

ANNOUNCEMENT

MONITORING RULES FOR PERMITTED ANIMAL OPERATIONS (PROPOSED ADOPTION OF 15A NCAC 2T .1310-.1311)

The N.C. Department of Environment and Natural Resources – Division of Water Quality on behalf of the Environmental Management Commission (EMC) will conduct public hearings in order to receive public comments on the proposed adoption of rules that require animal operations to monitor surface waters for possible nitrogen and bacteria impacts.

PUBLIC HEARINGS

| Date | Time | Location |
|---------------|---------|---|
| June 9, 2009 | 7:00 PM | Statesville, NC Iredell County Center 444 Bristol Drive |
| June 11, 2009 | 7:00 PM | Kenansville, NC James Sprunt Community College - Monk Auditorium 133 James Sprunt Drive |
| June 15, 2009 | 7:00 PM | Raleigh, NC Archdale Building – Ground Floor Hearing Room 512 North Salisbury Street |
| June 18, 2009 | 7:00 PM | Williamston, NC Martin Community College 1161 Kehukee Park Road |

GENERAL DESCRIPTION OF THE PROPOSED RULEMAKING:

The proposed rules (to be found in the state administrative code as 15A NCAC 2T .1300) specify the requirements for permitting animal waste management systems. They include requirements for sampling in the event of a discharge to waters of the state, routine monitoring of surface waters at animal operations, and conditions that require monitoring of groundwater at animal operations.

The routine monitoring of surface waters would constitute three sampling events per year, with up to three sampling locations per event. Samples will be collected at each location to determine Ammonia, Nitrate, Fecal Coliform, BOD₅, and Chloride levels.

REASONS FOR PROPOSED RULEMAKING:

These proposed rules are the result of petitions for rulemaking filed by the Waterkeeper Alliance in September and October 2007. The EMC approved the petition in May 2008, but also directed the Division of Water Quality to develop rule language utilizing the stakeholder process.

In fulfillment of the EMC's charge, four stakeholder meetings were held, and a proposed rule has been developed. In November 2008, the Division received approval from the EMC to proceed to the public comment process.

The proposed Surface Water and Ground Water Monitoring rules in 15A NCAC 02T.1310 establish the requirements for sampling in the event of a discharge to waters of the state, routine monitoring of surface waters at animal operations, and conditions that require monitoring of groundwater at animal operations. Rule 15A NCAC 02T.1311 establishes the order in which animal operations will be brought into the program. Initial emphasis will be in watersheds where there are known nutrient impairment problems.

HOW TO SUBMIT COMMENTS:

A person may submit written comments concerning the adoption of 15A NCAC 2T .1310-.1311 to the Aquifer Protection Section of the NCDENR-Division of Water Quality. Such correspondence should be brought to the attention of:

Name: Mr. Keith Larick
Address: NCDENR/DWQ-Aquifer Protection Section,
1636 Mail Service Center,
Raleigh, North Carolina, 27699-1636

Phone: (919) 715-6697; Fax: (919) 715-6048

E-Mail: keith.larick@ncdenr.gov

Oral comments may be made during the hearings. Written copies of oral statements exceeding three minute are requested. Any objection lodged at public hearing to the Monitoring Rules must be submitted in writing. All written comments must be received by July 14, 2009 in order to be considered.

HOW TO OBTAIN COPIES OF THE PROPOSED RULES:

- (1) Visit the DWQ website at www.ncwaterquality.org and click on the "Hot Topics" link. Select the link for Monitoring Rules at Animal Feeding Operations. The proposed rules, the fiscal analysis, fact sheets, and other information will be available for review.
- (2) Contact Mr. Keith Larick at the above referenced address for copies of the proposed 15A NCAC 2T .1310-.1311 rules.

EXPECTED TIMELINE:

The Hearing Officers for this rulemaking will consider all relevant comments received by the July 14, 2009 deadline. It is anticipated that the Hearing Officers will make recommendations to the EMC in September 2009. The earliest date that these rules could become effective is November 1, 2009.