

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

MINUTES

Date: August 29, 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 Summary
DRAFT Swine State General Permit
DRAFT 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.
 - 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.
 - We will accept written comments during the stakeholder process. Please have all written comments submitted by **Friday, September 13**.
 - 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 goal is to have the final signed permit by the end of the year.
- Reviewed Minutes and the List of 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.
 - Dewitt Hardee asked if we should also reference the mortality management memo, SART memo.
 - Keith Larick – we will look at the possibility. The SART memo was developed between DENR and NCDA&CS Vet Division to address issues of mass mortality such as was seen in Hurricane Floyd. There may be an issue with referencing a policy document in a permit.
 - Page 5 II.17 – Rule reference correction only.
 - Page 6 II.24 – Updated the calibration language.
 - Page 8 III.4 – Soils sampling requirements changed to once every three years to comply with statute change.
 - Why the change? What is the rationale for 3 years?
 - Keith Larick – We now have 15 plus years of soils data from these facilities, and it shows that the concentrations of nutrients/metals just don't change that much on an annual basis. The new sampling requirement follows the recommendations of NC State and the NRCS guidelines.
 - Page 8 III.5 – Added “representative” to make clear that the sample needs to represent the waste as it would be/was applied. i.e. If you are applying liquid, sample liquid. If you are applying sludge, then you need to sample sludge.

- Page 9 III.11 – Cleaned up the wording to make it clear that records are to be kept for 3 years. This is not a change.
- Page 9 III.13 – Added notification subpart f to the permit language. This requires permittee to notify the Division if waste levels get up into the structural. This notification was already required, but is being added to the permit to be consistent.
 - The paragraph following the list of events requiring notification was amended to clarify the 30-day POA requirement for violation of waste capacity (item e)
 - Anne Coan suggested edits for consistent terminology.
- Page 10 III.14 – This condition combined two conditions in the previous permit that were redundant.
- 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 13 V.4 – Four (4) cubic yards of waste to be distributed for personal use has been allowed, mainly used by dairies. The change adds an overall limit of 10 cubic yards per year for distribution for personal use to further clarify intent and eliminate misuse.
 - Anne Coan suggests breaking up the 4 yd/day and 10 yd/year into two sentences for clarity.
- Page 13 V.12 – We'd previously discussed the compliance boundary language and potential changes due to HB 74. We feel confident that there is no impact to this program.
 - Anne Coan – the current language seems in compliance with the new law.
- Page 13 Agronomic Rate – There is no change to the definition, simply updated the reference to the current NRCS Standards. Standard 633 is no longer relevant to animal waste management.
- Changes Specific to the Cattle Permit
 - With the signing of House Bill 74 (HB 74), we needed to change the permit condition that addresses the requirement for continued permitting. Previously, any animal facility that was permitted had to remain permitted until all waste structures were properly closed.
 - The sign of HB 74 into law allows for permit rescission without closure of the waste impoundment for cattle operations (only) 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.
 - The Division maintains the ability to deny a rescission request based upon compliance history.
- The meeting was opened up to questions and comments.
 - Heather Ward – With regard to the soil sampling requirement, how compliant were farmers on an annual basis?
 - Keith Larick – Very; probably 95%. Farmers were accustomed to it.
 - Heather Ward – How was soil sampling done? Do farmers have a consultant do the sampling?
 - Keith Larick – Some farmers hire consultants, but many will do for themselves.
 - Larry Baldwin – Is there a standard method?
 - Keith Larick – Yes, there is an extension publication that describes the method.
 - Heather Ward – for Regional Office Notification, farmers are required to call? What are the Regional Offices' ability to respond?
 - Keith Larick – There are seven regional offices. We are required to inspect all permitted facilities annually, so we are staffed to manage that plus complaints and

- notifications. When we receive a complaint or notification from a permittee, we can typically get out to the site within 24 hours if it's needed.
- Matthew Starr – Do you see response changing with the restructuring of the Division?
 - It depends on what the cuts turn out to be, but we still doing all annual inspection as is our mandate.
 - We should still be able to maintain the level of service. We won't know what the Regional Offices will look like. There will be some budget cuts and some restructuring, but we will still meet permitting and compliance needs.
 - Questions specific to Washington Region – there are currently 3 full time DWR animal inspectors plus one person from Div. of Soil and Water who is responsible for Jones Co. They perform something like 500 inspections per year.
 - Heather Ward – on page 2 I.5 – why does the language say “for facilities in watersheds sensitive to ...”
 - Keith Larick – this condition addresses requirements for Phosphorous loss assessments (PLAT in NC). All NPDES facilities are required to run PLAT, but not so for facilities with the state general permit. This condition lets farmers know that while PLAT is not a requirement for all facilities, it may be required for some based on rules outside the animal waste program rules – like basin rules. So other rules may make PLAT a requirement.
 - Anne Coan – we may need to check with NRCS, as nationally they have gone to a 3 level designation for phosphorous loss assessment.
 - Keith Larick – yes, nationally they did, but NC is keeping the current Low, Medium, High, and Very High categories. It has been approved.
 - NRCS also requires that facilities receiving cost share must run PLAT. NRCS is also required to run PLAT for a facility if they prepare the waste plan.
 - Anne Coan – the 4 year rule was brought up last time.
 - Keith Larick – the requirement that any facility that is depopulated for 4 years or more must come up to current NRCS standards before being restocked is actually in our rules. We cannot change this requirement in the Permit renewal. This rule goes back to the beginning of the animal program.
 - E-permitting/E-payments
 - DENR is working on this across the board.
 - Owners can already pay permit fees online via bank transfer. Credit card payment is not yet available but coming. Credit card payment will have a fee associated with it to cover the cost of the credit card transaction.
 - DENR is working on making e-payment available for operators. Beth Buffington says that there is a slim chance of it being available for this year, but is likely for next year.
 - Keith Larick – other E-permitting issues for the animal program is the requirement that the WUP be submitted with the application. The statute clearly states that all applications including renewals require the WUP be submitted
 - Kathy Barker – can it be sent electronically?
 - Anne Coan – did you address the issue of file size limits?
 - Keith Larick – we will look into that. We are trying to create a single address that these items would be sent to. We have to work with our IT folks in it.
 - Keith Larick – we were asked about Regional Office notifications and can they be electronic. It's a good idea. We would also need to set up a specific email for that. And it would need an autoreply to acknowledge the notification. It would have to be something that someone is responsible to check daily. If we did this, we would put a custom email specific for the regional office for that facility on the COC. We would need to work out these details before we were to put e-notification in the actual permit.
- Please follow-up as you would like with any written comments by September 13. Feel free to give us a call if you need us.
 - Christine will email out minutes to the list serve.