15A NCAC 02T .1305 NPDES PERMITTING REQUIREMENTS

(a) This Rule applies to animal waste management systems subject to regulation under 40 CFR § 122.23 and G.S. 143-215.10C.

(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 which are selected to comprise a plan for a specific facility must meet NRCS standards, or the standard of practices adopted by the Soil and Water Conservation Commission pursuant to 15A NCAC 06F .0104, or standards for any combination of practices which 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) As required by G.S. 143-215.10C, plans must be approved by a technical specialist and the certificate must 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. The technical specialist must certify that the best management practices that comprise the plan meet the applicable standards and specifications.

(3) The land application and siting setbacks must meet the applicable conditions established in G.S. 106-803, NRCS standards and 40 CFR Part 412 at the time of construction.

(4) 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.

(5) The waste shall not be applied at greater than agronomic rates.

(6) 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 which are selected to comprise a plan for a specific facility must meet NRCS standards, or the standard of practices adopted by the Soil and Water Conservation Commission, or standards for any combination of practices which 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 must 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) 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.

(d) For each change of ownership of the system, the new owner must 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 must demonstrate compliance with Rule .1307 of this Section prior to receiving a permit from the Division.

History Note: *Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10I;*
Eff. September 1, 2006;
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