

March 22, 2007

S 1465. SWINE FARM ENV. PERFORMANCE STANDARDS/FUNDS. Filed 3/22/07. *TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS.*

Enacts new GS 143-215.10I, effective September 1, 2007, prohibiting the authorization or modification of permits for hog farms using lagoon and sprayfield waste systems and authorizing the Environmental Management Commission (EMC) to issue permits for waste systems serving hog farms only if they meet or exceed listed performance standards. Makes an exception for those farms for which a permit was issued before September 1, 2007. Directs the EMC to adopt rules. Establishes the Lagoon Conversion Program to provide grants to assist in converting lagoon systems to innovative waste management systems. Provides limitations and requirements for the distribution of funds and establishes criteria and priorities to be used in selecting farms to participate in the program. Requires the Division of Soil and Water Conservation in the Department of Environment and Natural Resources to report on the implementation of the Lagoon Conversion Program to the Environmental Review Commission by November 1 of each year. Establishes the Swine Farm Waste Management System Conversion Account to provide funds for the installation of innovative hog waste management systems on farms in operation before September 1, 2007. Appropriates \$10 million for 2007-08 and \$10 million for 2008-09 from the General Fund to the Swine Farm Waste Management System Conversion Account and expresses the intent that these funds be recurring through 2011-12. Also limits the amount of money in the fund that may be used for operating and administrative expenses. Effective July 1, 2007.

Intro. by Albertson.

GS 143, APPROP

April 17, 2007

S 1465. SWINE FARM ENV. PERFORMANCE STANDARDS (NEW). Filed 3/22/07. Senate committee substitute makes the following changes to 1st edition. Allows grants awarded under the Lagoon Conversion Program to be used to establish centralized waste collection and treatment systems that serve innovative animal waste management systems. Amends the Lagoon Conversion Program functions to replace the term *cost share contracts* with *grants*. Includes in the functions establishing criteria to prioritize the installation of innovative animal waste management systems serving hog farms (previous language required establishing criteria to prioritize installation of innovative hog waste management systems) and provides that priority must be given to systems that meet listed criteria, which have been clarified and expanded to include reducing or eliminating the emission of ammonia and greenhouse gases. Also includes in the functions establishing criteria for the selection of applicants who are eligible for participation in the program (previous language required establishing priorities to guide the selection of hog farms that are eligible for participation in the program) and lists criteria for which applications are to be given priority. Authorizes the Director of the Division of Soil and Water Conservation to establish an advisory committee to assist with implementation. The advisory committee may be directed to evaluate the market for by-products and methods to encourage growers, integrators, and electric power suppliers to cooperate in the production and use of renewable energy or other by-products derived from hog waste. Removes the appropriation and related provision. Renumbers sections.

April 19, 2007

S 1465. SWINE FARM ENV. PERFORMANCE STANDARDS. Filed 3/22/07. Senate amendment makes the following changes to 2nd edition. Specifies that grants for lagoon conversion are to be made from funds available to the Swine Farm Waste Management System Conversion Account.

July 18, 2007

S 1465. SWINE FARM ENV. PERFORMANCE STANDARDS. Filed 3/22/07. House committee substitute makes the following changes to 3rd edition. Authorizes the Environmental Management Commission (EMC) to modify a hog farm animal waste management system permit that was issued before September 1, 2007, to authorize the replacement of a lagoon if all of the listed conditions are met, including that the lagoon is an imminent hazard and that repairing the lagoon will not abate the hazard. Requires the EMC to adopt rules to implement GS 143-215.10I and provides that until rules are adopted, the EMC must refer to a specified report to implement the statute. Modifies the Division of Soil and Water Conservation's reporting requirement to make the implementation report due by October 1 (was, November 1) of each year, beginning in 2008. Establishes a voluntary methane capture pilot program to be administered by the Department of Environment and Natural Resources (DENR) and the Utilities Commission, which expires on September 1, 2017. Establishes the procedure by which up to 50 hog farms may be selected for participation in the pilot program and establishes criteria that must be met by the participating farms. The pilot program requires each electric power supplier serving a participating swine farm to purchase all electricity generated by the use of captured methane for seven years, not to exceed 25 megawatts of electric power purchases at any point in time. Requires the price of the power to be determined by agreement between each participant and electric power supplier; if an agreement cannot be reached, the rate is set by the Utilities Commission. Requires DENR and the Commission to report on implementation to the Environmental Review Commission and the Joint Legislative Utility Review Committee by January 1 of each year, beginning in 2009. Enumerates agreements between the Attorney General and specified farms that are not affected by the act. Changes the effective date to provide that the Swine Farm Waste Management System Conversion Account is effective July 1, 2007, while the remainder of the act is effective September 1, 2007. Makes technical changes. Makes a conforming title change.

July 19, 2007

S 1465. SWINE FARM ENV. PERFORMANCE STANDARDS. Filed 3/22/07. House committee substitute makes the following changes to 4th edition. Modifies Section 4 (implementation) as follows. Replaces the term *electric power supplier* with *electric public utility* and amends the definition to specify that it is an investor-owned public utility as defined in GS 62-3(23)a.1. Clarifies that 50 hog farms may be selected for participation in the pilot program over the life of the program. Requires the Utilities Commission (Commission) to set a suggested purchase price. Prohibits a suggested purchase price or an agreed upon purchase price from exceeding 18 cents per kilowatt hour. Allows the Commission, with the advice of the Public Staff, to review any agreement between a program participant and an electric public utility. Authorizes the Department of Environment and Natural Resources to adopt rules. States the General Assembly's intent that the section apply only to the particular circumstances in the section and states that the section does not establish a precedent with respect to the purchase or sale of renewable energy. Makes technical changes.

September 4, 2007

SL 2007-523 (S 1465). SWINE FARM ENVIRONMENTAL PERFORMANCE STANDARDS. AN ACT TO (1) CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998, (2) PROVIDE FOR THE REPLACEMENT OF A LAGOON THAT IS AN IMMINENT HAZARD, (3) ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND (4) ESTABLISH THE SWINE FARM METHANE CAPTURE PILOT PROGRAM. Summarized in *Daily Bulletin* 3/22/07, 4/17/07, 4/19/07, 7/18/07, and 7/19/07. Enacted August 31, 2007. Section 3 is effective July 1, 2007. The remainder is effective September 1, 2007.