

REPORTING OF ANIMAL WASTE MANAGEMENT VIOLATIONS

The North Carolina General Assembly enacted state legislation which requires any employee of a state agency or unit of local government to report animal waste violations. Effective July 16, 1996, District or county employees who are engaged in activities related to animal operations on a site and observe one of the following violations are required to notify the landowner or operator and the Division of Water Quality (DWQ):

1. Any direct discharge of animal waste into the waters of the State;
2. Any deterioration or leak in a lagoon system that poses an immediate threat to the environment;
3. Failure to maintain adequate storage capacity in a lagoon that poses an immediate threat to public health or the environment;
4. Overspraying animal waste either in excess of the limits set out in the animal waste management plan or where runoff enters waters of the State; or
5. Any discharge that bypasses a lagoon system.

The violation should be reported to the appropriate DWQ regional office immediately. A report may be made after working hours using the following emergency number (1-800-858-0368). NRCS employees are required by their agency to report violations.

Guidance for Notices of Violation and Notices of Deficiency on Cost Shared operations:

All animal operations that receive ACSP funds for any component of an animal waste management system are required to fully implement and comply with their waste management plan. A cost shared operation that receives a NOV or NOD from the Division of Water Quality may be out of compliance with its waste management plan. Therefore, the operation may also be out of compliance with the Agriculture Cost Share Program regardless of whether the problem specifically involves the cost shared BMP.

Districts must follow up on DWQ findings in the following manner:

- NOV = The District Board must send a notification letter to the cooperator explaining the operation's ACSP non-compliance status. The normal compliance procedures must be followed including a site visit following the 30 day/one year time limit. Extenuating circumstances should be discussed with Division NCACSP Technicians.
- NOD (1st notice) = The District is encouraged to make a site visit to determine whether the operation is out of compliance. Follow-up should be completed as necessary.
- NOD (2nd and 3rd notices) = The District must make a site visit to determine whether the operation is out of compliance. If the District determines that the operation is out of compliance, all ACSP compliance procedures must followed including a notification letter and follow-up visit.