



2023-2024 General Assembly

# HOUSE BILL 600: Regulatory Reform Act of 2023, Sec. 15: Clarify Certain Environmental Permitting Laws Applicable to Agricultural Activities

**Committee:**  
**Introduced by:**  
**Analysis of:** Sec. 15 of S.L. 2023-137

**Date:** December 11, 2023  
**Prepared by:** Kyle Evans  
Staff Attorney

**OVERVIEW:** *Section 15 of S.L. 2023-137 clarifies which State permit a person constructing an animal waste management system needs to apply for, in addition to the required federal NPDES permit, and makes additional changes to the animal waste management system permitting regarding conditions and compliance boundaries.*

*This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.*

## BACKGROUND LAW & BILL ANALYSIS:

Prior law required any person who constructs or operates an animal waste management system to obtain a permit under either the general Control of Pollution Part of the Water and Air Resources Article or under the Animal Waste Management Systems Part of that Article.

G.S. 143-215.1(i) and (k) provide that any person required to obtain an individual permit from the Commission for a disposal system under the authority of that section or Chapter 130A of the General Statutes must have a compliance boundary established by rule or permit for various categories of disposal systems and beyond which groundwater quality standards cannot be exceeded, and that the Environmental Management Commission (EMC) must require the permittee to undertake corrective action to restore the groundwater quality.

**Section 15(a)** provides that a person who constructs or operates an animal waste management system only needs to obtain a permit under the Animal Waste Management Systems Part. This does not eliminate a permittee's responsibility to obtain an NPDES permit. **Subsection (b)** provides that, for animal waste management systems, the EMC cannot deny a permit application, or attach a condition to the permit except when the EMC determines that a denial or condition is required by the statutes governing the permitting of animal waste management systems. **Subsection (b)** also provides that permitted animal waste management systems must have compliance boundaries and must undertake corrective action in the event that groundwater standards are violated, consistent with the requirements for other disposal systems, and that a permit applicant, permittee, or dissatisfied third party can commence a contested case by filing a petition within 30 days of the EMC notifying the applicant or permittee of its permit decision. If a petition is not filed within 30 days, the EMC's decision is final and not subject to review.

**EFFECTIVE DATE:** This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

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