

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

Animal Feeding Operations Program

July 1, 2019 – June 30, 2020

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, 2019 through June 30, 2020**

The Department of Environmental Quality (DEQ) reports annually to the Environmental Review Commission and Fiscal Research Division on the permitting, inspection and compliance activities of the Animal Feeding Operation program across the state, per G.S. 143-215.10M. Accounting for activities is 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 facility 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 from July 1, 2019 through June 30, 2020.

Overall, 2,062 compliance inspections and operation reviews were conducted during the 2019-2020 fiscal year throughout North Carolina by the DWR staff from the seven regional offices and DSWC staff (Table 1). The ability of DWR staff to conduct routine annual inspection of all the animal facilities was impacted by the COVID-19 pandemic. DEQ-DWR is cautious of the health and safety of the public and staff. Ever since the COVID-19 pandemic guidance was issued in March 2020, DWR staff were in constant communication with the permittees regarding their facility’s annual inspection. In situations when DWR staff were told by the permittees that they or their family members may have come in contact with positive cases and out of abundant caution, DWR staff have rescheduled inspections to later date. Compliance inspections were conducted in situations where all the participants followed guidelines, wore masks, and maintained social distance. As a result, DWR staff were able to complete compliance inspections of more than 80 percent of all permitted animal operations, instead of the mandated 100 percent. Animal facilities that were not inspected during the current reporting period due to COVID 19, will be inspected prior to conducting inspections on the facilities that were already inspected in FY2020. Regional office abbreviations are explained at the end of this document.

Table 1. Inspection activities of DWR and DSWC staff during the 2019-2020 fiscal year

INSPECTIONS		ARO	FRO	MRO	RRO	WA RO	WIRO	WSRO	State Totals
DWR	DWR Total number of inspections completed	26	647	56	172	387	466	80	1834
	Routine DWR annual compliance inspections	25	600	56	155	358	427	71	1692
	Inspections conducted due to complaints	1	1	0	4	1	5	1	13
	Follow-up of previous review or inspection	0	23	0	7	3	20	4	57
	Emergency Notification	0	2	0	1	1	0	0	4
	Lagoon Evaluations	0	19	0	2	19	14	0	54
	Other inspections	0	2	0	3	5	0	4	14
DSWC	DSWC Total number of compliance inspections completed*					58	138		196
	Routine DSWC annual compliance inspections					52	136		188
	Inspections conducted due to complaints					0	0		0
	Follow-up of previous review or inspection					0	1		1
	Emergency Notification					0	0		0
	Response to DWR referral					0	0		0
	Other inspections					6	1		7
DSWC	DSWC Total number of operation reviews completed	1	2	2	4	1	19	3	32
	Routine operation reviews	0	2	1	0	0	0	2	5
	Technical Assistance	1	0	1	4	1	19	0	26
	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	1	1
Totals		27	649	58	176	446	623	83	2062
Total number of Permitted Animal Facilities		18	728	66	203	499	660	83	2257
Average time for Compliance inspection (Minutes)		76	58	74	74	63	69	69	69
Average time for other inspections (Minutes)		120	131	83	75	23	45	75	79

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

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

Table 2 presents the number of animal permits issued by the DWR under each regional office in FY 2019-20. This number includes new projects, as well as, any modifications made to existing permits including renewals. Approximately 2,257 farms are covered under state general permits. All permits for animal operations must be renewed every five years. The renewal for these permits took place in 2019 and approximately over 2100 State General permits were issued on October 1, 2019. Other facilities are covered by National Pollutant Discharge Elimination System (NPDES) general permits or state individual permits. The NPDES general permits were renewed on July 1, 2017.

Table 2. Permits issued by DWR for animal operations in each Regional Office during July 1, 2019 through June 30, 2020*

ANIMAL OPERATIONS PERMITS ISSUED		ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
	Swine	4	723	4	156	475	658	19	2039
	Cattle	13	3	50	11	4	0	56	137
	Poultry	0	0	0	8	1	0	0	9
	Horses	0	0	0	0	0	0	0	0
	Manure Hauler	1	1	0	0	3	0	0	5
Totals		18	727	54	175	483	658	75	2190

* 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 2019-20.

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Deficiencies and Violations found during DWR and DSWC inspections*	9	91	4	18	17	67	18	224
Number of facilities receiving notice deficiency**	1	118	2	6	11	8	4	150
Number of facilities receiving notice violation**	2	20	2	3	37	12	4	80
Enforcement actions initiated for violations noted during this year***	1	17	0	3	7	1	0	29

*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.

There were 224 violations identified in FY 2019-2020 which counts for approximately 11 percent of the 2,062 inspections (Table 4). Inadequate freeboard, unpermitted discharges from the systems and evidence of over application were the most common violations and deficiencies (Tables 4 – 6). Cattle and swine facilities had the highest number of violations and deficiencies among the types of animal operations (Table 6).

Table 4. Breakdown of specific violations discovered during DWR and DSWC inspections during FY 2019-2020

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	43	19.2%	2.1%
	Of the total discharges identified, the number of discharges that reached surface waters of the state	(32)	(14.3%)	(1.6%)
	Inadequate Freeboard (Permitted Farms)	87	38.8%	4.2%
	Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(16)	(7.1%)	(0.8%)
	No Certified Operator in Charge	0	0.0%	0.0%
	Evidence of over application	78	34.8%	3.8%
	Does not meet setbacks	1	0.4%	0.0%
	Inadequate land	1	0.4%	0.0%
	Crop differs from that stated in Certified Animal Waste Management Plan	14	6.3%	0.7%
Totals*		224	100.0%	10.9%

Table 5. Deficiencies and violations discovered during DWR and DSWC inspections by regional office during FY 2019-2020

DEFICIENCIES AND VIOLATIONS IDENTIFIED		ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
	Discharges from Animal Waste Management System	5	25	0	7	2	4	0	43
	Of the total discharges identified, the number of discharges that reached surface waters of the state	(5)	(17)	(0)	(5)	(1)	(4)	(0)	(32)
	Inadequate Freeboard (Permitted Farms)	0	19	0	10	3	44	11	87
	Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(0)	(3)	(0)	(5)	(0)	(7)	(1)	(16)
	No Certified Operator in Charge	0	0	0	0	0	0	0	0
	Evidence of over application	2	40	4	1	12	16	3	78
	Does not meet setbacks	0	1	0	0	0	0	0	1
	Inadequate land	0	1	0	0	0	0	0	1
	Crop differs from that stated in Certified Animal Waste Management Plan	2	5	0	0	0	3	4	14
Totals		9	91	4	18	17	67	18	224

Table 6. Deficiencies and violations found during inspection by DWR and DSWC at each type of animal operation during FY 2019-2020

DEFICIENCIES AND VIOLATIONS IDENTIFIED		Swine	Cattle	Poultry	Other	State Totals
Discharges from Animal Waste Management System		36	5	0	2	43
Of the total discharges identified, the number of discharges that reached surface waters of the state		(25)	(5)	(0)	(2)	(32)
Inadequate Freeboard (Permitted Farms)		74	11	2	0	87
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot		(14)	(1)	(1)	(0)	(16)
No Certified Operator in Charge		0	0	0	0	0
Evidence of over application		69	9	0	0	78
Does not meet setbacks		1	0	0	0	1
Inadequate land		1	0	0	0	1
Crop differs from that stated in Certified Animal Waste Management Plan		8	6	0	0	14
Totals		189	31	2	2	224
Total Number of Animal Operations		2074	159	19	5	2257

Table 7. Civil penalty assessment for different types of violations during FY 2019-2020

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	1	0	0	0	0	0	1
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	10	0	2	1	1	0	14
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)	1	6	0	1	6	0	0	14
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	1	17	0	3	7	1	0	29

Table 8. Summary of enforcement actions during FY 2019-2020.

Civil Penalty Case Summary	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	Totals
Penalties assessed (\$) includes enforcement costs	\$14,906.40	\$129,822.96	\$0.00	\$19,444.98	\$28,642.10	\$43,607.96	\$0.00	\$236,424.40
Penalties reduced via settlement (\$)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Penalties collected (\$)	\$14,906.40	\$60,606.70	\$0.00	\$3,286.83	\$2,036.00	\$0.00	\$0.00	\$80,835.93
Remissions (\$)	\$0.00	\$5,200.00	\$0.00	\$500.00	\$3,000.00	\$0.00	\$0.00	\$8,700.00
Remitted cases	0	4	0	1	2	0	0	7
OAH cases	0	0	0	0	0	0	0	0
AGO cases (collection)	0	0	0	0	0	1	1	2

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