

Annual Report to the North Carolina General Assembly

Animal Waste Management

July 1, 2020 – June 30, 2021

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, 2020 through June 30, 2021**

The Department of Environmental Quality 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 North Carolina 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 North Carolina 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, 2020 through June 30, 2021.

Overall, the two divisions conducted 2,547 compliance inspections and operation reviews during the 2020-2021 fiscal year throughout North Carolina by the staff from the seven regional offices (Table 1). Some facilities were inspected multiple times. Routine compliance inspections were conducted at more than 90 percent of all permitted animal operations during this reporting period. COVID-19 pandemic impacted the ability of staff to complete routine annual inspection of all the permitted facilities. Regional office abbreviations are explained at the end of this document.

Table 1. Inspection activities of DWR and DSWC staff during the 2020-2021 fiscal year

INSPECTIONS		ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
DWR	Total number of inspections completed	32	812	66	250	479	632	88	2359
	Routine DWR annual compliance inspections	25	760	63	242	467	609	83	2249
	Inspections conducted due to complaints	4	4	0	0	3	5	0	16
	Follow-up of previous review or inspection	3	24	1	4	2	9	3	46
	Emergency Notification	0	0	0	0	2	1	0	3
	Lagoon Evaluations	0	19	1	4	5	4	0	33
	Other inspections	0	5	1	0	0	4	2	12
DSWC	Total number of compliance inspections completed*					50	104		154
	Routine DSWC annual compliance inspections					47	104		151
	Inspections conducted due to complaints					0	0		0
	Follow-up of previous review or inspection					0	0		0
	Emergency Notification					0	0		0
	Response to DWR referral					1	0		1
	Other inspections					2	0		2
DSWC	Total number of operation reviews completed	0	0	2	4	1	22	5	34
	Routine operation reviews	0	0	0	2	0	0	2	4
	Technical Assistance	0	0	0	0	1	22	0	23
	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	2	2	0	0	3	7
Totals		32	812	68	254	530	758	93	2547
Total number of Permitted Animal Facilities		18	726	63	201	503	660	81	2252
Average time for Compliance inspection (Minutes)		65	132	42	80	67	57	87	76
Average time for other inspections (Minutes)		-	102	90	44	51	41	62	102

*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 time spent for inspection 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 2020-21. This number includes new projects, as well as, any modifications made to existing permits including renewals. Approximately 2,252 farms are covered under State and National Pollutant Discharge Elimination System (NPDES) general permits. All permits for animal operations must be renewed every five years. The renewal for the State general permits took place in 2019 and approximately over 2100 State General permits were issued on October 1, 2019. Other facilities are covered by NPDES general permits or State individual permits. The current NPDES general permit expire June 30, 2022, and the renewal process will occur in the 180 days leading up to that date.

Table 2. Permits issued by DWR for animal operations in each Regional Office during FY 2020-2021*

ANIMAL OPERATIONS PERMITS ISSUED		ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
	Swine	0	21	0	5	29	19	0	74
	Cattle	1	1	3	0	0	0	3	8
	Poultry	0	0	0	0	0	0	0	0
	Horses	0	0	0	0	0	0	0	0
	Manure Hauler	2	2	1	0	0	0	0	5
	Totals	3	24	4	5	29	19	3	87

* 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 2020-2021.

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Deficiencies and Violations found during DWR and DSWC inspections*	16	126	2	21	50	73	39	327
Number of facilities receiving notice deficiency**	0	60	1	0	84	3	3	151
Number of facilities receiving notice violation**	2	27	6	0	48	13	11	107
Enforcement actions initiated for violations noted during this year***	2	7	1	1	3	1	0	15

*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.

***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 327 violations identified in FY 2020-2021 which counts for approximately 13 percent of the 2,547 inspections identified violations (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 2020-2021

DEFICIENCIES AND VIOLATIONS IDENTIFIED		Total number of inspections with identified problem	Percent of total problems identified	Percent of total inspections completed (2547)
Discharges from Animal Waste Management System		60	18.3%	2.4%
	Of the total discharges identified, the number of discharges that reached surface waters of the state	(33)	(10.1%)	(1.3%)
Inadequate Freeboard (Permitted Farms)		149	45.6%	5.9%
	Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(38)	(11.6%)	(1.5%)
No Certified Operator in Charge		0	0.0%	0.0%
Evidence of over application		88	26.9%	3.5%
Does not meet setbacks		4	1.2%	0.2%
Inadequate land		4	1.2%	0.2%
Crop differs from that stated in Certified Animal Waste Management Plan		22	6.7%	0.9%
Totals*		327	100%	12.8%

Table 5. Deficiencies and violations discovered during DWR and DSWC inspections by regional office during FY 2020-2021

DEFICIENCIES AND VIOLATIONS IDENTIFIED	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	State Totals
Discharges from Animal Waste Management System	14	24	1	6	3	7	5	60
Of the total discharges identified, the number of discharges that reached surface waters of the state	(13)	(16)	(1)	(1)	(1)	(1)	(0)	(33)
Inadequate Freeboard (Permitted Farms)	1	54	0	9	26	39	20	149
Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(0)	(12)	(0)	(1)	(5)	(13)	(7)	(38)
No Certified Operator in Charge	0	0	0	0	0	0	0	0
Evidence of over application	1	35	1	1	20	21	9	88
Does not meet setbacks	0	1	0	0	0	2	1	4
Inadequate land	0	4	0	0	0	0	0	4
Crop differs from that stated in Certified Animal Waste Management Plan	0	8	0	5	1	4	4	22
Totals	16	126	2	21	50	73	39	327

Table 6. Deficiencies and violations found during inspections by DWR and DSWC at each type of animal operation during FY 2020-2021

DEFICIENCIES AND VIOLATIONS IDENTIFIED		Swine	Cattle	Poultry	Other	State Totals
Discharges from Animal Waste Management System		36	21	1	1	59
	Of the total discharges identified, the number of discharges that reached surface waters of the state	(18)	(14)	(1)	(0)	(33)
Inadequate Freeboard (Permitted Farms)		126	20	1	1	148
	Of the total inspections identified with inadequate freeboard, the number of inspections with freeboard noted at less than 1 foot	(30)	(7)	(1)	(0)	(38)
No Certified Operator in Charge		0	0	0	0	0
Evidence of over application		78	10	0	0	88
Does not meet setbacks		3	1	0	0	4
Inadequate land		4	0	0	0	4
Crop differs from that stated in Certified Animal Waste Management Plan		15	5	0	1	21
Totals		262	57	2	3	324
Total Number of Animal Operations		2078	150	19	5	2252

Table 7. Civil penalty assessment for different types of violations during FY 2020-2021

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)	1	7	2	1	1	0	0	12
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	5	0	0	4	0	0	9
Stream Standard Violations (SS)	0	0	0	0	0	0	0	0
Other Water Quality Violations (WQ)	0	0	0	0	0	1	0	1
Groundwater Standard Violations (GW)	0	0	0	0	0	0	0	0
Total Civil Penalty Assessments	1	12	2	1	5	1	0	22

Table 8. Summary of enforcement actions during FY 2020-2021.

Civil Penalty Case Summary	ARO	FRO	MRO	RRO	WARO	WIRO	WSRO	Totals
Penalties assessed (\$) includes enforcement costs	\$4,922.58	\$173,728.89	\$12,365.09	\$2,641.25	\$30,283.98	\$11,019.01	\$0.00	\$234,960.80
Penalties reduced via settlement (\$)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Penalties collected (\$)	\$0.00	\$0.00	\$0.00	\$0.00	\$1,256.24	\$11,019.01	\$0.00	\$12,275.25
Remissions (\$)	\$0.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,000.00
Remitted cases	0	2	1	1	0	0	0	4
OAH cases	0	1	0	0	0	0	0	1
AGO cases (collection)	0	0	0	0	0	0	0	0

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