North Carolina NPDES General Permit Renewal

Proposed Changes to the 2012 NPDES General Permits

- **Condition I.1:** No discharge allowed for swine or wet poultry, regardless of storm events, for facilities constructed after April 14, 2003. *Requirement 40 CFR 412.40* 412.47 Discharges may be allowed from cattle facilities as a result of rainfall events greater than 25-yr/24-hr storm. *Requirement of 40 CFR 412.30* 412.37
- **Condition I.3:** Updated procedure for modification requests. All modifications must be submitted in advance to Division for review. Public notice required for any major modification. Most modifications would be considered major modifications. *Requirement of 40 CFR 122.42(e)(6)(iii)*
- **Condition I.4:** New and expanding facilities (swine only) must demonstrate compliance with G.S.§ 143-215.10.I. *Requirement of General Statutes and 02T .1307-.1309 and 02D .1808*
- **Condition II.1-3:** Public notice of application to seek permit coverage including full CAWMP; public notice of modifications to Permit, CAWMP, phosphorous risk ratings (PLAT ratings), and sludge plans. *Requirement of 40 CFR 122.23(h) and 40 CFR 122.42(e)(6)*
- **Condition III.4:** No waste shall be applied upon areas where crop is insufficient for nutrient utilization. This applies to areas with crop losses or failures. This condition does still allow for the 30-day pre-plant in accordance with your CAWMP. *Change made to reflect same requirement in 2009 State General Permit.*
- **Condition III.8:** Sludge applied to bare soils must be incorporated within two days or prior to the next rainfall event, whichever occurs first. Existing permit has 2-day limit, now must also consider weather and incorporate before rainfall. *Change made to reflect same requirement in 2009 State General Permit.*
- **Condition III.9:** Submittal of sludge plan at least 90 days in advance *Requirement of 40 CFR 122.42(e)(6)* 24 hour notice prior to sludge removal/land application *Recommendation from Regional Staff*
- **Condition III.10:** No materials other than wastes of type generated on facility to be disposed of in lagoons. *Change made to reflect same requirement in 2009 State General Permit.* Chemical storage, handling, and disposal conditions added to the Permit. *Requirement of 40 CFR 122.42(e)(1)(v)*.
- **Condition III.12:** Mortality management plan shall address both normal mortality rates and mass mortality scenarios in CAWMP. *Requirement of 40 CFR 122.42(e)(1)(ii)*.
- **Condition III.14:** Animals may not come in direct contact with waters of the State. *Requirement of 40 CFR 122.42(e)(1)(iv).*
- **Condition III.15:** Site specific conservation practices implemented to control pollutants shall be added to the CAWMP. *Requirement of 40 CFR 122.42(e)(1)(vi)*.
- **Conditions III.20 and IV.1:** Routine inspections following one-inch rainfall and during waste applications shall also include visual inspection of drain outlets, ditches, and drainage ways for any discharge of waste. These are NOT new requirements, but specifics were added to the permit to make it clearer. *Change made to reflect same requirement in 2009 State General Permit.*
- **Condition III.27:** Application of waste shall stop within four hours of the National Weather Service issuing a Hurricane or Tropical Storm Warning or Flood Watch associated with a tropical system for the

county in which the facility is located. Other requirements of this condition are unchanged. See page 2 of the new COC to find specific phone and website information for your local National Weather Service office. – *Change made to reflect same requirement in 2009 State General Permit.*

Condition III.31: This condition references the allowance to temporarily lower lagoon levels below stop pump in accordance with NRCS Standard 359. This has been allowed previously, but it was added to the permit for clarity. – *Change made to reflect same requirement in 2009 State General Permit.*

Condition IV.8: Phosphorous loss evaluation results must be updated in CAWMP and submitted during application for Permit renewal. – *Requirement of 40 CFR 122.42(e)(6)*

Condition IV.10: All wastes removed from facility must have record; eliminates the exemption for volumes less than four cubic yards. – *Requirement of 40 CFR 122.42(e)(3)*

Condition IV.11: Lagoons must be brought back into compliance with regard to sludge levels with in two years if sludge accumulation does not satisfy the criteria in NRCS Standard 359. The previous permit did not have a specific compliance deadline. The new permit requires lagoons to be back in compliance within 2 years. – *Change made to reflect same requirement in 2009 State General Permit.*

Condition IV.19: Revised annual report condition to list all required items for inclusion. – *Requirement of 40 CFR 122.42(e)(4)*

Condition IV.21: Added new item (f) that requires notification to regional office if waste levels enter into structural freeboard zone. Added requirement for a 5-Day Plan of Action within two days. – *Current policy being added to Permit for clarification*.

Condition VI.7: Modifications to the waste management system, including adding lagoon covers, will require permit modification. Adding a cover or changing the system will "change the nature of the waste", which requires a permit modification under the existing permit. Updating the language of this condition was done to make it clearer when a permit modification is needed. – *Change made to reflect same requirement in 2009 State General Permit.*

Definitions: Updated definite of Major Modification to reflect changes in 2008 CAFO Rule. – *Requirement of 40 CFR 122.42(e)(6)*