NCDENR

North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

October 1, 2014

MEMORANDUM

TO: ENVIRONMENTAL REVIEW COMMISSION
The Honorable Mike Hager
The Honorable Ruth Samuelson
The Honorable Brent Jackson

FISCAL RESEARCH
Mr. Mark Trogdon, Director, Fiscal Research Division

FROM: Neal Robbins, Director of Legislative Affairs

SUBJECT: 2014 Animal Waste Management Annual Report

DATE: October 1, 2014

Pursuant to G.S. 143-215.10M, the Department of Environment and Natural Resources shall submit to the Environmental Review Commission and the Fiscal Research Division a report on the permitting, inspection, and compliance activity of animal waste operations across the state by October 1st of each year. Please consider the 2014 Animal Waste Management Report attached as the formal submission of this report.

If you have any questions or need additional information, please contact me by phone at (919) 707-8618 or via e-mail at neal.robbins@ncdenr.gov.

cc: Mitch Gillespie, Assistant Secretary for Environment, NCDENR
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Department of Environment and Natural Resources
Annual Report on Animal Waste Operations Permitting, Inspection and Compliance Activities

July 1, 2013 through June 30, 2014

Per G.S. 143-215.10M, the Department of Environment and Natural Resources reports annually to the Environmental Review Commission and Fiscal Research Division on the permitting, inspection, and compliance activity of animal waste operations across the state. Accounting for activities required under G.S. 143-215.10F and S.L. 1997-443 (and its subsequent amendments) is also included in this report.

General Statute 143-215.10F requires annual inspection of every permitted animal operation by the Division of Water Quality (DWQ) (Divisions of Water Quality and Water Resources have merged into one program called the N.C. Division of Water Resources (DWR), effective August 1, 2013). Under S.L. 1997-443, the Division of Soil and Water Conservation (DSWC) (effective July 1, 2011, DSWC is a division under the Department of Agriculture and Consumer Services) has been conducting a pilot project inspecting swine operations in Brunswick, Columbus, Jones & Pender counties. Effective July 1, 2011, HB 200 removed the requirement for DSWC to inspect each animal operation annually and removed funding for the operations reviews. As a result, DWR conducts all routine animal operation inspections except for those facilities located in the above mentioned counties. DSWC continues to perform pilot program inspections under S.L. 1997-443, and provides technical assistance and operation review inspections upon request.

The tables below indicate the number of inspections performed by the DWR and the DSWC, the numbers of violations identified during inspections, enforcement actions initiated, and permits issued for July 1, 2013 through June 30, 2014.

Overall, the two divisions conducted 2,295 compliance inspections and operation reviews during the 2013-2014 fiscal year throughout the seven regional offices (Table 1). Regional office abbreviations are explained at the end of this document. Each facility received at least one compliance inspection by DWR, or by DSWC in pilot counties.

Table 1. Inspection activities of DWR and DSWC staff during the 2013-2014 fiscal year.

INSPECTIONS	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
DWR Total number of inspections completed	**26**	**794**	**63**	**236**	**437**	**458**	**124**	**2138**
Routine DWR annual compliance inspections	21	782	60	226	434	440	102	**2065**
Inspections conducted due to complaints	4	2	1	3	0	4	3	**17**
Follow-up of previous review or inspection	1	5	1	2	2	4	3	**18**
Emergency Notification	0	1	1	0	1	1	0	**4**
Lagoon Evaluations	0	3	0	5	0	5	14	**27**
Other inspections	0	1	0	0	0	4	2	**7**
DSWC Total number of compliance inspections completed*					**39**	**118**		**157**
Routine DSWC annual compliance inspections					39	118		**157**
Inspections conducted due to complaints					0	0		**0**
Follow-up of previous review or inspection					0	0		**0**
Emergency Notification					0	0		**0**
Response to DWR referral					0	0		**0**
Other inspections					0	0		**0**
DSWC Total number of operation reviews completed**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Routine operation reviews	0	0	0	0	0	0	0	**0**
Technical Assistance	0	0	0	0	0	0	0	**0**
Follow-up of previous review or inspection	0	0	0	0	0	0	0	**0**
Emergency Notification	0	0	0	0	0	0	0	**0**
Other inspections	0	0	0	0	0	0	0	**0**
Totals	**26**	**794**	**63**	**236**	**476**	**576**	**124**	**2295**
Total number of Animal Operations requiring inspections and Operations Reviews during this year	24	744	74	221	515	669	91	**2338**

**Pilot Project, S.L. 1997-443 and subsequent amendments.
** Total number of permitted facilities.

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Table 2 presents the total number of animal permits issued by DWR by regional office in FY 2013-14. This number includes new projects, as well as, any modifications made to existing permits including renewals. Approximately 2,300 farms are covered under State General Permits, which are renewed on a five-year cycle. The next renewal for these permits is taking place in 2014 for which DWR received approximately 2200 applications so far. These applications are under review and are not included in these tables. The permits will be issued October 1, 2014.

Table 2. Permits issued by DWR for animal operations in each Regional Office during July 1, 2013 through June 30, 2014.*.

ANIMAL OPERATIONS PERMITS ISSUED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Swine	0	19	0	8	35	0	1	**63**
Cattle	0	0	0	0	0	0	3	**3**
Poultry	0	0	0	0	0	0	0	**0**
Horses	2	0	0	0	0	0	0	**2**
Manure Hauler	0	0	0	0	0	0	0	**0**
Totals	**2**	**19**	**0**	**8**	**35**	**0**	**4**	**68**

* Includes modifications, renewals, and new projects

Tables 3 and 5 provide a summary by regional office of numbers and types of deficiencies and violations found during DWR and DSWC inspections over the past fiscal year. Some of these violations were self-reported and were included in the table to provide a complete picture of the number of deficiency or violation letters issued.

Table 3. Deficiencies and violations found during DWR and DSWC inspections during the past fiscal year by each Regional Office.

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Deficiencies and Violations found during DSWC operations reviews and DWR inspections*	2	17	14	45	16	29	55	**178**
Number of facilities receiving a deficiency or violation from inspections	3	7	7	2	20	7	6	**52**
Enforcement actions initiated for violations noted during this year**	1	0	0	0	0	0	1	**2**

*Violation totals include violations noted during both operation reviews and compliance inspections and may include multiple violations at a single facility.
**Some violation letters were sent due to violations that were self-reported, and not discovered during an inspection.
***Some enforcement actions being developed by the regional staff are normally not shown as actions initiated during that year. These actions will be included in the next annual report.

Out of the 2,295 inspections, approximately eight percent of the inspections identified violations (Table 4). Note that each inspection reviews seven major items and with 2,295 inspections, there is the potential for a total of 16,065 major violations. There were 178 violations identified (less than one percent of the universe of potential violations). Inadequate freeboard, unpermitted discharges from the systems, evidence of over application and use of crops not identified in the permit were the most common violations and deficiencies (Tables 4 – 6). Cattle and Swine facilities had the highest number of violations and deficiencies among the types of animal operations (Table 6).

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Table 4. A breakdown of specific violations discovered during DWR and DSWC inspections during the past fiscal year.

DEFICIENCIES AND VIOLATIONS IDENTIFIED	Total number of inspections with identified problem	Percent of total problems identified	Percent of total inspections completed (2295)
Discharges from Animal Waste Management System	38	**21.3%**	**1.7%**
Of the total discharges identified, the number of discharges that reached surface waters of the state	(23)	**(12.9%)**	**(1.0%)**
Inadequate Freeboard (Permitted Farms)	67	**37.6%**	**2.9%**
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(30)	**(16.9%)**	**(1.3%)**
No Certified Operator in Charge	0	**0.0%**	**0.0%**
Evidence of over application	41	**23.0%**	**1.8%**
Does not meet setbacks	8	**4.5%**	**0.3%**
Inadequate land	1	**0.6%**	**0.0%**
Crop differs from that stated in Certified Animal Waste Management Plan	23	**12.9%**	**1.0%**
Totals*	178	**100.0%**	**7.8%**

Table 5. Deficiencies and violations discovered during DWR and DSWC inspections by Regional Office over the past fiscal year.

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Discharges from Animal Waste Management System	1	3	8	12	2	3	9	**38**
Of the total discharges identified, the number of discharges that reached surface waters of the state	(1)	(2)	(6)	(10)	(0)	(1)	(3)	**(23)**
Inadequate Freeboard (Permitted Farms)	0	7	3	14	5	17	21	**67**
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(0)	(0)	(2)	(8)	(0)	(8)	(12)	**(30)**
No Certified Operator in Charge	0	0	0	0	0	0	0	**0**
Evidence of over application	0	3	0	10	8	6	14	**41**
Does not meet setbacks	1	0	0	4	0	0	3	**8**
Inadequate land	0	0	0	0	0	1	0	**1**
Crop differs from that stated in Certified Animal Waste Management Plan	0	4	3	5	1	2	8	**23**
Totals	**2**	**17**	**14**	**45**	**16**	**29**	**55**	**178**

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Table 6. Deficiencies and violations found during inspection by DWR and DSWC at each type of animal operation over the past fiscal year.

DEFICIENCIES AND VIOLATIONS IDENTIFIED	Swine	Cattle	Poultry	Horses	State Totals
Discharges from Animal Waste Management System	11	23	4	0	**38**
Of the total discharges identified, the number of discharges that reached surface waters of the state	(3)	(17)	(3)	(0)	**(23)**
Inadequate Freeboard (Permitted Farms)	38	25	4	0	**67**
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(11)	(17)	(2)	(0)	**(30)**
No Certified Operator in Charge	0	0	0	0	**0**
Evidence of over application	21	18	2	0	**41**
Does not meet setbacks	1	5	2	0	**8**
Inadequate land	1	0	0	0	**1**
Crop differs from that stated in Certified Animal Waste Management Plan	6	17	0	0	**23**
Totals	**78**	**88**	**12**	**0**	**178**
Total Number of Animal Operations	**2116**	**192**	**24**	**4**	**2338**

Regional Office Abbreviations:

- ARO – Asheville Regional Office
- FRO – Fayetteville Regional Office
- MRO – Mooresville Regional Office
- RRO – Raleigh Regional Office
- WARO – Washington Regional Office
- WIRO – Wilmington Regional Office
- WSRO – Winston-Salem Regional Office