

## **SUBCHAPTER 59G - APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION**

### **02 NCAC 59G .0101      PURPOSE**

This Subchapter describes criteria and procedures for the Soil and Water Conservation Commission to approve water quality technical specialists and to approve Best Management Practices (BMPs) for use in water quality protection programs of the Department. These criteria and procedures are intended for use by the Commission where technical specialists or BMPs are needed in conjunction with actions by the Environmental Management Commission or other commissions in Department water quality protection programs.

*History Note:      Authority G.S. 106-840; 139-4;  
                            Temporary Adoption Eff. October 22, 2001;  
                            Eff. April 1, 2003;  
                            Transferred from 15A NCAC 06H .0101 Eff. May 1, 2012.*

### **02 NCAC 59G .0102      DEFINITIONS**

When used in this Subchapter:

- (1) "Best Management Practice" (BMP) means a structural or nonstructural management practice used singularly or in combination to reduce nonpoint source inputs to receiving waters.
- (2) "Certified Animal Waste Management Plan" means the animal waste management plan certified by a technical specialist as required in the EMC Nondischarge Rule for Animal Waste Management Systems (15A NCAC 02H .0217).
- (3) "Commission" means the Soil and Water Conservation Commission.
- (4) "Department" means the Department of Environment and Natural Resources.
- (5) "EMC" means the Environmental Management Commission.
- (6) "NCCES" means the North Carolina Cooperative Extension Service.
- (7) "NRCS" means the USDA Natural Resources Conservation Service.
- (8) "Nutrient management" means a BMP for managing the amount, source, placement, form and timing of nutrients to ensure adequate fertility for plant production and to minimize the potential for water quality impairment.
- (9) "Technical Specialist" means an individual designated by the Commission to certify that the planning, design and implementation of BMPs are to the standards and specifications of the Commission or NRCS.
- (10) "Technical specialist designation category" means a designation specific to any of several individual or groups of BMPs.
- (11) "Water management" means a BMP for control of water levels in the soil profile, including but not limited to, the use of flashboard risers or other similar structures placed in drainage ditches to benefit crop water needs and reduce nutrient loss.

*History Note:      Authority G.S. 106-840; 139-4;  
                            Temporary Adoption Eff. October 22, 2001;  
                            Eff. April 1, 2003;  
                            Transferred from 15A NCAC 06H .0102 Eff. May 1, 2012.*

### **02 NCAC 59G .0103      APPROVAL OF BEST MANAGEMENT PRACTICES (BMPs)**

- (a) The Commission may approve individual BMPs or systems of BMPs in conjunction with water quality protection programs for agriculture and other nonpoint sources.
- (b) Approved BMPs shall meet the minimum technical standards of the USDA Natural Resources Conservation Service Technical Guide, Raleigh, North Carolina, except as specified in Paragraph (c) of this Rule.
- (c) The Commission shall approve alternative BMPs Practices, Technical or Performance Specifications, and Operation and Maintenance requirements where any of the following criteria are met:
  - (1) Where no existing USDA technical standard specifically achieves the desired water quality protection benefits;
  - (2) Where an existing USDA technical standard includes design or installation requirements for purposes other than those necessary to achieve the desired water quality protection benefits; or

- (3) Where there is a need for additional operator flexibility to reduce the initial cost of installing or implementing the BMP, while providing equivalent water quality protection benefits.
- (d) In approving BMPs, the Commission shall consider technical input from persons engaged in agriculture or experienced in nonpoint source management.

*History Note: Authority G.S. 106-840; 139-4;  
Temporary Adoption Eff. October 22, 2001;  
Eff. April 1, 2003;  
Transferred from 15A NCAC 06H .0103 Eff. May 1, 2012.*

## **02 NCAC 59G .0104 APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS**

(a) Technical specialist designation categories and roles are as follows:

- (1) The Structural Animal Waste category provides for the design and construction inspection of lagoons, storage ponds, dry stacks and other similar structures.
- (2) The Waste Utilization Plan category provides for:
  - (A) The development of land application plans including crop acreages available to meet nutrient and hydraulic loading rates, application windows, determination of animal waste nutrient amounts, evaluation of fields for phosphorous loss, field buffers and related measures;
  - (B) Confirmation of storage volumes, exterior lots, lagoon closures, and cropping systems; and
  - (C) Development and establishment of buffers and setbacks to manage runoff from exterior lots.
- (3) The Runoff Control category provides for the approval of the design and implementation of filter strips, diversions, grass channels and related BMPs which manage runoff from exterior lots.
- (4) The Irrigation Equipment category provides for the design and installation of irrigation systems to include pipe size, pump horsepower, nozzle size, system layout, and other system parameters.
- (5) The Wettable Acres category provides for the determination of irrigated acreage in accordance with a Certified Animal Waste Management Plan.
- (6) The Waste Utilization Plan/Nutrient Management category provides for the items included in Subparagraph (a)(2) of this Rule and the authority to approve river basin nutrient management plans and to certify the land application component of a USDA Comprehensive Management Plan.
- (7) The Inorganic Fertilizer/Nutrient Management category provides for approval of river basin nutrient management plans for inorganic fertilizer only.
- (8) The Water Management category provides for design and installation of subsurface water management systems.

(b) The Commission designates the following as technical specialists:

- (1) Individuals who have been assigned approval authority for a designation category by the USDA NRCS, the North Carolina Department of Agriculture and Consumer Services, the Division of Soil and Water Conservation, or the North Carolina Cooperative Extension Service. Soil and Water Conservation District employees are assigned approval authority by the USDA NRCS. Agency employees who do not have a designation at the time this Rule becomes effective must meet the training requirements included in Subparagraph (c)(2) of this Rule in order to receive a designation;
- (2) Professional engineers subject to the "The NC Engineering and Land Surveying Act" for the categories of structural animal waste, waste utilization plan, runoff control, irrigation equipment and water management designation; and
- (3) Individuals not included in Subparagraph (b)(1) and (b)(2) who meet the criteria in Paragraph (c) of this Rule.

(c) Those individuals not designated in Subparagraphs (b)(1) or (b)(2) of this Rule must have an existing designation at the time this Rule becomes effective under 02 NCAC 59E .01025 or must meet the following criteria and training requirements:

- (1) Minimum criteria for each designation category are:
  - (A) The Irrigation Equipment designation requires designation as an irrigation designer by the National Irrigation Association or three years experience in the design of irrigation systems for waste application.
  - (B) The Wettable Acres designation requires holding either the waste utilization plan or irrigation equipment designation.

- (C) The Waste Utilization Plan/Nutrient Management and the Inorganic Fertilizer Only/Nutrient Management designations require either three years experience in nutrient management, a four year degree in agronomy or related field or a combination of education and experience totaling four years.
  - (D) The Structural Animal Waste, Runoff Control and Water Management designations are reserved only for those individuals included in Subparagraphs (b)(1) or (b)(2);
  - (2) Training requirements are:
    - (A) For the category of Waste Utilization Plan/Nutrient Management, North Carolina Nutrient Management Course taught by the NCCES or the NRCS and the North Carolina Nutrient Management Software Course taught by the Division or the NCCES.
    - (B) For the category of Inorganic Fertilizer Only/Nutrient Management, North Carolina Inorganic Fertilizer Nutrient Management Course taught by the NCCES or the NRCS and the North Carolina Nutrient Management Software Course taught by the Division or the NCCES.
    - (C) For the category of Wettable Acres, the North Carolina Wettable Acres Course taught by the NCCES.
  - (3) Provide to the Division an "Application for Designation for Technical Specialist" and evidence of experience and training required for each designation category. A list of three references who can attest to the applicant's technical competence must accompany the application.
  - (4) Be determined by the Commission to meet the requirements of this Rule for designation.
- (d) Professional Engineers included in Subparagraph (b)(2) who are licensed after the effective date of this Rule must attend the North Carolina Nutrient Management Course and the North Carolina Nutrient Management Software Course in order to use the waste utilization plan designation.
- (e) All technical specialists must attend training as provided by the Division, NRCS or NCCES when new areas evolve within their designation in order to maintain their designation.
- (f) Upon the finding by the Commission that the work of a technical specialist designated under Subparagraph (b)(3) of this Rule fails to comply with the requirements of 15A NCAC 02H .02017(a), 15A NCAC 06F, the NRCS Technical Guide or any applicable state or federal laws, or submits false data or is in any other way dishonest, the Commission may withdraw its designation of the technical specialist in any or all categories. Upon the finding by the commission that the work of a technical specialist designated under Subparagraph (b)(1) of this Rule the Commission shall forward these findings to the respective agency with the request that the agency provide documentation that their technical specialist has received training to correct deficiencies in the area of work to retain a designation. If the agency fails to provide such documentation, the Commission may withdraw its designation of the technical specialist for any or all categories.

*History Note: Authority G.S. 106-840; 139-4;  
 Temporary Adoption Eff. October 22, 2001;  
 Eff. April 1, 2003;  
 Transferred from 15A NCAC 06H .0104 Eff. May 1, 2012.*

**02 NCAC 59G .0105 APPLICATION OF BMP APPROVAL AND TECHNICAL SPECIALIST DESIGNATION TO WATER QUALITY PROTECTION PROGRAMS**

Approved BMPs or systems of BMPs and technical specialist designation by the Commission under this Subchapter may be used to satisfy the requirements of:

- (1) The Neuse Basin Rule in 15A NCAC 02B .0238(8)(b)(x) and (c)(i) and 15A NCAC 02B .0239(2)(a) and (b);
- (2) The Tar-Pamlico Rule in 15A NCAC 02B .0256 and 15A NCAC 02B .0257(f)(2); and
- (3) Other applicable water quality protection rules adopted by the EMC or other commissions that include BMP development or implementation or technical specialist designation by the Commission.

*History Note: Authority G.S. 106-840; 139-4;  
 Temporary Adoption Eff. October 22, 2001;  
 Eff. April 1, 2003;  
 Transferred from 15A NCAC 06H .0105 Eff. May 1, 2012.*