

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 1822**

Short Title: Phase Out Lagoon and Sprayfield Systems. (Public)

Sponsors: Representatives Jones, Harrison (Primary Sponsors); and Luebke.

Referred to: Agriculture, if favorable, Environment and Natural Resources.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO CONDITION ANY INCREASE IN THE CAPACITY OF SWINE SLAUGHTER HOUSES ON THE PHASEOUT OF TRADITIONAL LAGOON AND SPRAYFIELD ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE FARMS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Part 1A of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-215.10L. Performance standards for animal waste management systems that serve swine farms; lagoon and sprayfield systems prohibited.**

(a) As used in this section:

- (1) 'Anaerobic lagoon' means a lagoon that treats waste by converting it into carbon dioxide, methane, ammonia, and other gaseous compounds; organic acids; and cell tissue through an anaerobic process.
- (2) 'Anaerobic process' means a biological treatment process that occurs in the absence of dissolved oxygen.
- (3) 'Lagoon' has the same meaning as in G.S. 106-802.
- (4) 'Swine farm' has the same meaning as in G.S. 106-802.

(b) The Commission shall not issue or modify a permit to authorize the construction, operation, or expansion of an animal waste management system that serves a swine farm that employs an anaerobic lagoon as the primary method of treatment and land application of waste by means of a sprayfield as the primary method of waste disposal. The Commission may issue a permit for the construction, operation, or expansion of an animal waste management system that serves a swine farm under this Article only if the Commission determines that the animal waste management system will meet or exceed all of the following performance standards:

- 1           (1) Eliminate the discharge of animal waste to surface water and  
2           groundwater through direct discharge, seepage, or runoff.
- 3           (2) Substantially eliminate atmospheric emission of ammonia.
- 4           (3) Substantially eliminate the emission of odor that is detectable beyond  
5           the boundaries of the parcel or tract of land on which the swine farm is  
6           located.
- 7           (4) Substantially eliminate the release of disease-transmitting vectors and  
8           airborne pathogens.
- 9           (5) Substantially eliminate nutrient and heavy metal contamination of soil  
10          and groundwater."

11           **SECTION 1.(b)** An animal waste management system that serves a swine  
12 farm for which a permit was issued prior to September 1, 2007, and that does not meet  
13 the requirements of G.S. 143-215.10I, as enacted by subsection (a) of this section, may  
14 continue to operate under, and shall operate in compliance with, that permit, including  
15 any renewal of the permit, until the later of September 1, 2012, or 10 years from the  
16 date on which the animal waste management was first permitted or deemed permitted.  
17 The owner or operator of an animal waste management system that employs a lagoon  
18 and sprayfield system that is phased out pursuant to this act shall close all of the  
19 components of the animal waste management system in compliance with all applicable  
20 federal and State laws, regulations, and rules.

21           **SECTION 2.** Until the permit for every animal waste management system  
22 that serves a swine farm in the State incorporates the performance standards set out in  
23 G.S. 143-215.10I, as enacted by Section 1 of this act, the Environmental Management  
24 Commission shall not:

- 25           (1) Issue a permit to authorize the construction of a wastewater treatment  
26           facility for a new swine slaughter facility.
- 27           (2) Issue a permit to authorize the discharge of wastewater or stormwater  
28           from a wastewater treatment facility that would serve a new swine  
29           slaughter facility.
- 30           (3) Issue a permit to construct an expansion of a wastewater treatment  
31           facility that serves a swine slaughter facility and for which a discharge  
32           permit was in effect on the effective date of this act.
- 33           (4) Renew or modify a discharge permit to authorize a discharge of  
34           wastewater or stormwater from a wastewater treatment facility that  
35           serves a swine slaughter facility above the levels authorized by a  
36           discharge permit in effect for the wastewater treatment facility on the  
37           effective date of this act.

38           **SECTION 3.** Section 1 of this act becomes effective September 1, 2007.  
39 Section 2 of this act is effective when the act becomes law and applies to permits under  
40 consideration by the Environmental Management Commission on or after that date.  
41 Section 3 of this act is effective when the act becomes law.