

**Annual Report to the
North Carolina General Assembly**

Animal Waste Management

July 1, 2018 – June 30, 2019

Division of Water Resources



**NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Department of Environmental Quality
Annual Report on Animal Waste Management
Permitting, Inspection and Compliance Activities
July 1, 2018 through June 30, 2019**

The Department of Environmental Quality reports annually to the Environmental Review Commission and Fiscal Research Division on the permitting, inspection and compliance activity of animal waste operations of the Animal Feeding Operation program across the state, per G.S. 143-215.10M. Accounting for activities required under G.S. 143-215.10F and S.L. 1997-443 (and its subsequent amendments) is also included in this report.

General Statute 143-215.10F requires an annual inspection of every permitted animal operation by the N.C. Division of Water Resources (DWR). As required by S.L. 1997-443, the Division of Soil and Water Conservation (DSWC) has been conducting compliance inspections at swine operations in Brunswick, Columbus, Jones and Pender counties. This is often referred to as the “Pilot Program.” Effective July 1, 2011, DSWC became a division of the Department of Agriculture and Consumer Services. Session Law 2011-145 eliminated the requirement for DSWC to perform annual operations reviews at each permitted animal operation and removed funding for the operations reviews. As a result, DWR conducts all routine animal operation inspections except for those facilities located in the above-mentioned pilot counties. DSWC continues to perform pilot program inspections under S.L. 2013-131 and S.L. 1997-443, and provides technical assistance and operation review inspections upon request.

The tables below indicate the number of inspections performed by DWR and DSWC, the number of violations identified during inspections, enforcement actions initiated, and permits issued July 1, 2018 through June 30, 2019.

Overall, the two divisions conducted 2,814 compliance inspections and operation reviews during the 2018-2019 fiscal year throughout the seven regional offices (Table 1). Routine compliance inspections were conducted at more than 90 percent of all permitted animal operations during this reporting period. Hurricanes Florence and Michael impacted the ability of staff to complete all routine inspections. Regional office abbreviations are explained at the end of this document.

Table 1. Inspection activities of DWR and DSWC staff during the 2018-2019 fiscal year

INSPECTIONS	ARO	FRO	MRO	RRO	WA R O	WIRO	WSRO	State Totals
DWR Total number of inspections completed	68	691	68	252	522	878	92	2571
Routine DWR annual compliance inspections	17	596	48	206	414	565	64	1910
Inspections conducted due to complaints	50	18	20	4	74	34	15	215
Follow-up of previous review or inspection	1	32	0	28	15	230	7	313
Emergency Notification	0	3	0	0	11	22	5	41
Lagoon Evaluations	0	40	0	14	5	25	0	84
Other inspections	0	2	0	0	3	2	1	8
DSWC Total number of compliance inspections completed*					52	185		237
Routine DSWC annual compliance inspections					39	115		154
Inspections conducted due to complaints					0	0		0
Follow-up of previous review or inspection					1	1		2
Emergency Notification					0	34		34
Response to DWR referral					0	0		0
Other inspections					12	35		47
DSWC Total number of operation reviews completed	0	2	4	0	0	0	0	6
Routine operation reviews	0	0	0	0	0	0	0	0
Technical Assistance	0	2	4	0	0	0	0	6
Follow-up of previous review or inspection	0	0	0	0	0	0	0	0
Emergency Notification	0	0	0	0	0	0	0	0
Other inspections	0	0	0	0	0	0	0	0
Totals	68	693	72	252	574	1063	92	2814
Total number of Permitted Animal Facilities	18	732	69	208	505	667	87	2286
Average time for Compliance inspection (Minutes)	73	72	96	67	66	53	85	73
Average time for other inspections (Minutes)	60	50	79	37	33	40	64	52

*Pilot Project, S.L. 1997-443 and subsequent amendments.

The reported average time for compliance inspection only considers time spent onsite. Table 1 does not include any time for inspection of required records that may be conducted prior to the site visit.

Table 2 presents the total number of animal permits issued by the DWR regional offices in FY 2018-19. This number includes new projects and any modifications made to existing permits. Approximately 2,167 farms are covered under state general permits. Other facilities are covered by National Pollutant Discharge Elimination System (NPDES) general permits or state individual permits. All permits for animal operations must be renewed every five years. The NPDES general permits were renewed on July 1, 2017. The current state general permits expire Sept. 30, 2019, and the renewal process is currently underway for which DWR received approximately 2,100 applications to date. These applications are under review and are not included in these tables. The permits will be issued October 1, 2019.

Table 2. Permits issued by DWR for animal operations in each Regional Office during July 1, 2018 through June 30, 2019*

ANIMAL OPERATIONS PERMITS ISSUED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Swine	0	21	0	2	21	8	0	52
Cattle	1	0	2	3	0	0	2	8
Poultry	0	0	0	0	0	0	0	0
Horses	1	0	0	0	0	0	0	1
Manure Hauler	0	0	1	1	0	1	0	3
Totals	2	21	3	6	21	9	2	64

* Includes modifications, renewals, and new projects

Tables 3 and 5 provide a summary by regional office of numbers and types of deficiencies and violations found during DWR and DSWC inspections during the past fiscal year. Some violations were self-reported and are included in the table to provide a complete picture of the number of deficiency or violation letters issued.

Table 3. Regional office deficiencies and violations found during DWR and DSWC inspections during FY 2018-19.

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Deficiencies and Violations found during DSWC operations reviews and DWR inspections*	6	111	7	43	48	174	56	445
Number of facilities receiving notice deficiency**	0	1	0	20	19	5	0	45
Number of facilities receiving notice violation**	2	8	1	5	19	5	3	43
Enforcement actions initiated for violations noted during this year***	0	2	0	4	0	0	1	7

*Violation totals include violations noted during both operation reviews and compliance inspections and may include multiple violations at a single facility.

**Some violation letters were sent due to violations that were self-reported, and not discovered during an inspection. Deficiencies and violations also includes failure to pay annual fees.

***Some enforcement actions being developed by the regional staff are normally not shown as actions initiated during that year. These actions will be included in the next annual report.

Approximately 16 percent of the 2,814 inspections identified violations (Table 4). There were 445 violations identified (two percent of the universe of potential violations). Inadequate freeboard, unpermitted discharges from the systems and evidence of over application were the most common violations and deficiencies (Tables 4 – 6). Most of the freeboard violations were due to Hurricane Florence. Cattle and swine facilities had the highest number of violations and deficiencies among the types of animal operations (Table 6). Note: each inspection includes seven major items for review. There is the potential for a total of 19,698 major violations.

Table 4. Breakdown of specific violations discovered during DWR and DSWC inspections during FY 2018-2019

DEFICIENCIES AND VIOLATIONS IDENTIFIED	Total number of inspections with identified problem	Percent of total problems identified	Percent of total inspections completed (2814)
Discharges from Animal Waste Management System	69	15.5%	2.5%
Of the total discharges identified, the number of discharges that reached surface waters of the state	(53)	(11.9%)	(1.9%)
Inadequate Freeboard (Permitted Farms)	277	62.2%	9.8%
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(97)	(21.8%)	(3.4%)
No Certified Operator in Charge	0	0.0%	0.0%
Evidence of over application	71	16.0%	2.5%
Does not meet setbacks	9	2.0%	0.3%
Inadequate land	0	0.0%	0.0%
Crop differs from that stated in Certified Animal Waste Management Plan	19	4.3%	0.7%
Totals*	445	100.0%	15.8%

Table 5. Deficiencies and violations discovered during DWR and DSWC inspections by regional office during FY 2018-2019

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Discharges from Animal Waste Management System	2	29	5	6	2	20	5	69
Of the total discharges identified, the number of discharges that reached surface waters of the state	(1)	(26)	(5)	(4)	(1)	(12)	(4)	(53)
Inadequate Freeboard (Permitted Farms)	2	59	1	28	33	118	36	277
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(2)	(21)	(1)	(9)	(6)	(45)	(13)	(97)
No Certified Operator in Charge	0	0	0	0	0	0	0	0
Evidence of over application	1	20	0	8	11	23	8	71
Does not meet setbacks	1	1	0	0	0	4	3	9
Inadequate land	0	0	0	0	0	0	0	0
Crop differs from that stated in Certified Animal Waste Management Plan	0	2	1	1	2	9	4	19
Totals	6	111	7	43	48	174	56	445

Table 6. Deficiencies and violations found during inspection by DWR and DSWC at each type of animal operation during FY 2018-2019

DEFICIENCIES AND VIOLATIONS IDENTIFIED	Swine	Cattle	Poultry	Other	State Totals
Discharges from Animal Waste Management System	56	12	0	1	69
Of the total discharges identified, the number of discharges that reached surface waters of the state	(43)	(10)	(0)	(0)	(53)
Inadequate Freeboard (Permitted Farms)	241	36	0	0	277
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(81)	(16)	(0)	(0)	(97)
No Certified Operator in Charge	0	0	0	0	0
Evidence of over application	62	8	0	1	71
Does not meet setbacks	5	3	0	1	9
Inadequate land	0	0	0	0	0
Crop differs from that stated in Certified Animal Waste Management Plan	13	6	0	0	19
Totals	377	65	0	3	445
Total Number of Animal Operations	2092	168	19	7	2286

Table 7. Civil penalty assessment for different types of violations during FY 2018-2019

Civil Penalty Assessments	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	TOTALS
Stipulated Penalties (SP)	0	0	0	0	0	0	0	0
Limit/Monitoring Violation (LM)	0	0	0	0	0	0	0	0
Limit Violations (LV)	0	0	0	0	0	0	0	0
Monitoring Violations (MV)	0	0	0	0	0	0	0	0
Fish Kills (FK)	0	0	0	0	0	0	0	0
Operator Violations (OV)	0	0	0	0	0	0	0	0
Renewal Violations (RV)	0	0	0	0	0	0	0	0
Construction Violations (CV)	0	0	0	0	0	0	0	0
Discharge Violations (DV)	0	2	0	2	0	0	0	4
Operating Without Permits (OP)	0	0	0	0	0	0	0	0
Late Annual Reports (LA)	0	0	0	0	0	0	0	0
Late Monthly Reports (LR)	0	0	0	0	0	0	0	0
Permit Conditions Violations (PC)	0	0	0	2	0	0	1	3
Stream Standard Violations (SS)	0	0	0	0	0	0	0	0
Other Water Quality Violations (WQ)	0	0	0	0	0	0	0	0
Groundwater Standard Violations (GW)	0	0	0	0	0	0	0	0
Total Civil Penalty Assessments	0	2	0	4	0	0	1	7

Table 8. Summary of enforcement actions during FY 2018-2019.

Civil Penalty Case Summary	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	Totals
Penalties assessed (\$) includes enforcement costs	\$0.00	\$47,208.71	\$0.00	\$23,170.71	\$0.00	\$0.00	\$5,472.11	\$75,851.53
Penalties reduced via settlement (\$)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Penalties collected (\$)	\$0.00	\$7,633.71	\$0.00	\$22,295.15	\$183.00	\$15,747.12	\$0.00	\$45,858.98
Remissions (\$)	\$213.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$213.00
Remitted cases	1	0	0	0	0	0	0	1
OAH cases	0	0	0	0	0	0	0	0
AGO cases (collection)	0	1	0	1	1	1	0	4

Regional Office Abbreviations:

- ARO – Asheville Regional Office
- FRO – Fayetteville Regional Office
- MRO – Mooresville Regional Office
- RRO – Raleigh Regional Office
- WARO – Washington Regional Office
- WIRO – Wilmington Regional Office
- WSRO – Winston-Salem Regional Office