

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**SENATE BILL 378
PROPOSED COMMITTEE SUBSTITUTE S378-PCS55207-SB-11**

Short Title: Energy Crops for Biofuels Feedstocks.

(Public)

Sponsors:

Referred to:

March 21, 2011

A BILL TO BE ENTITLED

1 AN ACT TO DIRECT THE INTERAGENCY GROUP TO ESTABLISH AGRONOMIC
2 RATES FOR ENERGY CROPS FOR UTILIZATION BY BIOFUELS FACILITIES.
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4 Whereas, in 2007, as directed by the General Assembly, the North Carolina's
5 Strategic Plan for Biofuels Leadership established a goal that by 2017, ten percent (10%) of
6 liquid fuels sold in North Carolina will come from biofuels grown and produced within the
7 State; and

8 Whereas, the identification and development of reliable and cost-effective
9 feedstocks to service biofuels facilities is imperative to the development of the biofuels
10 industry in North Carolina; and

11 Whereas, North Carolina is one of the leading pork producing states in the nation,
12 and the swine industry is a significant component of North Carolina's agricultural sector; and

13 Whereas, the lands utilized for swine waste application in North Carolina represent
14 a potential opportunity for the planting and growing of energy crops; and

15 Whereas, appropriate levels of animal waste application and proper agronomic rates
16 of crops must be established to ensure environmental compliance and to protect water quality;
17 and

18 Whereas, in 1995, the General Assembly through the passage of Session Law
19 1995-626 (Senate Bill 1217) established an Interagency Group to provide uniform
20 interpretations to technical specialists regarding the requirements of the animal waste
21 management rules; Now, therefore,

22 The General Assembly of North Carolina enacts:

23 **SECTION 1.(a)** The Interagency Group established by Section 18(b) of Chapter
24 626 of the Session Laws of 1995 shall establish agronomic rates to ensure proper application
25 levels of animal waste for the following energy crops: miscanthus, switchgrass, fiber sorghum,
26 sweet sorghum, and giant reed. The Interagency Group shall establish interim agronomic rates
27 no later than July 1, 2011, and final agronomic rates no later than December 1, 2014.

28 **SECTION 1.(b)** In developing the agronomic rates, the Interagency Group may
29 consider nutrient data from research trials, peer-reviewed publications, current studies, and any
30 other information it deems appropriate. The agronomic rates shall ensure that land application
31 of swine waste at the proposed rate will not cause or contribute to a violation of groundwater
32 standards. The Interagency Group may seek the assistance and expertise of any other entity and
33 with other State agencies with respect to their areas of responsibility regarding agronomic rates.



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1 All agencies of the State of North Carolina shall cooperate with the Interagency Group and,
2 upon request, shall assist the Interagency Group in fulfilling its responsibilities.

3 **SECTION 1.(c)** The Interagency Group shall publish the interim agronomic rates
4 and any accompanying guidance for the use of technical specialists no later than July 1, 2011.
5 The Interagency Group shall publish the final agronomic rates and any accompanying guidance
6 for the use of technical specialists no later than December 1, 2014.

7 **SECTION 1.(d)** No later than July 1, 2011, the Interagency Group shall submit a
8 report on the development and publication of the interim agronomic rates to the Environmental
9 Review Commission; the Commissioner of Agriculture; and the chairs of the Joint Regulatory
10 Reform Committee, the House Agriculture Committee, the House Environment Committee,
11 and the Senate Agriculture/Environment/Natural Resources Committee. No later than
12 December 1, 2014, the Interagency Group shall submit a report on the development and
13 publication of the final agronomic rates to the Environmental Review Commission; the
14 Commissioner of Agriculture; and the chairs of the Joint Regulatory Reform Committee, the
15 House Agriculture Committee, the House Environment Committee, and the Senate
16 Agriculture/Environment/Natural Resources Committee.

17 **SECTION 2.** This act is effective when it becomes law.