PI400)
- Groundwater monitoring at digester permitted
- Base permits only on nitrogen
- make annual report electronic
- Transparency overall
- Have the items on the annual report be part of the annual inspection

Common Ground

- No notes

Alignment with Updated Standards and Miscellaneous (25-year, 24-hour flood events, food safety, current science)

Concerns

- Clear definition that is science-based for “Community” and “cumulative impacts” in the context of permitting
- II.6 FSMA regulation questions; not sure I know but address if needed

Suggestions

- 25-year 24-hour storm definition already addresses utilizing subsequent amendments, so no change in definitions needed

- Nothing wrong with explicitly having the amended language directly within the permit
- Align 24-hour 25-year storm definition; it should reflect the best available climate science
- Use the newest data for 25-year 24-hour; what are the subsequent amendments?
- II.29: NRCS 359 alignment with permit text
- NRCS standards are not always applicable
- Condition II-29: change to II-30 in digester permit (remove reference to NRCS standard)
- Constructing secondary storage lagoons under digester COC should trigger conformity to new 25-year 24-hour flood maps
- Adjust verbiage of food crop regulations so that FSMA is the ruling body and information is pulled from there (apply waste pre-harvest)
- Define "further processing" using FSMA: make it clear when you can apply and what "further processing" entails

<u>Common Ground</u>

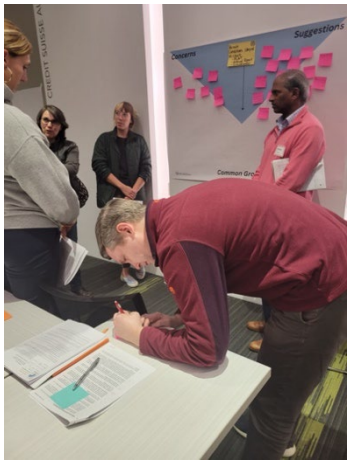
- No notes

Additional Comments

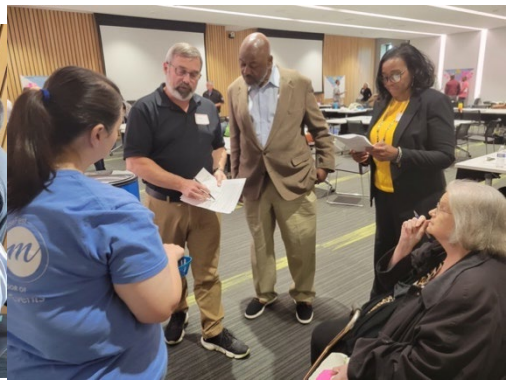
Train community organizations to make state certified observations to expedite DEQ response.


Suggestions


Common Ground


Concerns
Suggestions


Concerns
Suggestions



Sampson County/Clinton – Public Meeting

41 members of the public (plus 14 DEQ staff or Fountainworks consultants) attended the public meeting in Sampson County. Fountainworks staff facilitated the session, with assistance from NC DEQ staff. Spanish translation services were available. The session started with an overview of the calendar for the permit renewal process. NC DEQ staff provided a brief overview of the contents of the permit as well. The members of the public were asked to provide feedback on animal feeding operations and biodigester topics, noting what they would like to keep, add, modify, or delete about the current situation. The public meeting was not organized around the technical sections of the permit, rather the topics were intended to be presented in plain language. The participants were invited to circulate to stations with each of the topics. At the stations, participants were asked to identify what they would like to keep, modify, add, or delete regarding the topics related to the existing permits. In addition, at each station, Fountainworks provided sample comments that we heard at the first two technical stakeholder meetings. Participants were invited to write additional comments on post-it notes or share comments with a NC DEQ staff person, who would write them down.

Finally, participants were invited to use green dot stickers to offer support for a comment that someone else had already written down.

The following notes are a transcription of the comments the participants made.

Operation & Maintenance

<u>Keep</u>

- No notes

<u>Add</u>

- How can it be justified to let people continue using hog/poultry waste to fertilize crops when farms are known to have cases of PED, DYS, etc.? Spraying crops with possibly contaminated waste may pass illnesses to crops. This pollutes the meat, the crops, the feed for other animals in addition to polluting water. Don't allow this any longer. (6 dots)
- Sludge is the Achilles heel of the hog industry. There is no plan for how to handle the inevitable amount of sludge already in the lagoons (cesspools).
- Prohibit burial of mortalities in the 100-year floodplain (2 dots)
- Require use of devices that prohibits spraying during rain events (2 dots)
    - Already in the permit (1 dot)
- Monitor groundwater at all lagoons
- Monitor groundwater at all unlined "lagoons" (3 dots)

- A new irrigation system should be considered a major change (2 dots)
- Animal waste should be clearly defined as any byproduct of the animal including but not limited to feces, urine and animal decay. With all of these things being sprayed, they must be recognized in policy (4 dots)
- Any installation of a new irrigation system should not be considered a revision or amendment
- Require groundwater monitoring near burial sites (3 dots)
- Define "excessive" in cand. 11.5
- Require plans for catastrophic mortality events (2 dots)
- Groundwater monitoring should be required at all facilities generating biogas (4 dots)
- Require applicants to use the best treatment and disposal that has the least environmental impact (2 dots)
- Require groundwater monitoring whenever a facility's waste is in 500 yr floodplain (3 dots)

Modify

- Clarify that "nutrient sources" includes sludge
- A clear understanding of soil pH to the surrounding areas and what all involves "maintained in the optimum range" (II. Operation & Maintenance, Requirements 3)
- Requires use of flow meters in all circumstances
- Increase setbacks

Delete

- Adding a new irrigation system is not a major change. Adding new equipment does not change the application amount or location. (3 dots)

Dot votes on sample comments shared from technical sessions:

- Installation of a new irrigation system is a major change and requires recertification, but if it is not part of a COC, it should be a revision or amendment. Once approved by a tech specialist and/or certified engineer, the farmers should be allowed to use the equipment. (9 dots)
- DEQ needs to improve timely responses with an upper bound (i.e. "not to exceed…") specified and automatic approval granted in the case of non-response. (6 dots)
- Clarify "animal waste" to include urine/feces and not dead animals. (8 dots)

Information Sharing & Communication

Keep

- Monitoring in 100-year floodplain
- Keep annual report

Add

- Specify the curriculum and make a standard for information on biogas shared with communities
- Require notification to DEQ within 12 hours
- Require press release with 24 hours of large discharge
- All records should be electronic and publicly available
- All information needs to be made publicly available "in real time" i.e. when a spill or release happens (1 dot)
- Require monitoring at farm that have bottom elevation less than 2 ft above seasonal water table
- Require groundwater monitoring near burial of mortalities
- Require surface water sampling within 48 hours after a discharge
- Notification of spills should be immediate (2 dots)
- Records should be submitted electronically and made available to the public regarding spills and other information (3 dots)

Modify

- The annual summary or similar report w/ information that DEQ needs can be gathered at annual inspection no need for more work on farmer or DEQ. (1 dot)
- I agree that inspections and written records should be submitted for online public access.
- Records should be electronic and electronic submissions (1 dot)

Delete

- Online records submitted is not feasible as many farmers still use flip phones and are not computer savvy. All the information requested is viewed by competent state inspectors annually (2 dots)
- Do you want your personal information: address, phone number, what you do at your house. Open to the public? This is private land and family owned (2 dots)

Dot votes on sample comments shared from technical sessions:

- Newspapers aren't enough to notify the public of issues, so consider text alerts, email blasts, TV/radio, even churches and community organizations to help disseminate information. (7 dots)
- More public education and outreach is needed, including in-person and online sessions, especially for pipeline installation and digester implementation. (5 dots)
- More language interpretation services are needed, including with regards to alerts and notifications. (6 dots)
- More transparency through public access to online information (including how much waste is applied to spray fields, what crops are in the spray fields, how many animals are confined at an operation, and the results of required soil and waste sampling). (10 dots)
- Any inspection and written records should be submitted for online public access, but farmers want to limit public access regarding private property. (6 dots)

- Specify what information the state is required to include in public notice, including the name and location of the facility, water body as well as results of testing. Notification of spills should be immediate (like an Amber Alert). (4 dots)

Digester/Biogas Considerations

Keep

- No notes

Add

- This is a new waste management system. We don't understand impacts. We should gather as much info as possible including influent & effluent sampling.
- Protocol for influent/effluent monitoring.
- Require documentation as to the purchase of the biogas. I.e. energy company that has purchased it.
- Require cleaner tech
- For the digester general permit, DEQ should require permitter to use the "practicable waste treatment disposal alternative with least adverse impact on the environment" as required by law (1 dot)
- Study/analyze and report on impact of biogas production on local community by independent 3rd party (3 dots)
- Regulate venting and flaring (1 dot)
- Require groundwater monitoring at all sites that are generating biogas (5 dots)

Modify

- Clarify if the farm act is state, not federal
- If it is seen as busy work, provide them the information and force it as part of the job. Provide the research and give the tools to properly dispose & take care of that. Make it part of the job or lose the job. They find it busy work because they might see it as bad for their health. (1 dot)

Delete

- This is the worst "new" plan that has come up in a long time. Biogas is a white wash and a smokescreen that changes nothing for the communities. (3 dots)
- Remove monitoring/testing of influent waste. It has no bearing on the finished product known values from research data. (3 dots)
- If a farm is going to utilize a biogas process, it should be required to install alternative technology to treat the remaining waste. (4 dots)
- No biogas digesters should be permitted at all. Perpetuates primitive waste management system. (5 dots)

Dot votes on sample comments shared from technical sessions:

- Influent and effluent sampling from digesters should be based on research (not policy) and there is frustration by farmers who perceive it as busywork with no usable data collected. (3 dots)
- Emission testing beyond methane (including hydrogen sulfide) from biogas are needed.
- How will the 2023 Farm Act definition of "farm digester system" be incorporated if adopted? (7 dots)
- Ensure digesters are designed or constructed on the basis of current science regarding 25-year 24-hour storms, not the science at the time of the lagoon's initial construction. Constructing a secondary storage lagoon should trigger conformity to current maps. (6 dots)
- Clarify that digesters do not produce biogas but capture it. They do not produce additional nutrients because there is no increase in animals or manure. (8 dots)
- Require documentation that biogas is being used for on-site generation or to sell off-site rather than polluting. (1 dot)

Monitoring & Reporting

Keep

- Annual report requirement

Add

- At a minimum, automated technology – including flow meters, rain gauges, lagoon level monitors should be used to prevent pollution problems
- Create violation point system as required by statute
- Groundwater monitoring is an absolute necessity on a regular basis (9 dots)
- Require all permittees to use the PLAT tool (3 dots)
- Expand use of PLAT tool to require permitees to use this tool and adjust operations when risk of phosphorous pollution is high
- Monitoring of additional water indicators besides E. coli (3 dots)
- Testing for TKN and nitrates
- Respond to operator noncompliance by requiring automated technology

Modify

- Require annual soil testing
- Require permitees to submit monitoring documentation via online for all to access (3 dots)
- Require ground water monitoring in the 500-year floodplain – modify from 100 to 500 year. (5 dots)
- Waste level gauges should be certified and monitored weekly/monthly. If things are constantly changing then 5 years is too long of time. Also creates job opportunities by doing this weekly! (3 dots)

Delete

- Automated record keeping is not feasible for the average farmer. May still use flip phones are not computer savvy. All of their records are inspected annually for compliance (2 dots)

Dot votes on sample comments shared from technical sessions:

- Update Laserfiche and streamline access to online reporting, but continue mail-in options. (1 dot)
- Automated monitoring and record-keeping supports compliance and reduces enforcement resources. (1 dot)
- Mandatory groundwater monitoring should be on an as-needed basis rather than a requirement for all farms in the floodplain. (2 dots)
- Permittees should be required to use automated monitoring, flow and shut off devices to best determine the disproportionate impact communities face with multiple nearby facilities. (8 dots)
- Waste planning should be extended beyond just nitrogen (i.e. phosphorous). (3 dots)
- PLAT (Phosphorus Loss Assessment Tool) is cost-prohibitive and does not produce valuable data. (3 dots)
- Maintain PLAT (Phosphorus Loss Assessment Tool) testing as it is essential to understand impact on communities. (7 dots)
- Require testing to confirm absence of pesticides, toxic chemicals, petroleum, etc. Require regular (quarterly?) monitoring of water, soil, and sludge fields for bacteria, nutrients, and metals. (5 dots)
- Annual reports are redundant with annual inspections. (7 dots)
- All lagoons should require groundwater monitoring with no exemptions. (8 dots)
- Inspections should not be announced ahead of time. (7 dots)

Community/Neighbor Concerns

Keep

- No notes

Add

- Modify permits if operation is located in community protected by Title VI
- Cumulative impacts must be at the fore front of all permitting, but especially when we're dealing with long-marginalized communities
- DEQ must afford overburdened communities protection in these permits to comply with federal civil rights law (1 dots)
- Cumulative impacts should be considered in each permit application (5 dots)
- Communities are never given the consideration as the cumulative impacts from CAFOs. Let's start to consider people over profits (5 dots)
- Now with the plans for factory farm biogas, we are again blatantly ignoring impacts to communities (1 dot)

Modify

- The discharge of waste is so detrimental to the surrounding communities. The people living around farms shouldn't have to worry about their kids inhaling pig and poultry waste! (5 dots)
- DEQ explain how they will identify burdened communities and tell the public how it will protect the people (3 dots)

Delete

- No spray fields at all (4 dots)

Other

- Why not do the right thing to protect overburdened communities
- Communities should not have to breathe human waste at all either. Zero emitting also

Dot votes on sample comments shared from technical sessions:

- Spray fields in the 100-year floodplain pose a risk and should not be covered under general permits. Individual permits should be required for the increased risk of pollution. (12 dots)
- Remove conditions when discharge is allowed. (7 dots)
- DEQ staff should be required to confirm complaints (i.e. ponding, waste spills, landfill fires, illegal dumping, dead livestock) within 24-48 hours with automatic receipt confirmations and prompt follow-ups. Farmers want the ability to respond before public notice to ensure correct, but timeliness is paramount to residents. (12 dots)
- Clear definition of cumulative impact and add an exposure analysis. (12 dots)

Other Input

Keep

- No notes

Add

- Dry litter is waste! Stop joking around (4 dots)
- DEQ must actually consider and take action on community concerns for these permits
- We have to have a permitting process for poultry that includes transparency

Modify

- Current regulation does not adequately reflect the deteriorating effect of waste management under the rising threat of climate change (3 dots)
- Current permit requirements allow a primitive waste management system to continue. Do better by the environment (4 dots)
- DEQ Must put NC families and NC famers at the top if its priorities. We do not need to defer to a foreign owned corporation at their expense.
- The antiquated, faulty, damaging lagoon and sprayfield systems was supposed to be phased out by now. Rather than entrenching it, seek new solutions (2 dots)
- Current permits do not properly protect our environment. There needs to be more pollution considerations and regulations (2 dots)
- DEQ needs to do more to make the permit less technical when communicating with impacted community members – use plain terms
- Wording of "for use as a renewable energy resource" without a statue referenced reads as a positive thing and reads as DEQ is endorsing biogas
- There are more ways to solve the problem of animal biomass large production other than using it as a "renewable resource." Production could be limited!
- Align annual report with annual inspection form to de-duplicate info gathering. (1 dot)
- Environmental protection is sufficient with the current permit. Many portions are overbearing (1 dot)

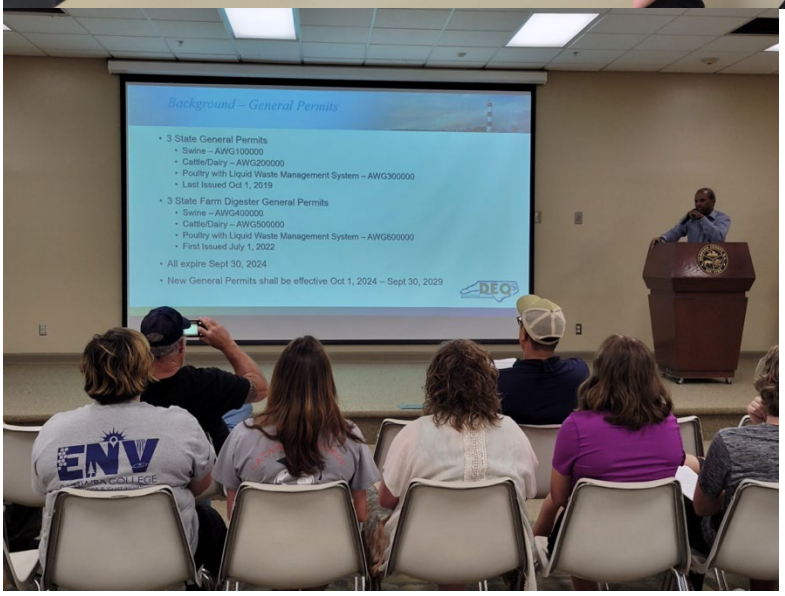
Delete

- Swine Farm Digester
    - 1. Performance standards
    - 8. Change to 500 year flood plan
    - 12. Increase ALL footage recommendations
        - 1000 feet wells
        - 500 feet stream
        - 500 feet river
        - 500 feet
        - 1000 feet dwelling

Question:
Can permitted lagoons with no animals be used for aquaculture?

Dot votes on sample comments shared from technical sessions:

- Use the most recent and best scientific data available. (9 dots)
- Update the flooding standards to reflect current climate change impacts. (7 dots)
- Don't change the permit requirements – they are stringent already. (8 dots)
- Make the permit requirements more stringent to protect people and environment. (8 dots)



Appendix – Calendar Handout

2024 General Permit Renewal Schedule
State General Permits and Farm Digester General Permits

Task – PERMIT DEVELOPMENT	**Date**
Stakeholder Process	
Stakeholder Press Release & post to web	4/5/2023
Technical Stakeholder Meeting #1	4/24/2023
Technical Stakeholder Meeting #2	5/3/2023
Public Stakeholder Meeting Sampson County Expo Center, Heritage Hall	5/9/2023 6:00 pm - 9:00 pm
Stakeholder Comment Period Closes (60-day comment period)	6/5/2023
Permit Drafting Process	**Target Date**
Review all stakeholder input	May/June 2023
Develop all 6 Draft Permits	July 2023
Develop Draft EJ Report	July 2023
Public Notice and Hearings	**Target Date**
Comment Period Opens	Early August
4 Public Hearings (60+ days after notice) 3 – in person; 1 – virtual	Oct 2023
Public Comment Period Closes (90-day comment period)	Nov 2023
Draft Hearing Officers' Report	Nov/Dec 2023
Finalize Permits	Jan 2024
Task – PERMIT RENEWAL	**Target Date**
Mail Renewal packets to permittees	Jan 2024
Applications Due (more than 180 days prior to expiration)	March 2024
New State General Permits effective	10/1/2024

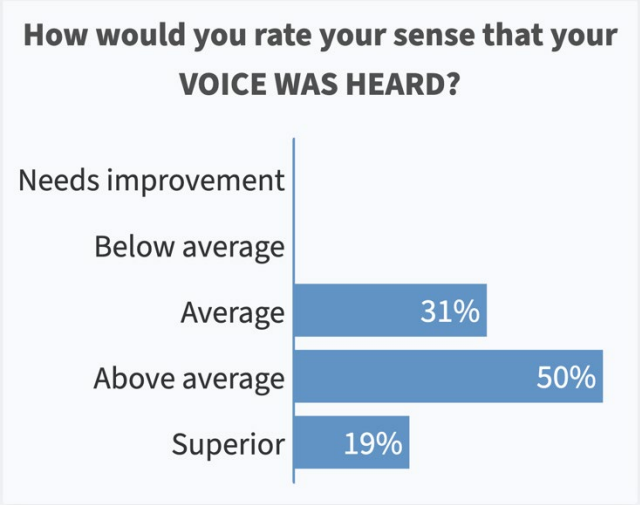
Stakeholder comments will be accepted through June 5, 2023.
Email: publiccommentsDWR@ncdenr.gov

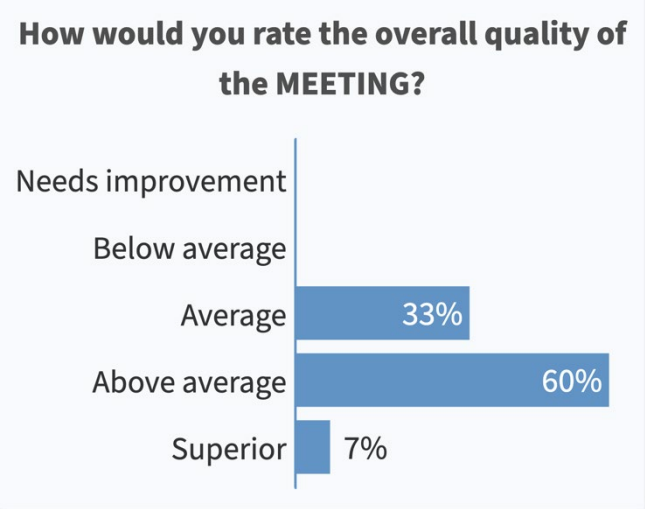
www.deq.nc.gov/animalpermits2024

Appendix – Technical Stakeholder Meeting Ratings

At the conclusion of the two technical stakeholder meetings, participants were asked to rate the meetings. (Due to the fluid nature of the public meeting, these questions were not asked.) The following charts show the responses.

Duplin County/Kenansville Meeting Responses:





Wake County/Morrisville Meeting Responses: