

**DIVISION OF WATER RESOURCES  
STATE GENERAL PERMIT STAKEHOLDER MEETING**

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**MINUTES**

Date: August 22, 2013  
Time: 10:00 AM  
Location: DENR Training Room, Room 1210 Green Square Building, 217 W. Jones St., Raleigh

Moderator: Keith Larick, NC DWR

Handouts: Proposed Changes to the 2014 State General Permits  
DRAFT Swine State General Permit  
DRAFT Cattle State General Permit  
Alternate Language for AWG200000 – Cattle State General Permit  
DRAFT Poultry State General Permit

- Passed around sign-in sheet.
- Stakeholder Process Review – events leading up to stakeholder meeting today.
  - The current permits expire September 30, 2014.
  - The deadline to apply for renewal is approximately April 1, 2014 – 180 days prior to current permit expiration.
  - One additional stakeholder meeting is scheduled, if needed: August 29 at 10:00 in the same conference room.
  - After the stakeholder process, the permits will go through the public notice/hearing process
    - We will be reviewing our noticing process. Will reach out to extension service, conservation districts, and milk inspectors to get the word out.
    - Anne Coan noted that notices to dairies needs to be better.
  - Plan on at least 2 public hearings; Kenansville and Statesville in November or early December. We may add a third hearing if needed.
  - Hearing officers and the Division will consider comments, and prepare the final draft for the Director to sign.
  - The Division is looking to update the renewal process, internally.
    - Batch out renewals if possible to meet our permitting requirements.
      - This may be an issue for consultants in knowing when permits were sent out.
      - Perhaps look at processing up to “approval for COC” and then send out at once.
    - There is a push for E-Permitting and E-payments within DENR. Some other programs already use this.
      - DENR does have web-based, electronic payment available for funds transfers. Credit card payment will be available in the future.
      - We are looking at E-permitting as an option for folks – not a requirement.
      - Big issue is the requirement for WUP submission with renewal. We'll look into possibility of not needing to submit if no changes have been made to WUP.
      - Is it okay to email WUP? Yes. We will work on issues of concern. Mainly file size and accessibility/security of information.
- Reviewed the Proposed Changes
  - There are not many proposed changes. There are general changes throughout the permits to update the name of the Division, the Director, etc. There are some changes for consistency in terminology.
  - Page 2 I.6 – Change to Director of the Division.
  - Page 4 II.10 – Correct the statute reference for mass mortality as noted in email from Dewitt Hardee. Perhaps we should also reference the mortality management memo.

- Page 5 II.17 – Rule reference correction only.
- Page 6 II.24 – Clean up the calibration language.
- Page 8 III.4 – Changes soils sampling requirements to once every three years to comply with legislative change to the statute.
  - Dewitt Hardee let everyone know that the soils lab will be gated, and there will be no after-hours sample drop-off. Gate is currently under construction.
  - There will now be a fee for soil samples submitted during peak sampling season. Perhaps the Division will include a copy of the fee sheet with application packets.
- Page 8 III.5 – Modified waste sampling language to make more clear that the sample needs to represent the waste as it would be/was applied. i.e. if lagoon is agitated when waste is applied then the sample should be of the agitated waste, not the liquid waste prior to agitation.
- Page 9 III.11 – Deleted last phrase to eliminate the contradiction within the condition.
  - Anne Coan suggested deleting the phrase “a minimum of” from the record keeping requirements, stating that it implies records are required to be kept longer than the stated 3 years.
- Page 9 III.13 – This condition has not changed as much as it seems. The subparts of this condition were reorganized and some combined to make more clear and to make consistent with the NPDES General Permit.
  - Subpart f was added to this condition to address the current policy requiring Permittees to notify the Division if waste levels get up into the structural zone – 12 inches from top of dam.
  - Add clarification to definition of structural freeboard to the permit. See Condition V.2.
  - Also added paragraph to this condition that describe the requirement for a 5-day POA to be filed within 2 days of waste levels being in the structural zone.
  - Kathy Barker requested DWR to check with Division of Emergency Management regarding the 800 number reporting of emergencies after hours. Some people have had difficulty in filing the report with DEM.
  - Should we add language that state electronic notification is permissible?
- Page 11 III.14/15 – These conditions were combined to eliminate redundancy.
- Page 11 III.20 – This condition was a placeholder for the proposed monitoring rules that were under consideration when the last General Permits were drafted. This condition is no longer needed. Condition III.10 is standard language that allows the Division to require any monitoring that may become necessary.
- Page 12 V.2 – May need to add “or according to lagoon design” to the structural freeboard requirement.
- Page 13 V.4 – Addresses any potential misuse or misunderstanding of the intent of allowing 4 cubic yards of waste to be distributed for personal use. The change adds an overall limit of 10 cubic yards per year for distribution for personal use.
  - Anne Coan suggests breaking up the 4 yd/day and 10 yd/year into two sentences for clarity. She would also prefer to avoid “abuse” in describing this change.
- Page 13 V.12 – The language regarding compliance boundaries may change depending upon HB 74.
- Page 14 Agronomic Rate – Updated the reference to the current NRCS Standards. Standard 633 is no longer relevant to animal waste management.
- Suggestion to add “Division” to the list of Definition.
- Changes Specific to the Cattle Permit
  - All changes noted above are the same for Swine, Cattle, and Wet Poultry General Permits.
  - If House Bill 74 (HB 74) is signed in to law, the Alternate Language provided in the handouts will be used to replace Condition V.3 in the Cattle Permit only.
    - This change allows for permit rescission without closure of the waste impoundment for cattle operations that drop below the permitting threshold for three years or more.

- These farms would no longer meet the definition of animal operations according to the statute, can request rescission, and then be deemed permitted. This issue is unique to cattle/dairy operations.
  - Should a facility decided later to go back above threshold and get permitted again, the facility would be considered a New Source and be required to meet all current standards.
  - What about the 4 year rule? Can this be altered?
- The meeting was opened up to questions and comments.
    - The four year requirement for repopulation is an issue for many people.
      - There are depopulated farms that could potentially go back into operation except for the four year time limit to repopulate without upgrading to current NRCS standards.
      - Why should a facility that has maintained its permit be subject to this time restriction?
      - How many facilities does this currently impact?

Email/call with any questions/comments

Christine said that she would email out a track changes version of the draft permit to the group.

Next meeting is August 29<sup>th</sup> at 10:00 AM. Keith will notify everyone by Monday whether or not we will proceed with the meeting next Thursday.