

## **15A NCAC 02T .1305 NPDES PERMITTING REQUIREMENTS**

(a) This Rule shall apply to animal waste management systems subject to regulation pursuant to G.S. 143-215.10C and 40 CFR 122.23, which is incorporated by reference including subsequent amendments and editions and shall apply throughout this Rule. 40 CFR 122.23 can be accessed free of charge at <http://www.gpo.gov/fdsys/>.

(b) With the exception of dry litter poultry systems, an animal waste management plan shall be submitted as follows:

- (1) The animal waste management practices or combination of practices that are selected to comprise a plan for a specific facility shall meet NRCS standards, the standard of practices adopted by the Soil and Water Conservation Commission pursuant to 02 NCAC 59E .0104, or standards for any combination of practices that provide water quality protection and are approved by one of these two agencies; and all applicable State statutes and rules and all applicable federal requirements at the time of development or design.
- (2) Permittee shall submit plans that have been approved by a technical specialist. The technical specialist shall certify that the best management practices that comprise the approved plan meet applicable standards and specifications, pursuant to G.S. 143-215.10C. The certification shall be submitted to the Division on Division-supplied forms or forms approved by the Division as providing the same information as required by the Division's forms.
- (3) The waste shall not be applied at greater than agronomic rates.
- (4) The land application and siting setbacks shall meet the applicable conditions established in G.S. 106-803, and NRCS standards at the time of site construction or at the time waste is first applied at the land application site.
- (5) The land application and siting setbacks must meet the applicable conditions established in 40 CFR Part 412.
- (6) Notwithstanding Subparagraph (b)(4) of this Rule, land application of waste shall be no closer than 100 feet from a well other than a monitoring well and no closer than 200 feet from a dwelling not owned by the waste generator at the time waste is first applied at the land application site. Setback waivers related to distance of land application of waste from a dwelling not owned by the waste generator shall be written, notarized, signed by all parties involved, and recorded with the county of Register of Deeds.
- (7) The waste shall not be applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application.
- (8) Land application of waste shall be prohibited during precipitation events.
- (9) All waste application equipment shall be tested and calibrated at least once every calendar year, and the results shall be documented on forms supplied by or approved by the Division as providing the same information as required by the Division's forms.
- (10) Visible waste-level gauges shall be installed and maintained to mark the level of the waste in each animal waste lagoon or storage pond that does not gravity feed through a free flowing transfer pipe into a subsequent waste storage structure. The gauge shall have readily visible permanent markings.
- (11) New and expanded animal waste treatment systems, such as lagoons and waste storage structures, shall be located at least 100 feet from a perennial stream or perennial waterbody. For new and expanding systems, this setback requirement shall also apply to areas in feedlots where an established vegetative cover will not be maintained because of the concentration of animals, with the exception of stock trails and stream crossings.
- (12) For animal waste management facilities desiring to increase their animal population beyond that permitted, a new individual permit or new certificate of coverage to operate under a general permit must be issued before the additional animals are stocked.

(c) Dry litter poultry systems, for the purpose of this Rule and G.S. 143-215.10C, shall submit an animal waste management plan as follows:

- (1) The animal waste management practices or combination of practices that are selected to comprise a plan for a specific facility shall meet NRCS standards, the standard of practices adopted by the Soil and Water Conservation Commission, or standards for any combination of practices that provide water quality protection and are approved by one of these two agencies; and all applicable State statutes and rules and all applicable federal requirements at the time of development or design.

- (2) The land application and siting setbacks shall meet the conditions established in NRCS standards and 40 CFR Part 412 at the time of construction.
  - (3) New and expanded animal waste structures, such as houses and dry stacks, shall be protected from the 100-year flood as determined by the Federal Emergency Management Agency.
  - (4) The waste shall not be applied at greater than agronomic rates.
  - (5) Notwithstanding Subparagraph (c)(2) of this Rule, land application of litter shall be no closer than 100 feet from a well other than a monitoring well and no closer than 200 feet from a dwelling not owned by the waste generator at the time waste is first applied at the land application site. Setback waivers related to distance of land application of waste from a dwelling not owned by the waste generator shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds.
  - (6) The waste shall not be applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application.
  - (7) Land application of litter shall be prohibited during precipitation events.
  - (8) All waste application equipment shall be tested and calibrated at least once every calendar year, and the results shall be documented on forms supplied by or approved by the Division as providing the same information as required by the Division's forms.
  - (9) Visible waste-level gauges shall be installed and maintained to mark the level of the waste in each animal waste lagoon or storage pond that does not gravity feed through a free flowing transfer pipe into a subsequent waste storage structure. The gauge shall have readily visible permanent markings.
  - (10) For animal waste management facilities desiring to increase their animal population beyond that permitted, a new individual permit or new certificate of coverage to operate under a general permit shall be issued before the additional animals are stocked.
- (d) For each change of ownership of the system, the new owner shall notify the Division in writing within 60 days of transfer of ownership.
- (e) Systems shall meet all applicable requirements of 40 CFR Part 122 and 40 CFR Part 412.
- (f) New and expanding swine facilities shall demonstrate compliance with Rule .1307 of this Section prior to receiving a permit from the Division.

*History Note: Authority G.S. 106-803; 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10C; 143-215.10I; Eff. September 1, 2006; Amended Eff. January 1, 2009; Readopted Eff. September 1, 2018.*