

02 NCAC 59E .0104 APPROVED BEST MANAGEMENT PRACTICES (BMPS)

(a) The Commission will approve a list of BMPs that are acceptable as part of an approved animal waste management plan. The list of BMPs will be approved annually (by August 1) and revised as needed during the year by the Commission.

(b) Pursuant to 15A NCAC 02T .1300, incorporated by reference with subsequent amendments and additions, a BMP or system of BMPs designed and installed for an animal waste management plan at the time of certification shall either:

- (1) meet the standards and specifications of the US Department of Agriculture Natural Resources Conservation Service (NRCS) Technical Guide, Section IV, Raleigh, North Carolina, incorporated by reference with subsequent amendments and additions, or standards and specifications otherwise determined by the Commission; or
- (2) meet the Swine Waste System Performance Standards pursuant to 15A NCAC 02T .1307 and follow the approval process described in 15A NCAC 02T .1308.

A copy of the NRCS Technical Guide can be found at no cost at https://efotg.sc.egov.usda.gov/efotg_locator.aspx?map=US.

(c) BMPs approved for use in the Agriculture Cost Share Program for Nonpoint Source Pollution Control shall be deemed approved for the purpose of this Rule.

(d) Land application BMPs that follow the nutrient management standard contained in the Section IV of the NRCS Technical Guide or as recommended by the Agronomic Division of the North Carolina Department of Agriculture and Consumer Services (predictive Soil Test Report and predictive Waste Analysis Report) shall be deemed approved. In cases where NC agronomic rates are not established for a specific crop or vegetative type, application rates may be determined by the NC Interagency Nutrient Management Committee. With concurrence from a NCDA&CS Regional Agronomist, a voting member of the NC Agricultural Consultants Association (NCACA), or a Certified Crop Advisor (CCA), a technical specialist may use plant and tissue analysis to justify additional nitrogen and extend the application period.

(e) Exemptions from the minimum buffer requirements for animal waste storage and treatment facilities and animal concentration areas shall be approved if no other siting options are available and the BMP installed as an equivalent control is designed to prevent the discharge of pollutants except during a storm event more severe than a 25-year, 24-hour storm event.

*History Note: Authority G.S. 106-840; 106-850; 139-4;
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule
Becomes Effective, Whichever is Sooner;
Eff. March 1, 1994;
Transferred from 15A NCAC 06F .0104 Eff. May 1, 2012;
Readopted Eff. November 1, 2017.*