

**SUBCHAPTER 59E - PROCEDURES AND GUIDELINES TO IMPLEMENT THE NONDISCHARGE  
RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS**

**02 NCAC 59E .0101      PURPOSE**

This Subchapter describes rules to implement the provisions of 15A NCAC 02T .1300 - Waste Not Discharged To Surface Waters: Animal Waste Management Systems, hereinafter called the Nondischarge Rule for Animal Waste Management Systems. The Soil and Water Conservation Commission sets forth these Rules for certification of animal waste management systems in accordance with 15A NCAC 02T .1300.

*History Note:      Authority G.S. 106-840; 139-2; 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 .0101 Eff. May 1, 2012;  
Readopted Eff. November 1, 2017.*

**02 NCAC 59E .0102      DEFINITIONS**

The terms used in this Subchapter shall be as defined in G.S. 139-3; G.S. 106-840; G.S. 106-850; G.S. 143-15.10B; 15A NCAC 02T .0103; 02 NCAC 59D .0102; and as follows:

- (1) "Certification" means a statement from a technical specialist that an animal waste management plan complies with 15A NCAC 02T .1300 and G.S. 143-215.10C and that a technical specialist has approved the plan as required by G.S. 143-215.10C(d).
- (2) "Certified Crop Advisor" means an individual who has obtained and maintained the Certified Crop Advisor Credential from the American Society of Agronomy.
- (3) "DWR" means the Division of Water Resources of the Department of Environmental Quality.
- (4) "Interagency Nutrient Management Committee" means a committee represented by the Agronomics Division of the NC Department of Agriculture and Consumer Services, the Division of Water Resources of the NC Department of Environmental Quality, the North Carolina Cooperative Extension Service – Department of Soil and Crop Sciences, and the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture to provide uniform nutrient management recommendations based on scientific data and research.
- (5) "Technical Specialist" means an individual designated by the Commission to certify that the planning, design, and implementation of BMPs, including all or part of an animal waste management plan, meet the standards and specifications of the Commission or NRCS.

*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 .0102 Eff. May 1, 2012;  
Readopted Eff. November 1, 2017.*

**02 NCAC 59E .0103      REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS**

(a) An animal waste management plan shall not be deemed approved as required by G.S. 143-215.10C(d) unless a technical specialist certifies that the system is designed and installed to properly collect, treat, store, or apply animal waste as required by G.S. 143-215.10C and 15A NCAC 02T .1300.

(b) The certification shall be made by a technical specialist and shall confirm that the best management practices (BMPs) contained in the animal waste management plan meet applicable standards and specifications pursuant to Rule .0104 of this Subchapter. BMPs in an existing system shall not be required to meet current standards and specifications as established by the Commission as long as the system is certified to be nondischarging as required in G.S. 143-215.10C.

(c) More than one technical specialist may be consulted for the design of BMPs and installation of BMPs. A technical specialist shall certify only parts of the animal waste management plan within their approved designated category pursuant to 02 NCAC 59G .0104 and for which they are technically competent. The technical specialist shall provide a copy of the certification to the owner or operator of the animal waste management system.

(d) Any modification of an animal waste management plan shall be certified by a technical specialist.

(e) A change in the cropping pattern as a result of weather-caused delays after application of animal waste shall not require the owner to obtain a new certification, as long as the owner followed the application rates set forth in the certified waste management plan and no discharge occurs to surface waters.

(f) The certifying technical specialist and the District shall not be required to spot check or otherwise assure proper maintenance and operation of an animal waste management system installed to meet the certification requirements pursuant to G.S. 143-215.10C.

*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 .0103 Eff. May 1, 2012;  
Readopted Eff. November 1, 2017.*

#### **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](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.*

#### **02 NCAC 59E .0105 TECHNICAL SPECIALIST DESIGNATION**

*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 .0105 Eff. May 1, 2012;*  
*Repealed Eff. November 1, 2017.*